

TO the student of land problems, the Cherokee land title is a most interesting feature. In 1838 that tribe, assembled in council, prefaced their constitution with the following preamble :

“Whereas the title of the Cherokee people to their lands is the most ancient and absolute known to man, its date beyond the recall of human record, its validity confirmed by possession and enjoyment antecedent to all pretence of claim by any other portion of the human race.”

On this basis were drawn up the laws governing the Cherokees, and the other four civilized tribes of the Indian Territory. They held that the land *belonged to the tribe, and not to the individual*. The Indian looks upon land in the same way as air and water, the property of all, which cannot be given to the few. Pursuing this idea, they secured the nationalization of land by the following clause of their constitution :

“The land of the Cherokee nation shall remain the *common property*, but the improvements made thereon, and in the possession of the citizens of the nation (Cherokees), are the exclusive and indefeasible property of the citizens respectively *who made* them, and may be rightfully in possession thereof.”

These improvements, therefore, descend to the heirs of the citizen, or they may be sold by him ; but the land, occupy it as long as he will, *can never be his*. He may occupy as much land as he can cultivate : provided he does not come within one-quarter of a mile of his neighbour. This does not refer to towns. He must establish a claim by proving this land unoccupied ; and when he shall have fenced it, or have put fifty dollars worth of improvements on it, he has the right of occupation as long as he chooses ; but if he fails to occupy it for two years, it reverts again to the nation. There is no limit to the extent : provided he can and does cultivate it. But the Cherokee Legislature has drawn up certain restrictions, which are a safe-