

government and the Indian nations by whom this country was originally inhabited.\*

In the acquisition of these lands, however, our government has held that its title was perfect when it had purchased of the tribe in actual possession. It seems, indeed, to have gone further and admitted, that a tribe might acquire lands by conquest which it did not occupy, as in the case of the Iroquois, and sell the same to us; and, that the title thus acquired, would be valid. Thus we have recognized the principles of international law as operative between the Indians and us on this particular point, while on some others, as in not *allowing* them to sell to individuals, and giving them tracts used as hunting grounds by other tribes beyond the Mississippi, we have treated them as savage hordes, not sufficiently advanced in civilization to be admitted into the family of nations. Our claim to forbid their selling to individuals, and our guarantying to tribes who would not sell to us in our corporate capacity, portions of country occupied as hunting grounds, by more distant tribes, can only be based on the right of discovery, taken in connection with a right conferred by our superior civilization; and seems never in fact to have been fully acknowledged by them. It was not, at least, admitted by Tecumseh. His doctrine seems to have been that we acquired no rights over the Indians or their country either by discovery or superior civilization; and that the possession and jurisdiction can only be obtained by conquest or negotiation. In regard to the latter, he held that purchase from a single tribe, although at the time sojourners on the lands sold, was not valid as it respected other tribes. That no particular portion of the country belonged to the tribe then within its limits—though in reference to other tribes, its title was perfect; that is, possession excluded other tribes, and would exclude them forever; but did not confer on the tribe having it, the right to sell the soil to us; for that was the common property of all the tribes who were near enough to occupy or hunt upon it, in the event of its being at any time vacated,

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\* 6 Wheaton's Reports, 515.