

CHEROKEE INDIANS.

DOCUMENTS

Received at the Executive Office from the Secretary at War.

INDIAN TALK.

From the President of the United States to the Creek Indians, through Colonel Crowell.

Friends and Brothers:—By permission of the Great Spirit above, and the voice of the people, I have been made President of the United States, and now speak to you as your father and friend, and request you to listen.—Your warriors have known me long. You know I love my white and red children, and always speak with a straight, and not with a forked tongue; that I have always told you the truth. I now speak to you, as to my children, in the language of truth—Listen.

Your bad men have made my heart sicken and bleed by the murder of one of my white children in Georgia. Our peaceful mother earth has been stained by the blood of the white man, and calls for the punishment of his murderers, whose surrender is now demanded under the solemn obligation of the treaty which your Chiefs and Warriors in Council have agreed to. To prevent the spilling of blood, you must surrender the murderers, and restore the property they have taken. To preserve peace, you must comply with your treaty.

Friends and Brothers, listen: Where you now are, you and my white children are too near to each other to live in harmony and peace. Your game is destroyed, and many of your people will not work and till the earth. Beyond the great River Mississippi, where a part of your nation has gone, your Father has provided a country large enough for all of you, and he advises you to remove to it. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty. It will be yours forever. For the improvements in the country where you now live, and for all the stock which you cannot take with you, your Father will pay you a fair price.

In my talk to you in the Creek Nation, many years ago, I told you of this new country, where you might be preserved as a great nation, and where your white brothers would not disturb you. In that country your Father, the President, now promises to protect you, to feed you, to shield you from all encroachment. The land beyond the Mississippi belongs to the President and to none else; and he will give it to you forever.

My children, listen. The late murder of one of my white children in Georgia, shews you that you and they are too near to each other. These bad men must now be delivered up, and suffer the penalties of the law for the blood they have shed.

I have sent my Agent ———, and your friend, Col. Crowell, to demand the surrender of the murderers, and to consult with you upon the subject of your removing to the land I have provided for you West of the Mississippi, in order that my white and red children may live in peace, and that the land may not be stained with the blood of my children again. I have instructed Col. Crowell to speak the truth to you, and to assure you that your Father, the President, will deal fairly and justly with you; and whilst he feels a Father's love for you, that he advises your whole nation to go to the place where he can protect and foster you.—Should any incline to remain and come under the laws of Alabama, land will be laid off for them, and their families in fee.

My children, listen. My white children in Alabama, have extended their law over your country. If you remain in it, you must be subject to that law. If you remove across the Mississippi, you will be subject to your own laws, and the care of your Father, the President. You will be treated with kindness, and the lands will be yours forever.

Friends and Brothers, listen. This is a straight and good talk. It is for your nation's good, and your Father requests you to hear his counsel.

Signed, **ANDREW JACKSON.**

March 23d, 1829.

The Secretary of War to the Cherokee Delegation.

(COPY.)

Department of War, April 18, 1829.

To Messrs. John Ross, Richard Taylor, Edward Gunter and William S. Coody, Cherokee Delegation.

Friends and Brothers,—Your letter of the 17th of February, addressed to the late Secretary of War, has been brought to the notice of this Department, since the communication made to you on the 11th inst. and having conversed freely and fully with the President of the United States, I am directed by him to submit the following as the views which are entertained, in reference to the subjects which you have submitted for consideration.

You state that "the Legislature of Georgia, in defiance of the laws of the United States, and the most solemn treaties existing," have extended a jurisdiction over your nation, to take effect in June, 1830. That "your nation had no voice in the formation of the confederacy of the Union, and has ever been unshackled with the laws of individual States, because independent of them;" and that consequently this act of Georgia is to be viewed, "in no other light, than a wanton usurpation of power, guaranteed to no State, neither by the common law of the land, nor by the laws of nature."

To all this, there is a plain and obvious answer, deducible from the known history of the country. During the war of the Revolution, your nation was the friend and ally of Great Britain; a power which then claimed entire sovereignty, within the limits of what constituted the thirteen United States. By the Declaration of Independence, and subsequently the Treaty of 1783, all the rights of sovereignty pertaining to Great Britain, became vested

respectively in the original States of this Union, including North Carolina and Georgia, within whose territorial limits, as defined and known, your nation was then situated. If, as is the case, you have been permitted to abide on your lands from that period to the present, enjoying the right of soil and privilege to hunt, it is not thence to be inferred, that this was any thing more than a permission growing out of compacts with your nation; nor is it a circumstance whence, now to deny to those States, the exercise of their original sovereignty.

In the year 1785, three years after the Independence of the States, which compose this Union, had been acknowledged by Great Britain, a treaty, at Hopewell, was concluded with your nation by the United States. The emphatic language it contains cannot be mistaken, commencing as follows:—"The Commissioners, plenipotentiaries of the United States in Congress assembled, give peace to all the Cherokees, and receive them into favour and protection of the United States of America." It proceeds then to allot and define your limits and your hunting grounds. You were secured, in the privilege of pursuing the game; and from the encroachments of the whites. No right however, save a mere possessory one, is by the provisions of the treaty of Hopewell, conceded to your nation. The soil, and the use of it, were suffered to remain with you, while the sovereignty abided, precisely where it did before, in those States, within whose limits you were situated.

Subsequent to this, your people were at enmity with the United States, and waged a war upon our frontier settlements; a durable peace was now entered into with you, until 1791. At that period a good understanding obtained, hostilities ceased, and by the treaty made and concluded, your nation was placed under protection of our Government, and a guarantee given, favorable to the occupancy and possession of your country. But the United States, always mindful of the authority of the States, even when treating for what was so much desired, peace with their red brothers, forbore to offer a guarantee adverse to the sovereignty of Georgia. They could not do so; they had not the power.

At a more recent period, to wit: in 1802, the State of Georgia, defining her own proper limits, ceded to the United States, all her western territory, upon a condition, which was accepted, "that the United States shall, at their own expense, extinguish for the use of Georgia as early as the same can be peaceably obtained on reasonable terms, the Indian title to all the lands within the State of Georgia."—She did not ask the military arm of the Government to be employed, but in her mildness and forbearance, only, that that the soil might be yielded to her, so soon as it could peaceably be obtained, and on reasonable terms. In relation to sovereignty, nothing is said; or hinted at in the compact; nor was it necessary or even proper, as both the parties to the agreement well knew that it was a right which already existed in the State in virtue of the Declaration of our Independence, and of the treaty of 1783 afterwards concluded.

These things have been made known to you frankly, and after the most friendly manner; and particularly at the making of the treaty with your nation in 1817, when a portion of your people stipulated to remove to the west of the Mississippi; and yet it is alledged in your communication to this Department, that you have "been unshackled with the laws of individual States, because independent of them."

The course you have pursued of establishing an independent, substantive government, within the territorial limits of the State of Georgia, adverse to her will, and contrary to her consent, has been the immediate cause, which has induced her to depart from the forbearance she has so long practised; and in virtue of her authority, as a sovereign, independent State, to extend over your country, her Legislative enactments, which she, and every State embraced in the confederacy, from 1783 to the present time, when their independence was acknowledged and admitted, possessed the power to do, apart from any authority, or opposing inference by the General Government.

But suppose, and it is suggested merely for the purpose of awakening your better judgment, that Georgia cannot, and ought not to claim the exercise of such power.—What alternative is then presented? In reply, allow me to call your attention for a moment to the grave character of the course, which, under a mistaken view of your own rights, you desire this Government to adopt. It is no less than an invitation, that she shall step forward to arrest the constitutional acts of an independent state, exercised within her own limits. Should this be done, and Georgia persist in the maintenance of her rights, and her authority, the consequences might be, that the act would prove injurious to you. The sword might be looked to as the arbiter in such an interference.—But this can never be done. The President cannot, and will not, beguile you with such an expectation. The arms of this country can never be employed, to stay any State of this Union from the exercise of those legitimate powers which attach, and belong to their sovereign character. An interference to the extent of affording you protection, and the occupancy of your soil, is what is demanded of the justice of this country, and will not be withheld: yet in doing this, the right of permitting to you the enjoyment of a separate government, within the limits of a State; and of denying the existence of sovereignty to that State within her own limits, cannot be admitted;—It is not within the range of powers granted by the States to the General Government, and therefore not within its competency to be exercised.

In this view of the circumstances connected with your application, it becomes proper to remark that no remedy can be perceived, except that which frequently heretofore, has been submitted for your consideration, a removal

beyond the Mississippi, where, alone, can be assured to you protection and peace. It must be obvious to you, and the President has instructed me to bring it to your candid and serious consideration, that to continue where you are, within the territorial limits of an independent State, can promise you nothing but interruption and disquietude. Beyond the Mississippi your prospects will be different. There you will find no conflicting interests. The United States' power and sovereignty, uncontrolled by the high authority of State jurisdiction, and resting on its own energies, will be able to say to you, in the language of your own nation, the soil shall be yours while the trees grow, or the streams run. But situated where you now are, he cannot hold to you language, or consent to beguile you, by inspiring in your bosoms hopes and expectations, which cannot be realized—Justice and friendly feelings cherished towards our red brothers of the forest, demand that in all our intercourse, frankness should be maintained.

The President desires me to say, that the feelings entertained by him towards your people, are of the most friendly kind, and that in the intercourse heretofore, in past times, so frequently had with the Chiefs of your nation, he failed not to warn them of the consequences, which would result to them from residing within the limits of sovereign States. He holds to them no other language, than that which he has heretofore employed; and in doing so, feels convinced that he is pointing out that course which humanity and a just regard for the interest of the Indian will be found to sanction. In the view entertained by him of this important matter, there is but a single alternative, to yield to the operation of those laws, which Georgia claims, and has a right to extend throughout her own limits, or to remove, and by associating with your brothers beyond the Mississippi, to become again united as one nation, carrying along with you that protection, which, there situated, it will be in the power of the government to extend.—The Indians being thus brought together at a distance from their white brothers, will be relieved from very many of those interruptions which, situated as they are at present, are without remedy. The government of the United States will then be able to exercise over them a paternal, and superintending care to happier advantage; to stay encroachments, and preserve them in peace and amity with each other: while with the aid of schools a hope may be indulged, that ere long industry and refinement will take the place of those wandering habits now so peculiar to the Indian character, the tendency of which is to impede them in their march to civilization.

Respecting the intrusions on your lands, submitted also for consideration, it is sufficient to remark, that of these the Department had already been advised, and instructions have been forwarded to the Agent of the Cherokees, directing him to cause their removal; and it is earnestly hoped, that on this matter, all cause for future complaint will cease, and the order prove effectual.

With great respect, your friend,

Signed,

JOHN H. EATON.