

ruleth over many lands without title or property. 'Why may not Christians have liberty to go and dwell amongst them in their waste lands? God hath given to the sons of men a twofold right to the earth. There is a natural right and a civil right. The first right was natural, when men held the earth in common. When afterwards they appropriated some parcels of ground, by enclosing and peculiar manurance, this in time got them a civil right. There is more than enough land for us and them. God hath consumed them with a miraculous plague, whereby the greater part of the country is left void of inhabitants. Besides, we shall come in with the good leave of the natives.' Such arguments were certainly not unworthy of men of scrupulous virtue. They were aided by higher considerations, by the desire to propagate Christianity among the Indians; a desire which is breathed forth in their confidential papers, in their domestic letters, in their private prayers, and in their public devotions. In this object they were not only sincere, but constant. So sincere and so constant, that one of the grave accusations against them has been, that in their religious zeal, they compelled the Indians, by penalties, to attend public worship, and allured them, by presents, to abandon their infidelity. In truth, the propagation of Christianity was a leading motive with many of the early promoters of the settlement; and we need no better proof of it, than the establishment of an Indian school at Harvard College to teach them the rudiments of Christian faith.

"Whatever, then, may have been the case in other parts of the continent, it is a fact, and it should not be forgotten, that our forefathers never attempted to displace the nations by force, upon any pretence of European right. They occupied and cultivated what was obtained by grant, or was found vacant. They constantly respected the Indians in their settlements and claims of soil. They protected them from their enemies, when they sought refuge among them. They stimulated no wars for their extermination. During the space of fifty years, but a single case of serious warfare occurred; and though we cannot but lament the cruelties then perpetrated, there is no pretence, that they were the aggressors in the contest. Whatever complaints, therefore, may be justly urged by philosophy, or humanity, or religion, in our day, respecting the wrongs and injuries of the Indians, they scarcely touch the Pilgrims of New England. Their hands were not imbrued in innocent blood. Their hearts were not heavy with crimes and oppressions engendered by avarice. If they were not wholly without blame, they were not deep in guilt. They might mistake the time, or the mode of christianizing and civilizing the Indians: but they did not seek pretences to extirpate them. Private hostilities and butcheries there might be; but they were not encouraged or justified by the government. It is not, then, a just reproach, sometimes cast on their memories, that their religion narrowed down its charities to Christians only; and forgot, and despised, and oppressed these forlorn children of the forest." pp. 72-74.

TREATY WITH THE CHOCTAWS.

The fourth article of the treaty of 1820 is in the following words:

"The boundaries hereby established, between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain *without alteration* until the period, at which said nation shall become so civilized and enlightened, as to be made citizens of the United States; and Congress shall lay off a limited parcel of land for the benefit of each family, or individual, in the nation."

In the subsequent treaty, negotiated by Mr. Calhoun, Jan. 20, 1825, the same subject was taken up, as follows:

"It is further agreed, that the fourth article of the treaty aforesaid shall be so modified, as that the Congress of the United States shall not exercise the power of apportioning the lands, for the benefit of each family or individual, of the Choctaw nation, and of bringing them under the laws of the United States, *but with the consent of the Choctaw nation.*"

In framing the fourth article here referred to, the intention must have been, either that the Choctaws should ultimately form a territory by themselves, which should be taken under the care of the general government; or that they should become citizens of the State of Mississippi, and thus citizens of the United States. But neither of these things were to take place, till the Choctaws should have become enlightened, and Congress should have declared them to be so, and should have made an apportionment of their lands.

In the last treaty, framed less than five years ago, it is solemnly stipulated, that the Choctaws shall not be brought under the laws of the United States in any sense, "*but with the consent of the Choctaw Nation.*" This is the same thing as to say, that the Choctaw nation is left where it was originally, and where the other Indian nations now are; viz. under their own laws, and not under the laws of any State, nor of the United States.

The President of the United States, in his late Message to Congress, says very truly: "Upon this country, more than any other, has, in the Providence of God, been cast the special guardianship of the great principle of adherence to written constitutions." Let it be remembered, that the constitution of the United States is express and positive, in regard to the binding nature of treaties; and that, by a solemn stipulation in our last treaty with the Choctaws, negotiated by the Secretary of War, now Vice President of the United States, *that nation of Indians is not to be brought under our laws BUT WITH ITS OWN CONSENT.*