the rights of sovereignty over the natives"—is a strange compound of error and of truth. As above remarked, the Indian right of occupancy has ever been recognised by the States, with the exception of the case referred to by the author, in which Georgia claimed the right to possess certain lands occupied by the Cherokees. This was anomalous, and grew out of treaties and cessions, the details of which are too numerous and complicated for the limits of a note. But in no other cases have the States ever claimed the possession of lands occupied by Indians, without having previously extinguished their right by purchase.

As to the rights of sovereignty over the natives, the principle admitted in the United States is, that all persons within the territorial limits of a State are and of necessity must be, subject to the jurisdiction of its laws. While the Indian tribes were numerous, distinct and separate from the whites, and possessed a government of their own, the State authorities from considerations of policy, abstained from the exercise of criminal jurisdiction for offences committed by the Indians among themselves, although for offences against the whites, they were subjected to the operation of the State laws. But as these tribes diminished in numbers, as those who remained among them became enervated by bad habits, and ceased to exercise any effectual government, humanity demanded that the power of the States should be interposed to protect the miserable remnants from the violence and outrage of each other. The first recorded instance of interposition in such a case, was in 1821, when an Indian of the Seneca tribe in the State of New York was tried and convicted of murder on a squaw of the tribe. The courts declared their competency to take cognizance of such offences, and the Legislature confirmed the declarations by a law.———Another instance of what the author calls interpretation of the Constitution against the general government, is given by him in the proposed act of 1832 which passed both houses of Congress, but was vetoed by the President, by which, as he says, "the greatest part of the revenue derived from the sale of lands, was made over to the new western republics." But this act was not founded on any doubt of the title of the United States to the lands in question, nor of its constitutional power over them, and cannot be cited as any evidence of the interpretation of the Con-