

can elude his scrutiny ; no array of plausible arguments, or of smooth but hollow professions, can bias his judgment ; and he has at his disposal most abundant means of executing his decisions. In many forms, and with awful solemnity, he has declared his abhorrence of oppression in every shape ; and especially of injustice perpetrated against the weak by the strong, *when strength is in fact made the only rule of action.* The people of the United States are not altogether guiltless, in regard to their treatment of the aborigines of this continent ; but they cannot as yet be charged with any *systematic legislation* on this subject, inconsistent with the plainest principles of moral honesty. At least, I am not aware of any proof, by which such a charge could be sustained.

Nor do I, in these preliminary remarks, attempt to characterize measures now in contemplation. But it is very clear, that our government and our people should be extremely cautious, lest, in judging between ourselves and the Indians, and carrying our own judgment into execution with a strong hand, we incur the displeasure of the Most High.—Some very judicious and considerate men in our country think, that our public functionaries should stop where they are ; that, in the first place, we should humble ourselves before God and the world, that we have done so much to destroy the Indians, and so little to save them ; and that, before another step is taken, there should be the most thorough deliberation, on the part of all our constituted authorities, lest we act in such a manner as to expose ourselves to the judgments of Heaven.

I would have omitted this topic, if I thought that a majority of readers would regard it its introduction as a matter of course, or as a piece of affectation, designed for rhetorical embellishment. In my deliberate opinion, it is more important, and should be more heeded, than all other considerations relating to the subject ; and the people of the United States will find it so, if they should unhappily suppose themselves above the obligation to *do justly, love mercy, and walk humbly with their God.*

I close this introductory number, by stating what seems to be the present controversy between the whites and the Indian tribes of the southwestern States : I say the *whites*, (that is our country generally,) because certain positions are taken by the government of the United States, and certain claims are made by the State of Georgia, and certain other claims by the States of Alabama and Mississippi. The Indians do not admit the validity of any of these positions or claims ; and if they have a perfect original title to the lands they occupy, which title they have never forfeited or alienated, their rights cannot be affected by the charters of kings, nor by the acts of provincial legislatures, nor by the compacts of neighbouring states, nor by the mandates of the executive branch of our national government.

The simple question is : *Have the Indian tribes, residing as separate communities in the neighbourhood of the whites, a permanent title to the territory, which they inherited from their fathers, which they have neither forfeited nor sold, and which they now occupy ?*

For the examination of this question, let the case of a single tribe or nation be considered ; for nearly the same principles are involved in the claims of all the Indian nations.

The Cherokees contend, that their nation has been in possession of