

American Board of Foreign Missions

ARREST OF THE MISSIONARIES OF THE BOARD IN THE CHEROKEE NATION.

ABOUT the middle of January last, the missionaries of the Board, at each of the stations situated in that part of the Cherokee nation which has recently been declared by the authorities of the state of Georgia to be included in its limits and under its jurisdiction, received a copy of a newspaper, published in Georgia, and containing the law which had then just been passed by the legislature of that state for extending a more complete jurisdiction over the Cherokee nation. The law contained the following section, on account of which it was supposed to have been sent to the missionaries.

And be it further enacted by the authority aforesaid, that all white persons residing within the limits of the Cherokee nation on the first day of March next, or at any time thereafter, without a license or permit from his excellency, the governor, or from such agent as his excellency, the governor, shall authorise to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by confinement in the penitentiary at hard labor, for a term not less than four years.

The oath required was an oath to submit to and support the jurisdiction of Georgia over the Cherokees. By one clause of the law, women, minors, and all the authorised agents of the United States' government were exempted from the operation of the law; as were all white persons who had purchased or rented farms which had been left by those Cherokee families which had recently removed beyond the Mississippi.

In that part of the Cherokee country claimed by Georgia, and over which this law was designed to operate, there were four stations occupied by missionaries of the Board—Carmel, Hightower, Haws, and New Echota. At these stations there were three ordained missionaries, and two assistant missionaries, all of whom had families. There was also a church and a school at each station. The missionaries, on receiving copies of the law, supposed that, if it was not designed to bear specially on them, it would, at least, be applicable to them, in common with other white residents; and that, if they remained at their respective stations, they should be exposed to be arrested, taken from their families and spheres of labor, and immured in the penitentiary for the term specified. Many reports to this effect were circulated, and came to the

ears of the missionaries, and some of them very directly from the agents, and other officers of Georgia, who were charged with carrying the law into effect, which tended to confirm the opinion that the law was designed to apply to them.

Under these circumstances they must adopt one of three courses: They must take the oath of allegiance to the state of Georgia, and obtain license to remain at their stations and prosecute their labors; or they must abandon their schools and churches, and their appropriate work as missionaries, and remove their families out of the territory to which the law extended; or they must remain and expose themselves to the penalty of the law. They could not conscientiously take an oath to support the jurisdiction of Georgia, because they believed that jurisdiction was an invasion of the rights of the Cherokees, and highly unjust and oppressive, and they could not do any thing which should imply even an approbation of it. They could not easily consent to abandon their work and remove out of the Cherokee country. They could not think that, for the purpose of showing themselves peaceable citizens, and yielding proper Christian submission to the laws of the land, they were under obligation to do this. If they were really within the limits of Georgia, they supposed that the constitution of the United States, gave them, being citizens of other states, a right to remain there unmolested and pursue any lawful business, so long as they were guilty of no crime; and they supposed that their continuance there could not be made a crime. If the Cherokee country was not rightfully under the jurisdiction of Georgia, the missionaries could not of course be justly ordered away. Abandoning their stations, it seemed to them, also, would be attended with a considerable sacrifice of property: it would also be likely to have a very unfavorable effect on the Cherokees: it would cause them to doubt whether the missionaries were really as desirous to promote their welfare, and as willing to expose themselves in their behalf, as they had professed to be: it would dishearten them in their present struggle for the preservation of their rights. If the missionaries could not live under the laws enacted by their white brethren, and did not dare to depend on the constituted legal tribunals of the United States for protection and redress in case of injury, how could the poor forlorn Indian endure the operation of these laws, or expect protection or redress from

any human tribunal? The missionaries had always told them to place confidence in the promises of the government and its agents; and if they should see that the missionaries, when the trial came, had no such confidence, the Indians must despond. The missionaries also considered themselves as consecrated to the work of propogating the gospel among the Indians, and they could not feel that their duty to the Head of the Church would permit them to abandon that work for slight reasons. If called to suffer persecution while peaceably prosecuting their labors, they felt bound to endure it for the sake of Christ and the gospel. As they had been sent forth to this work by the churches of our land, and with the express approbation of the government of the United States, and under its protection, they supposed it proper at least to wait till the case could be fairly tried before the Supreme Court.

With these views the missionaries and their families all decided unanimously and cheerfully to remain at their stations and prosecute their labors. They continued unmolested until near night, on Saturday, the 12th of March, when a colonel and twenty-five men, all mounted and armed with guns and bayonets, reached Carmel, and paraded in front of the mission-house. Three men dismounted, entered the house, and inquired for Mr. Proctor, the teacher of the school, and secular superintendent of the station. When he came into the room, the soldiers immediately told him that he was their prisoner; and after ascertaining that Mr. Butrick, the missionary at the station, was absent on a preaching tour, they conducted Mr. Proctor to a public house, kept by a Cherokee, about half a mile distant, where he was kept under guard till the next morning. He was then permitted, accompanied by a guard, to visit his family for a short time; and then, it being the Sabbath, he was carried to New Echota, about forty miles; where they arrived just before sunset and arrested Mr. Worcester, a missionary of the Board, together with Mr. Wheeler, the printer of the Cherokee Phoenix, and Mr. Gann, another white man residing at that place, who were all taken to the place where the troops were quartered, and kept under strict guard. Mr. Worcester, however, was permitted to visit his family in the evening, and the next morning, attended by a guard. The party then proceeded with their prisoners to Hightower, thirty miles, where they arrested Mr. Thompson, missionary at the station, and another white man of the same name, residing near the station. After proceeding on a few miles, the party halted for the night, and the next day arrived at head quarters.

All these arrests were made without a warrant from any magistrate, or any civil precept whatever. The proceedings were entirely of a military character. Upon their arrival at the head quarters, they were marched into camp with drum and fife, and a good deal of military pomp was displayed. The missionaries were all treated with as much civility as was consistent with their situation as prisoners.

After remaining at head quarters one day, Mr. Worcester, and Mr. Thompson, with Mr. Wheeler and Mr. Gann, were taken about thirty miles, to Lawrenceville, where the court for Gwinett county was then in session. Their counsel, Messrs. Harris and Underwood, immediately applied for a writ of habeas corpus, and the case was argued before judge Clayton. The ground taken by the counsel was that the law was inconsistent with the constitution of the United States. The judge set this defence aside. He then declared Mr. Worcester an authorised agent of the government of the United States, by virtue of his office as post-master. He next declared all the missionaries of the Board to be authorised agents of the government, because the government had made appropriations of money to aid them in instructing the Cherokees. This, the judge said, constituted them agents of the government for this purpose, and of course exempted them from the operation of the law. He denied the right of the government to appoint such agents, within the state of Georgia; yet, he said, the legislature of the state had shown so much complaisance to the general government as to make the exception in their favor. Messrs. Worcester, Thompson, and Proctor, were therefore discharged without delay. The others who were arrested with them, were bound over to the next term of the court.

The missionaries were hurried away from their families in a very unexpected manner. The families of two of them were afflicted with sickness at the time, which rendered the circumstances of the arrest the more painful. There was of course no white man who could be left to protect or provide for them. The prisoners were carried more than a hundred miles under strict guard. One of them was kept under guard night and day for more than a week.

Special acknowledgements are due to the Rev. Mr. Wilson, and Dr. Alexander, of Lawrenceville, who kindly came forward and gave security for the missionaries who were carried to that place for trial, and obtained their release from under guard; and also to general Edward Harden, a member of the bar, who spontaneously made an argument before the court in their behalf.