

supplies were derived chiefly from that nation, and their trade confined to it. Goods, indispensable to their comfort, in the shape of presents, were received from the same hand. What was of still more importance the strong hand of government was interposed to restrain the disorderly and licentious from intrusions into their country, from encroachments on their lands, and from those acts of violence which were often attended by reciprocal murder. The Indians perceived in this protection only what was beneficial to themselves - an engagement to punish aggressions on them. It involved practically no claims to their lands, no dominion over their persons. It merely bound the nation to the British Crown as a dependent ally, claiming the protection of a powerful friend and neighbor and receiving the advantages of that connection without involving a surrender of their national character. This is the true meaning of this stipulation, and is undoubtedly the sense in which it was made. Neither the British Government nor the Cherokees ever understood it otherwise.

\*\*\*\*\* The same stipulation entered into with the United States is undoubtedly to be construed in the same manner. They receive the Cherokee Nation into their favor and protection. The Cherokees acknowledge themselves to be under the protection of the United States and of no other power. Protection does not imply the destruction of the protected. The manner in which this stipulation was understood by the American Government is explained by the language and acts of the first President.

\*\*\*\*\* So with respect to the words "hunting grounds." Hunting was at that time the principal occupation of the Indians, and their land was more used for that purpose than for any other. It could not however be supposed that there existed any intention of restricting the full use of the lands they reserved. To the United States it could be a matter of no concern whether their whole territory was devoted to hunting grounds, or whether an occasional village and an occasional corn-field interrupted and gave some variety to the scene.

\*\*\*\*\* The Indian Nations had always been considered distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil from time immemorial; with the single exception of that imposed by irresistible power which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and this was a restriction which those European potentates imposed on themselves as well as on the Indians. The very term "nation" as generally applied to them means "a people distinct from others". The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian Nations, and, consequently, admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, and having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

\*\*\*\* Georgia herself has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister states, and by the Government of the United States. Various acts of her legislature have been cited in the argument, including the contract of cession made in 1802, all tending to prove her acquiescence in the universal conviction that the Indian Nations possessed full right to the lands they occupied until that right should be extinguished by the United States with their consent. ( It will be shown later