

their present territory from time immemorial; that neither the king of Great Britain, nor the early settlers of Georgia, nor the state of Georgia after the revolution, nor the United States since the adoption of the federal constitution, have acquired any title to the soil, or any sovereignty over the territory; and that the title to the soil and sovereignty over the territory have been repeatedly *guaranteed to the Cherokees, as a nation*, by the United States, in treaties which are now binding on both parties.

The government of the United States alleges, as appears from a letter from the Secretary of War,\* dated April, 1829, that Great Britain, previous to the revolution, "claimed entire sovereignty within the limits of what constituted the thirteen United States;" that "all the rights of sovereignty which Great Britain had within said states became vested in said states respectively, as a consequence of the declaration of independence, and the treaty of 1783;" that the Cherokees were merely 'permitted' to reside on their lands by the United States; that this permission is not to be construed so as to deny to Georgia the exercise of sovereignty; and that the United States has no power to guarantee any thing more than a right of possession, till the state of Georgia should see fit to legislate for the Cherokees, and dispose of them as she should judge expedient, without any control from the general government.

This is a summary of the positions taken by the Secretary of War; and, though not all of them expressed in his own language, they are in strict accordance with the tenor of his letter.

In my next number, I shall proceed to inquire, *What right have the Cherokees to the lands which they occupy?*

## No. II.

The Cherokees have the same rights as other men—They are not hunters—They have sold much good land to the United States—Original extent of their country—Its present extent—The mere claims of one party cannot affect the rights of another party—Necessity of examining treaties.

In my first number I prepared the way to inquire, '*What right have the Cherokees to the lands which they occupy?*' This is a plain question, and easily answered.

The Cherokees are human beings, endowed by their Creator with the same natural rights as other men. They are in peaceable possession of a territory which they have always regarded as their own. This territory was in possession of their ancestors, through an unknown series of generations, and has come down to them with a title *absolutely unimpaired in every respect*. It is not pretended, that the Cherokees have ever alienated their country, or that the whites have ever been in possession of it.

If the Cherokees are interrogated as to their title, they can truly say,

\* See Appendix.