

states, that the Dutch entered into an alliance with them, which continued without any breach on either side, until the English conquered the colony in 1664. Friendship and protection were then renewed, and the Indians, he says, observed the alliance on their part strictly to his day; and we know that their fidelity continued unshaken down to the period of our revolution. On one occasion, the colonial assembly, in their address to the governor, expressed their abhorrence of the project of reducing the Indians by force, and possessing themselves of their lands; for, to the steadiness of these Indians to the interest of Great Britain, they said, they owed, in a great measure, their internal security. The colony governors constantly acknowledged their friendship and services. We have, on the other hand, in favor of the colony, the report of a committee of Congress, to which I have already alluded, 'that the colony of New York had borne the burden, both as to blood and treasure, of protecting and supporting the six nations for more than one hundred years, as the dependents and allies of the government.'

"After all this, who will hesitate to say, that it was worthy of the character of our people, enjoying so great a superiority over the Indians, in the cultivation of the mind, in the lights of science, the distinctions of property, and the arts of civilized life, to have made the protection of the property of the feeble and dependent remnants of the nations, within our limits, a fundamental article of the government? It is not less wise than it is just, to give to that article a benign and liberal interpretation, in favor of the beneficial end in view. We ought to bear in mind, when we proceed to the consideration of the subject, that the article was introduced for the benefit and protection of the Indians, as well as for our own good, and that we are bound to the performance of it, not only by duty, but by gratitude. The six nations were a great and powerful confederacy, and our ancestors, a feeble colony, settled near the coasts of the ocean, and along the shores of the Hudson and the Mohawk, when these Indians first placed themselves, and their lands, under our protection, and formed a covenant chain of friendship that was to endure for ages. And when we consider the long and distressing wars in which the Indians were involved on our account with the Canadian French, and the artful means which were used, from time to time, to detach them from our alliance, it must be granted that fidelity has been no where better observed, or maintained with a more intrepid spirit, than by these generous barbarians." pp. 723—725.

"The act of March 15th, 1799, considers the Oneidas as very defenceless; and, in order to protect them from imposition, it directs the attorney of the district to advise and direct them in all controversies that may arise between the tribe, or any individual thereof, and any other person, and to defend suits instituted against them, and to institute suits for them, and particularly for trespasses committed upon their lands?" p. 732.

This last paragraph is commended to the particular attention of Congress. The State of New York provided, at the public expense, that the small tribe of Oneidas should have a competent legal adviser, in all their exposures to fraud and imposition. Does it not become the magnanimity, I might say the justice, of our national government to provide immediately, and at the public expense, that the Cherokees should have, in their present difficult circumstances, as able and independent and disinterested legal advisers and advocates, as can be found in the United States? They are precisely in the condition of a man, whom the English law describes, (and our law too,) as *inops consilii*, and for whom counsel should therefore be provided, at the expense of the government. In the selection of the learned and honorable men, to whom this high trust should be confided, the wishes and feelings of the Cherokees themselves should doubtless be consulted.

The Secretary of War, in a letter addressed to the Rev. Eli Baldwin, dated Rip Raps, Aug. 25, 1829, asks the following question: "What would the authorities of the State of New York say to an attempt, on the part of the Six Nations, to establish, within her limits, a separate and independent government?" By a diligent perusal of the foregoing extracts, and especially by such a perusal of the whole case, the Secretary of War will ascertain what the authorities of the State of New York *have said* on this subject.

EXTRACTS FROM JUDGE STORY'S CENTENNIAL DISCOURSE.

The Legislature of Georgia says, that the governments of Europe, and colonies of Europeans, asserted the right of driving Indians from their lands by virtue of discovery. The reader has seen that Chief Justice Marshall and Chancellor Kent hold a doctrine directly opposed to such an assumption. It may be interesting to see what another learned Judge, who is worthy to be associated with the other two, has said on this subject.

"Our forefathers did not attempt to justify their own emigration and settlement, upon the European doctrine of the right of discovery. Their patent from the Crown contained a grant of this right; but they felt that there was a more general question behind. 'What warrant have we to take that land, which is, and hath been of long time possessed by others, the sons of Adam?' Their answer is memorable for its clearness, strength, and bold assertion of principles. That which is common to all (said they) is proper to none. This savage people