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THE

# REMOVAL OF THE INDIANS.

AN ARTICLE

FROM THE AMERICAN MONTHLY MAGAZINE:

AN EXAMINATION OF AN ARTICLE

IN THE NORTH AMERICAN REVIEW;

AND AN EXHIBITION OF THE

ADVANCEMENT OF THE SOUTHERN TRIBES,

IN

CIVILIZATION AND CHRISTIANITY.

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“Of all Injustice, that is the greatest, which goes under the name of Law; and of all sorts of Tyranny, the forcing of the letter of the Law against the Equity is the most insupportable.”

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BOSTON: PEIRCE AND WILLIAMS.

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1830.

coming to a true and impartial decision by examining for themselves, and thus performing what is a moral duty, if ever any duty was moral and binding. On this point, benevolence, reason, justice, conscience, and the Word of God, speak a voice equally loud and plain ;—and the voice of prudence, liberal, expansive, enlightened, far-seeing prudence, the prudence of republics and of all human societies, never did and never can contradict it. The course, which our country ought to pursue in regard to this question, is so plain, that he who runs may read. It is written with equal clearness on the law of nations,—the law which binds society together, and keeps one half the world from preying like wolves and tigers on the other—and on the law of individual protection and benevolence. It is written alike on the law of justice and the law of mercy. It is written in the constitution of the human mind, and, with an impress more clear and burning than the sunbeams, by the Holy Spirit in the Law of God. It is written in the unsophisticated common sense of the whole world ; and if, contrary to such noon-day obligations, the government of this country should set a final seal of approbation on the deed of infernal cruelty, which not a few of those, to whom its destinies have been committed by the inscrutable wisdom of Jehovah, seem to be meditating, that common sense will speak out, in a universal thunder of reproach on the rapacity and perjury of this republic. The benevolence of all mankind will not be trampled upon in silence. We shall hear its indignant voice echoed and reiterated from the shores of the Atlantic to the shores of the Pacific ; and it will not die to the latest generation of our race. And far more to be deprecated, the sentence of the Almighty—the judgment of the Ruler of the universe—will go out against us, and a curse must follow in its train.

We are astonished to behold, in the *North American Review*, an article of sixty pages in length, devoted to the sole purpose, not of upholding a manly and humane policy, which it might so effectually have supported, but of justifying our Government in an act of the most unparalleled perfidy and bare injustice ; devoted to the purpose of obviating the powerful objections on the part of reason and humanity, of darkening the minds of unprejudiced and sober inquirers, and of arguing down the lofty obligations of national morality to a place below the never-to-be-satisfied demands of national selfishness. It attempts to stifle the voice of nature and justice, to set aside the law of nations and of God, by an imposing array of legal subtleties, by the entanglements and intricacies of sophistry, and by a frightful exhibition of the apparent difficulties, which, to a depraved moral vision, always stand up in the path of truth and justice. We are astonished, we say ; for we have always looked upon the character of its present Editor with sincere esteem for the moral courage and plainness, the



intellectual ability, and the unremitting industry, which mark it; and we did not expect that he would put even his tacit sanction on a violation of morality so manifest as this. The character likewise of the reputed author of that article is such as might have secured his suffrage at least, if not his powerful alliance and defence, for the cause of the oppressed and the degraded, or, in the abstract, the cause of virtue and honor and religion. When we look back also to the past numbers of that work, and compare the present article with those eloquent ones, which at no great distance of time have added to its reputation both for intellect and moral worth, and have deeply enlisted the sympathies of all hearts for the wretched and decaying remains of our once numerous and powerful, and comparatively virtuous and happy Aborigines, we regard the melancholy contrast, which it exhibits in sentiment and doctrine, with feelings both of sorrow and indignation. We mourn that such an index of the perverted state of moral feeling in our country should go forth through the world, to which we are so continually boasting of our perfect liberty, equality, and nobleness of character; we mourn for the new occasion it will give to the friends of regal and despotic authority, to ridicule the gratitude and the honor of republics.

But we cannot express our indignation at the nature of the argument by which it attempts to establish the propriety and even necessity of so glaring an exception to the obligations of morality and law; by which it attempts wholly to undervalue and set aside those obligations, and to substitute, instead of such as are eternal, indestructible and self-evident, the narrow, paltry maxims of all-grasping selfishness;—the maxims of a state policy, which is criminal, because it does not recognize at once, and without appeal, the supreme authority of the Law of God, and short-sighted, because it imagines, with the contractedness of view universally peculiar to what is wicked and selfish in design, that any true and lasting interest of any nation can ever be subserved by any means, on which are stamped the evident characters of crime, and to which the Creator of the Universe has affixed an everlasting curse. No real good, national or individual, can ever be procured through the instrumentality of motives or exertions which are selfish, fraudulent, and cruel. It may appear such at the time, for the moral vision is totally perverted, and reason is darkened by the ignorance of guilt; but in the light of eternity, and often in the unerring wisdom of a very short and bitter experience, it will be looked upon with agonizing remorse of conscience, and avoided with shudderings of horror. At the last it will bite like a serpent, and sting like an adder. Turn to the pages of History, and you will find a thousand records of this truth, in the dreadful tyranny, the short splendor, and the long and frightful desolations of misery, which have followed each other in the career of guilty nations and individu-

als. Were the prospect ever so dark before us in the path of rectitude as to this question, we never would believe that God has made a world, in which the course of honorable justice leads to detriment, while that of crooked, deceitful, and cruel policy leads on to gain. We know it is not so. We know there is an eternal, indissoluble connection between national virtue and national prosperity ; as there is a connection, equally indissoluble, and terribly certain, between national crime and national misery.

But how long shall it be that a Christian people—freer than any other people, and more favored of God than any other nation on the earth, in an age too of such general civilization and intellectual refinement,—shall stand balancing the considerations of profit and loss on a great national question of justice and benevolence? How long shall it be that when the path of rectitude lies plain before us, we shall stop to deliberate whether our cursed avarice may not better be gratified by stepping over the stile, and rushing forward in the path of guilt? How long shall we remain a spectacle of mortification to all good beings in the universe of God? How long before we shall learn first of all to do justly, love mercy, and walk humbly with him, and let the considerations of national selfishness at least come up afterwards, if we cannot bring ourselves wholly to annihilate them? How long shall the world wait before it is permitted to behold the glorious spectacle of a great nation, in a great crisis, trampling under foot all thought of every thing but duty, and stepping forth, nobly, decidedly, sternly, in the path traced out by the hand of justice and the thoughts of mercy?

It makes us indignant to see how a statesman of no mean powers of intellect can pervert his ingenuity to make the worse appear the better reason ; to make it appear that the only course left for us to pursue is one, which will most inevitably involve us in the crimes of perjury and cruelty. But let us not be schooled in the way of our interest by the lessons of the mere politician. Let us be cautious how we darken the map of our political course by the blots of our own invention, or refuse to be guided by the great beacon of national as well as individual prosperity,—by the light of religion. In this case as in every other, we may rest assured in the confidence that a nation's duty is its path to glory and happiness ; and the duty of our whole nation is never doubtful. Here it is so evident that even they who would violate it, dare not plainly contradict it, but attempt to escape from it by perplexing the conscience with the intricacies of apparently clashing and opposing duties, and by deceiving the mind with the phantoms of general expedience and necessity.

We have no doubt that our remarks upon the article in the *North American Review* will appear extremely false and exaggerated to all who have read only on that side the question which that article

aims to support. They will wonder what there is in that temperate paper to excite any but an inhabitant of Bedlam to such an outcry of violated justice and humanity as we have been making. They will declare that we have written under the influence of a distempered imagination; and that we are mad enthusiasts on a question which we cannot understand, because we are determined to put the authority of the Bible above that of Vattel, and to impose silence on the demands of avarice, while the voice of God is speaking within us by the dictates of our reason and of conscience. By such persons we are well content to be so esteemed; knowing that, from the days of St. Paul downwards, mankind have been ready to brand all with the epithet of madmen, who speak forth the words of truth and soberness to bosoms agitated with passion, and beclouded by the selfishness of a worldly policy.

Such persons will see nothing but benevolence in the spirit, justice in the principles, and truth in the assertions of that article, and will probably arise from its perusal with minds deeply convinced of its reasonableness, and more than ever in the power of that abominable sophistry of expediency and state necessity, which has sometimes darkened the understandings of the wisest of men. The article is indeed most plausible in its character; and it is this which makes us grieve for the influence it will probably exert. It is written with all the beauty of style which characterizes the productions of its author, and in that spirit of cold and temperate caution, with which all Machiavellian schemes of policy, from time immemorial, have been broached. Whatever the writer may think of his own disposition, and we doubt not he supposes he is at least doing his *country* service, it is manifest that he does not feel as he ought for the welfare of those, on whose destiny he is exerting perhaps a most powerful influence. His mind gives way, like that of multitudes of others, to the false faith that the Indians never can be civilized; and his habits of weighing too often, and too exclusively, the good and the happiness which might accrue to the nation, if these stumbling blocks were out of the way, makes him write of them as if they were neither human, nor endowed with the rights nor the capabilities, which their more fortunate neighbors possess; to be treated, indeed, like so many stubborn animals, and to be sacrificed without scruple, whenever the interests of the whole United States seem to require it. Those who differ from him, and strongly maintain the part of full justice, he treats as men indeed of a misguided enthusiastic benevolence, but with little understanding, and no practical experience in these matters.

If some of the principles developed in this article were exhibited in their naked and abstract distortion, we hesitate not to say, however specious the form, they are here made to assume, that all

honest men would call them infernal. They are no other than the maxim that *power makes right*, and that we may lawfully *do evil that good may come*.

The maxim that power makes right is the one, on which every conquering nation has proceeded from the time of Romulus "before and after." It is the force of this maxim only, which gave to the Spaniards, who first discovered this country, an exclusive command, (in the justice of which this writer seems perfectly to agree) over the territory and even the lives of its native possessors. It is the same maxim, which kept the English so long in the undisputed enjoyment of an *abstract right* to enslave and torture the natives of Africa.

The maxim that evident right must yield to expediency is also as ancient as the combination of human depravity, with superiority in one individual or nation over another. "We have long passed the period of abstract right," says this writer. "Political questions are complicated in their relations, involving considerations of expediency and authority, as well as of natural justice." We object not to what is contained in these sentences, so far as it relates to those abstract rights, the permission and prevalence of which would disorganize the whole constitution of human society, and throw us back into a state of murderous anarchy, worse than the wildness of the brutes. These are *theoretical* rights, such as were contended for in the most terrible period of the French Revolution, such as God never gave to men in communities, and such as each man surrenders when he enters into the social compact. We deny that the rights which belong to the Indians, and of which wicked men are endeavoring to defraud them, partake of this character in the slightest degree. They are not *abstract rights*; they are stronger and more evident than any abstract right can be; they are written and acknowledged in almost every treaty, which our government has been called to make with these tribes. The attempt to reason them away by the complicated "considerations of expediency and authority" is an attempt of gross cruelty and injustice. What renders it still worse is the truth that these considerations are altogether imaginary; and that the difficulties, which have occasioned such a summary and most comprehensive definition of impossible abstract rights, as would include all that is worth possessing by any community of human beings, are accumulated solely by the spirit of proud and selfish extortion. They are such, moreover, as would return with a tenfold perplexity and power at that distant period, with which the writer of this article most complacently declares we have no business to trouble ourselves in the present decision of the question. We refer our readers to the plain statements and reasonings of William Penn, for a most thorough exposition of the real falsehood and immorality of such arguments and principles as this article contains. We warn them not to give them-

selves up to the power of its polite and plausible and apparently humane sophistry, till they have examined this question carefully in all its possible aspects, and in the clear light of our religious obligations.

We think we can see, in the agitation of this question, a crisis of greater importance to this whole country—(not to the Indians alone ; that, though it be the business of humanity to weigh it even in the hair's estimation, is perhaps the least part of the matter)—than any other era has presented since the first moment of our national existence. We will go farther, and affirm without fear of being contradicted by those who have been accustomed to watch the progress of the world, and how God administers the affairs of this portion of his universe, that it is a crisis of greater moment, and on which hang greater consequences, than any event, which has transpired since the May Flower landed its first adventurers on the shores of this continent ;—a continent then occupied through its whole extent by that numerous people, concerning the fate of whose last remaining descendants, we, in our national capacity, are to legislate and decide. It is so, *because it far more deeply involves our moral and religious character, by bringing us, in that capacity, to the very eve of the commission of a great and dreadful crime.* Perhaps it is one of those awful occasions, on which Jehovah resolves to try, by a high and solemn trust, the true character of those kingdoms whom he has loaded with his benefits ; and from whom he requires an eminence of goodness, and a readiness of grateful obedience to his commands, and a jealous acknowledgement and support of the supreme authority of his laws, in some measure proportionate to the greatness and peculiarity of the blessings he has conferred.

The agitation of this question is not like that of admitting the independence of the Greeks, in which no decision could affect any great principle of evangelical morality or national law. It is not like that of the abolition of the slave-trade, in which the wrong alternative was that of continuing, to a somewhat longer period, the commission of a crime with which a nation had been stained for centuries. It is not like that of the declaration of independence, where, in any alternative, the moral character of the people would have remained spotless. It is a question whether we shall *now* contaminate ourselves, in addition to all our other guilt, with a new and awful crime ;—new, in proportion to the singularity of the circumstances, (unexampled in the history of the world) in which Providence has placed us in regard to the Indians ;—and awful, in proportion to the civil and religious privileges which we enjoy, and the means of knowing our duty in the light, which the universal spread of the Gospel has poured so abundantly upon us. Judging from these circumstances, a sin committed by us, whatever be its nature, must make us incalculably more

guilty, than it could have made almost any other nation, which has ever existed. And here we are, on the very eve of deciding the question, whether we shall plunge ourselves into such guilt, and yet we are sitting apparently in the apathy of the sleep of death.

We repeat it. There is an awful, and a deeply criminal apathy, in which the public mind of our whole country is slumbering on this momentous subject. The public feeling has never yet been roused by any of those strong representations and appeals, which the case would justify, and which the crisis imperiously demands. It is a proof how callous the heart of our nation has become to everything but the stimulus of vanity, and selfishness, and pride, that even in New England, whose inhabitants are apt to be foremost on every occasion, where the interests of religion and of patriotism are at stake, the indifference of which we speak is profound. We are apparently at too great a distance from the place where this tragedy threatens to be acted, to experience a very awakening impulse of excitement for those who are to be its victims. Distance in space lessens the power of sympathy, and deadens our sensibilities for the sufferings of the oppressed. We have heard of thousands murdered, or enslaved for life, and tortured by task-masters, in a distant land, with far less emotion than that with which we should witness a single blow, causelessly inflicted on a stranger within our gates. But the danger is none the less alarming, because it is not at our very doors; the sufferings of the Indians will be none the less acute, and the injustice inflicted upon them none the less atrocious, and the consequences to our country none the less certain and terrible, because those sufferings may not be witnessed by us, or because we cannot be present on the spot, to have our souls harrowed with the effect of that injustice, or because those consequences look small and chimerical in the distance.

The Christian public especially have been criminal in their neglect of this great subject. It belonged to them to have been long since watching, with a vigilance which could not be lulled into security, the most distant approach of an event like that, which now threatens so soon to be accomplished. It belonged to them to detect the precursors of the storm, and give warning of its progress in the distant horizon, while yet the sky above was unspotted with a cloud. It was their part to have calculated and foretold the effect of the passions of mankind, with whose power they are so well acquainted, and to have made provision against their terrible results.

But while even distant nations have been investigating this subject with the most evident interest, we ourselves, on whom its consequences are to fall, are found sleeping,—even while there may be heard around us the portentous noise and movement, which precedes the quick shock of an earthquake.

The letters of Penn, indeed, have issued from among us ; and they are an honorable testimony to the vigilance and ability of that man's individual mind, to the correctness of his own moral feelings, and to the living and energetic piety of the circle in which he moves. But what else has been done ? Has this subject sufficiently arrested the notice of private Christians ; and what report would each man's conscience command him to make, if he were asked to say how often its remembrance has gone with him to his closet, and how fervently his prayers have ascended to the God of nations, for that interposition, without which the most vigorous and timely efforts are of no avail. We often think, on every occasion like this, of Cowper's most beautiful and affecting description of the man of humble and retired piety. The truth it contains is as sublime and real, as its poetry is exquisite.

Not slothful he, though seeming unemployed,  
And censured oft as useless. Stillest streams  
Oft water fairest meadows, and the bird,  
That flutters least, is longest on the wing.  
Ask him, indeed, what trophies he has raised,  
Or what achievements of immortal fame  
He purposes, and he shall answer,—None.  
His warfare is within ; there unfatigued  
His fervent spirit labors. There he fights,  
And there obtains fresh triumphs o'er himself,  
And never withering wreaths, compared with which,  
The laurels, that a Cæsar reaps, are weeds.  
Perhaps the self-approving haughty World,  
That, as she sweeps him with her whistling silks,  
Scarce deigns to notice him, or, if she see,  
Deems him a cipher in the works of God,  
Receives advantage from his noiseless hours,  
Of which she little dreams. *Perhaps she owes  
Her sunshine and her rain, her blooming spring  
And plenteous harvest, to the prayer he makes,  
When, Isaac like, the solitary saint  
Walks forth to meditate at eventide,  
And think on her, who thinks not for herself.*

And have the feelings of clergymen been sufficiently awake, or their conduct sufficiently active, in regard to this subject ? Have they given it its due place in their public devotions ? We should be the last to put our sanction to that medley of politics and religion, with which, at no distant interval, the irritable passions of an audience were regaled and fostered from the pulpit. We would totally expel from its precincts every thing, to which that title could possibly be annexed ; and no sound should be heard from that sacred place, but the voice of mercy, and the word of God. But to the christian mind this subject is not a political one. Its worldly aspect is lost, its political connexions are annihilated, in the all absorbing importance of its character in the light of religion, and its influence on the vital interests of humanity ; in the remembrance too, that its

bearings may be traced, even till they are lost in eternity. We cannot but think, therefore, that it is the duty of every minister of the gospel, so far as may be in his power, to make known to his people the truth of this question, and to enlist their strongest sympathies in the cause of justice, and for the sake of the oppressed. What other resource indeed, remains for us? The time of decision is at hand. Our most energetic movements, thus tardily delayed, may come too late to be of any avail. At any rate, nothing can save us unless the public mind be universally aroused from its lethargy, and an appeal made, so loud, simultaneous, and decisive, as shall astonish the world at the power of moral feeling in the heart of this country, and cause the most inveterate and bold supporters of national iniquity to tremble.

An unjust decision in regard to the fate of the Indian tribes, who are so unhappily in our power, to us would almost seem the death-warrant to the liberties of our republic. We could no longer put faith in the boasted stability of institutions, excellent though they be, which depend so eminently upon a holy state of public morality, should we see so tremendous a proof that the freedom and the religion of this people is rotten at its core. We should then no longer believe, what we cannot bring ourselves, in the cold spirit of political economists, to regard as the idle dream of poetry, that this is the last and the endurable resort of suffering humanity and persecuted piety. We should look for yet another downfall of the liberties of the world, and yet another victory of the powers of darkness, before the glorious predictions, which we hope are fast hastening to their accomplishment, could be finally fulfilled. We should look for a speedy infliction of the vengeance of Jehovah, as signal upon us, as it was upon his ancient covenant and rebellious people. His mercies to us have been incalculably greater, and should we fail to redeem the responsibilities which rest upon us, why dare we hope to be made an exception to the laws of his retributive providence? Why should not we also look to become a proverb and a by word among the nations?

Let us remember what hopes we are blasting in the bud. Let us reflect that the first fair trial of the possibility of bringing an Indian tribe into the full perfection of civilization, and under the full influence of the redeeming power of Christianity, is here fast and auspiciously advancing to its completion. It would seem as if Almighty Providence, in scorn of the daring blasphemers, who assert that any of the human beings he has made, are irretrievably beyond the regenerating energy of the Gospel of his Son, and forever out of the pale of civil and social improvement, has reserved this solitary tribe of the forest, to tell such *philosophers* the supreme weakness of their complacent speculations. To tell the world that there are



none, however singularly ferocious, whom He cannot reclaim from their savage barbarity. That the simple religion of the cross of Jesus, only, can effect that mighty renovation, that new moral creation, which must be the invariable forerunner of social refinement, but to the accomplishment of which, all the wisdom and philosophy of all past ages is otherwise totally inadequate. And shall we now by our obstinate selfishness, reject this sublime experiment,—and with such rejection destroy the possibility of ever repeating it? Shall we now, when a whole people have emerged from their darkness, and are rapidly advancing to the possession of the glorious light and hopes of Christianity, and to the enjoyment of the blessings of domestic life, shut them up to all future progress, and return them to their original barbarity? We have thoroughly instructed them in our vices—let us as at least point them to the Balm of Gilead, and not frown on them, while they seek the Physician there. Let us not drive them back into the wilderness, stripped of the comparatively innocent simplicity which once belonged to them, and infected with a moral pestilence, which they never would have felt but for us,—acquainted with crimes, which the ingenuity of refined life only could suggest, but not acquainted with the power of that salvation to which *we* resort, but which some among us dare to assert *they* are absolutely incapable of obtaining. After having made them drunk with the cup of our abominations, let us not refuse them a participation in our blessings. Neither let us compel them, as the miserable alternative from a removal beyond the Mississippi, to give themselves to the vulture-like protection of their neighbors—to the authority of laws, which practically assert that they are not human, by depriving them of the most precious rights and privileges of man in a social community. Shall we not rather, as some reparation for the incalculable injury we have done them, now perform the utmost in our power to promote their speedy acquisition of all the blessings which we hold dear; and even err on the side of too humane a benevolence, too profuse a generosity, too disinterested and self-denying a kindness.

We have deferred the consideration of this topic too long; so long, indeed, that it argues a carelessness in this country, in regard to the great interests of morality and religion, which is truly portentous. In England, the approach of a question almost exclusively mercantile and political in its nature, the question in regard to the propriety of removing the jurisdiction of the affairs of India from the hands of the East India Company, is watched by the whole nation, with the utmost anxiety, for years before it can possibly come into parliament; and the subject is kept in daily agitation, with as much vigor as if it were now on the eve of its final settlement. Its connexions and its consequences are examined, not in

the hurry of tumultuous anxiety, but with that calmness of deliberation, which is due to so important a measure ; and when it comes to be determined, it will be determined by men prepared for their duty, and under the full and wholesome influence of the decisive expression of an enlightened public opinion. But with us, a subject involving the infinitely higher considerations of national faith and morality, and the interests temporal, and perhaps eternal, of more than fifty thousand human beings, finds us, as a community, at the very moment in which it is to be made the subject of debate in our halls of legislation, in almost total ignorance of its true nature, and its real importance.

But this is not all. Propositions from our government, if not bearing on their very front the characters of manifest and reckless injustice, yet being in their nature such as any community on earth should blush to have originated within its limits, are listened to by us, not only with no manifestation of indignation, but not even with an expression of moderate astonishment at their cold inhumanity ; we hear them with as much indifference, as if we considered them matters of course, and unavoidably resulting from the nature of our free institutions. What is more alarming than this, is the truth, that, on the part of a great portion of this people, and on the part of some of the most enlightened, literary, and influential men in New England, such propositions are received with manifest approbation ; and with an additional sophistry of selfishness in their support, which might almost put Machiavelli's cool-blooded policy of craftiness and cruelty to shame. If this does not show, notwithstanding all our labors for the spread of the gospel, and all our charities at home and abroad, and all our temperance, and all our wide phylacteries, and prayers in the corners of the streets, a deep-rooted moral insensibility, an alarming stupidity of feeling in regard to the cause of general justice and benevolence, whenever these duties clash, in the slightest apparent degree, with the motives of avarice or pride—then no language, and no conduct (which always speaks with a tenfold energy,) can ever indicate the moral character of any community in existence.

But this is not the only fact that makes us tremble for the cause of all that is holy in feeling and virtuous in conduct among us. There are many circumstances, which declare loudly that there is a sad infection of moral leprosy and plague in our system, and that, however it may be concealed for a time, and we remain self-deceived, beneath our external demonstrations of godliness ; or though it be seen to rage and fester only in secret places, or amidst the low and the degraded ; it will break out, unless there be an effectual and timely check put upon it, and sweep over our whole country with a mournful and desolating power. We do not hold such

language thoughtlessly, nor without restriction ; but we know that such must be the case in every country, and especially in ours, if there be not high, energetic, and unremitting exertion, on the part of all, who favor the cause of a fervent piety and a stern morality. The nature of our institutions is such, that this country may not unaptly be called a theatre, in which there is held out a free license for the exhibition of all varieties of wickedness, however radically destructive in their nature, which do not directly touch the worldly interests of men, or interfere with the ease and comfort of society. Many among us seem to think, that, in effecting the wholesome disunion of church and state, we have not gone far enough, but should take atheism into partnership, and for greater security against the encroachments of ecclesiastical power, base our republic firmly in the principles of infidelity. It becomes us to be up and doing, to be vigilant and prayerful. The energies of wickedness are of that irregularity, both in the times of its appearance, and the quantity of its power, upon which no calculation can be made, to which no limits can be set. None can deny that we have among us all the *elements* at least, of a most destructive moral, if not political commotion. It only needs an event of sufficient magnitude, and sufficient sharpness of collision with conflicting interests, to set them all in the most terrible combination.

Like all other countries, we have among us the infidel and the atheist ; but, unlike almost all others, we give them full toleration in the enjoyment of their *conscientious faith*. We have, too, the sensual and the debauched ; and there are those in whom the light of Deity and the spark of humanity seems hopelessly quenched, and its place forever occupied by the savage and lurid fires of the instinct of the brute. A woman, whose character is a disgrace to the name of female, has lectured among us to full meetings of blasphemers and deniers of their God ; an event which could not have existed, setting aside all actual prohibition, had the state of public feeling among us been pure in any eminent degree. We look only with emotions of vacant curiosity at such beings and their followers, while they set aside the authority of God's word, and offer to the passions of mankind a freedom from restraint, which is too alluring long to be resisted without deep religious principle. The sabbath continues to be violated ; and though individuals are still permitted to keep it as holy as they choose, yet any attempt to enforce its obligations upon us as a nation is met with the outcry of 'priestcraft,' and the obstacle of law. It is said, too, that the Jesuits are at work with their powerful machinations ; and wherever, and in whatever hopeless circumstances of apparent weakness and folly, these men begin their operations, let none dare to despise them. The curse of slavery is still upon us ; and we never can

throw it off, till our lethargy and leprosy of moral feeling is wholly purged away, and its place supplied by the blessed activity and purity of religious benevolence. Our intemperance, in one of its forms, has indeed been checked ; but even here we tremble at the symptoms of a reaction, when many of those, who have acted in this reformation, become apparently satisfied that enough has been done, and secure of the result of their labors ; and in other forms it yet rages frightfully among us. There are contentions, too, beginning to spring up, even amidst the religious and the benevolent, (with whom, if ever, we might hope to see peace,) and creating a fearful sentiment of prejudice and disunion between various portions of our country, and threatening to paralyze the arm of charity, while that of avarice and oppression is clothed with power.

This, one would think, is a sufficiently frightful picture, without having a single feature added to its characters, or a single shade to the darkness of its coloring. It will be called false and hyperbolic ;—but what one statement does it contain, which is not absolutely true ? And why not group together the dark features of our national character, as well as be continually dwelling upon those which are bright. Yet of all fearful indications of depravity among us, we look upon the feelings, which prevail in regard to the approaching destiny of the Indians, as the most alarming.

Should this question be decided according to our fears, it will read a mournful lesson to the poor, the ignorant, the weak, and the oppressed, on the insensate folly of throwing themselves for protection on the mercy of those, who are more powerful than they ; the folly of trusting to the faith of treaties, however solemn, or the strength of obligations, however binding, if there be the most distant prospect, that such treaties and such obligations will ever come in competition with the demands of selfish interest, or the rapacity of unconquerable avarice. Such treaties will be disregarded like the idle fictions of idiocy, and such obligations will be broken like gossamer before the tempest, in the consuming rage of those terribly remorseless passions. The maxim that *might makes right* is the only one which will be held legal, and the only one which will maintain a high and despotic authority, through all changes of circumstance, and in all fluctuations of opinion. The Indians had better stand to their arms and be exterminated, than march further onwards to the Pacific, in the faith that the coming tide of *civilized* population will not sweep them forever till they mingle in its depths. Better thus, than remain to be trampled as the serfs of Georgia—to have their faces ground by the pride and oppression of their slave holding neighbors ;—to be exterminated by the more powerful, and not less sure though slower operation of the vices of the whites.

We write this with a dejection of feeling, which nothing can express. When we look into the pages of history, and see what, in multiplied cases, has been the inevitable fate of questions of this nature, how justice and benevolence have been sacrificed before the altar of ambitious power, and when we look upon some demonstrations of feeling on this subject already exhibited, we are led almost to despair for the result. The only redeeming feature is the spirit of Christianity among us, and the depth and strength of moral and religious feeling in the hearts of many, who honor the profession of Christianity, by their active and ceaseless benevolence. It is a spirit which *would* make its voice heard and its power felt, could it once be roused into action. But of what use can it be, if its energies are consumed in idle, unavailing sympathy. It is a spurious religion, which rusts in inactivity. Let the Christian public rise up quickly, and act with intensity on this subject, or all action will be utterly in vain.

Though the prospect be perilous, we will not relinquish all hope, while we remember, that there is an overruling Providence in the affairs of mortals. *Be still, and know that I am God. I will be exalted among the heathen; I will be exalted in the earth.* We cannot believe that He has preserved this country in so many critical and trying conjunctures; that he has so manifestly made bare his arm for our deliverance, and led us upward to so exalted an eminence of civil and religious privilege, and that he will now leave us to the shameful desertion of the path of our duty; to a betrayal of the high trust he has committed to our charge; to become a black example of national perfidy and injustice; and, in consequence, a terrible example of suffering the vengeance of Heaven. But let it be remembered that it rests with ourselves to determine this most momentous problem. Let it be remembered that God has made known to us the path of duty, and has given us the means of action; and that we are not permitted to sit still in the blindness of fatuity, awaiting the determinations of Jehovah, and exclaiming, in the supine idleness and hypocritical resignation of the Turk, 'God is good! His will be done!' If we are even so degraded as to wish it, we can none of us float idly onwards, like so many chips and straws, on the surface of the tide of time, which is bearing all things to the bosom of eternity. It is ours to shape our course; to determine whether we will pass to that ocean in calm, and with light shining around us, or whether it shall receive us, to be enveloped in everlasting darkness, and tossed upon the surges of interminable wrath. The poorest and the lowest among us have our part to act in this great crisis, and our portion to bear of the responsibility, which rests upon us as a nation. It is out of our power to tell the mysteries of God's moral administration of the universe, or to say in what manner, when

he inflicts vengeance upon a guilty people, he will apportion the punishment of its individuals, according to their share in the crime. But we know that he will do this, and that we all, as individuals, make up, by our own character and conduct, the character and conduct of our country. Let us ask ourselves what each of us can do, to avert the threatening evil, and to add power to the hands of the benevolent. Let each contribute his exertions, and utter his voice, till the united appeal of millions shall swell to such an accumulated energy of remonstrance, as even a despotic government would not dare to resist.

God forbid that the prayers which have ascended for the Indians, and the exertions which may be made in their behalf, should fail. It would be better that half the states in the union were annihilated, and the remnant left powerful in holiness, strong in the prevalence of virtue, than that the whole nation should be stained with guilt, and sooner or later disorganized, by the self-destroying energies of wickedness. We would rather have a civil war, were there no other alternative, than avoid it by taking shelter in crime ;—for besides that, in our faith, it would be better for the universe to be annihilated, than for one jot or tittle of the Law of God to be broken, we know that such a shelter would only prove the prison-house of vengeance and despair. We would take up arms for the Indians in such a war, with as much confidence of our duty, as we would stand with our bayonet, on the shore of the Atlantic, to repel the assaults of the most barbarous invader. Perhaps we do wrong to make even the supposition ; for it can never come to this. But let anything come upon us, rather than the stain and the curse of such perfidy, as has been contemplated. Let the vials of God's wrath be poured out in plague, and storm, and desolation ; let our navies be scattered to the four winds of heaven ; let our corn be blasted in the fields ; let our first born be consumed with the stroke of the pestilence ; let us be visited with earthquakes, and given as a prey to the devouring fire ; but let us not be left to commit so great an outrage on the law of nations and of God ; let us not be abandoned to the degradation of national perjury, and, as its certain consequence, to some signal addition of national wo. Let us listen to the warning voice, which comes to us from the destruction of Israel.

Their glory faded, and their race dispersed,  
 The last of nations now, though once the first ;  
 They warn and teach the proudest, would they learn,  
 Keep wisdom, or meet vengeance in your turn ;  
 If *we* escap'd not, if Heaven spared not *us*,  
 Peel'd, scatter'd, and exterminated thus ;  
 If vice received her retribution due,  
 When *we* were visited, WHAT HOPE FOR YOU ?  
 When God arises with an awful frown,  
 To punish lust, or pluck presumption down :  
 When gifts perverted, or not duly prized,  
 Pleasure o'ervalued, and his grace despised,

Provoke the vengeance of his righteous hand,  
 To pour down wrath upon a thankless land ;—  
 He will be found impartially severe ;  
 Too just to wink, or speak the guilty clear.

In making the preceding statements and appeals, let us not be accused of wantonly attempting to aggravate the evils which threaten us. We have no wish to exaggerate them ; they are mournful enough in reality. Let none dare to sneer at our exhibition of the fearful importance of this crisis as idle preaching, or to deride the warmth of our feelings as the fanatical zeal of a sedentary enthusiast. We bless the Author of our being that he has not placed us in a situation to become hardened in soul by the cunning of political selfishness. We are consoled in our simplicity by the assurance of one, whose instructions we have been taught to venerate, that it is good to be ‘ *simple, concerning that which is evil* ;’ and by the declarations of another,\* whose wisdom is only not inspired, that “ refined policy ever has been the parent of confusion, and will be so as long as the world endures. Plain good intention,” (he continues) “ which is as easily discovered at the first view, as fraud is surely detected at last, is of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle.”

This subject is too solemn to be approached with thoughtless derision, or lightly passed by with a sarcasm. Let those, who are ignorant of it, be silent ; and let those, who are indifferent, at least restrain their levity, and withhold their miserable ridicule. We have given it no coloring which the coldest scrutiny of reason will not justify. Yet even if we had overcharged the picture, we have the authority of one of the wisest statesmen whom our country has ever produced,† that “ before the evil has happened, it is the part of wisdom to exhibit its worst aspects.” Let us listen to another of his admirable paragraphs, to be found in a “ Speech on the British Treaty,” delivered on an occasion singularly similar, in some of its bearings, to the present.

“ I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians ; a whiff of tobacco smoke, or a string of beads, gives not merely a binding force, but a sanctity to treaties. Even in Algiers, a truce may be bought for money ; but, when ratified, even Algiers is too wise, or too just to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of Justice could live again, collect together, and form a society, they would, however loath, soon find themselves obliged to

\* Edmund Burke,

† Fisher Ames.

make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith. It is painful, I hope it is superfluous, to make even the supposition that America should furnish the occasion of this opprobrium. No! Let me not even imagine, that a republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon a solemn debate, make its option to be faithless; can dare to act, what despots dare not avow: what our own example evinces that the states of Barbary are unsuspected of."

"If, in the nature of things, there could be any experience which would be extensively instructive but our own," (we quote from another production of the same writer) "all history lies open for our warning,—open like a church-yard, all whose lessons are solemn, and chiseled for eternity in the hard stone—lessons that whisper,—O! that they could thunder to republics, 'your passions and your vices forbid you to be free.'—But experience, though she teaches wisdom, teaches it too late. The most signal events pass away unprofitably for the generation in which they occur, till at length a people, deaf to the things that belong to its peace, is destroyed or enslaved, because it will not be instructed."



## APPENDIX.

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THE article in Mr. Willis' Magazine, was written, as itself indicates, from deep feeling, and without any idea of putting it in a separate form. Whatever objections may be made to it, because of the harshness of some of its expressions, especially when applied to so plausible a production as that in the North American Review, we are fully convinced that it does not contain one, whose severity is not really justified by the truth of the case. We hope the vehemence with which we have freely spoken our sentiments will not prevent any one from weighing well the importance of this crisis, or from examining with candour the statements in our appendix. A passionate zeal, such as we have been wrongly charged with, all might look upon with just contempt; but stubborn facts are a sort of argument, to which none can innocently refuse conviction. We disclaim the charge of passion; at the same time we know it would be criminal, amidst the momentous circumstances in which our country is placed by the agitation of the Indian question, if we should regard its progress with a calm indifference, which we could scarcely exercise in witnessing an experiment in Natural Philosophy. When the moral character of our nation is at stake, no sensibility can be too quick; when the welfare of thousands of our fellow creatures is in danger of being sacrificed, no strength of feeling can be called intemperate. In such a case, if we act from feeling we act right. The only mistake we can commit, when we decide under its influence, is that of carrying the principles of general benevolence too far. And is not this better than that our indifference should make us cruel to our brethren, by preventing us from carrying those principles so far as we ought?

On this subject there is certainly no danger of too much feeling; the highest degree of it is not superfluous; it is even necessary, if we would preserve our minds from being paralyzed by the cold and unfeeling sophistry of intriguing politicians. Besides it is a melancholy truth, that virtuous men are almost always less energetic in a good cause, than wicked men in a bad one. "Good works," it is one of Burke's finest remarks, "are commonly left in a rude, unfinished state, through the tame circumspection, with which a timid prudence so frequently enervates beneficence. In doing good, we are generally cold, languid, and sluggish; and of all things afraid of being too much in the right. But the works of malice and injustice are quite in an-

other style. They are finished with a bold masterly hand ; touched as they are, with the spirit of those vehement passions that call forth all our energies whenever we oppress and persecute."

The article in the *North American Review* is undoubtedly the most powerful exhibition that can be presented of all the false reasoning which an inventive mind could suggest, on the wrong side of this question. We hardly ever met with any publication, which contained within the same number of pages so many assertions which are absolutely false, statements which are incorrect, principles which are immoral, and reasonings which are shamefully erroneous. The insinuating sophistry of its paragraphs will be best detected by a constant comparison, as the reader passes over them, with what William Penn has exhibited, in a very plain, sincere, and convincing manner, on the same topics. In pointing out its most important misrepresentations, we shall adopt a course somewhat different.

It is well known that this article upon the Indians, in the *North American Review* for Jan. 1830, was written by Gov. Cass, of the Michigan Territory. The same gentleman was also the author of a long article on the same subject, in the same *Review*, in the year 1826. We propose to make extracts from both these articles and to exhibit our quotations together in their remarkable contradiction, in order that our readers may know what sort of reliance can be placed in the opinion of an individual, whose ideas are thus blown about by every wind and wave of doctrine, and whose assertions seem to change with the changing administrations of his country. That refutation of a man's falsehood is of all others the most thorough, practical, and convincing, which is drawn from manifest opposition in different portions of his life or writings. We can no longer put faith in any of his declarations, if we find him guilty of self-contradiction in any instance, where the circumstances of the case forbid us even to hope, that such inconsistency could have sprung from mere carelessness or mistake. The scrutiny of motives belong to a higher than any human tribunal, and we shall not positively assert the causes, which we think may have led Gov. Cass in 1830 to so bold and manifest a dereliction from his principles in 1826. But we are at perfect liberty to prove to our readers that on some important points in this question he has belied his old declarations and adopted new ones : and our readers will observe that this inconsistency is in no case justified by any new occurrences which may have happened, or by any new aspect which the question may have put on, in the short period of four years ; but that the very reasons on which his former opinions were grounded, remain to this day, with their strength not only in every respect undiminished, but powerfully increased. They will remember likewise that the broad principles of morality and justice are indestructible and unalterable in their nature, and must forever remain so—clear, lofty, and binding—even in the most terrible confusion, not merely of a single republic but of ten thousand worlds. We could not wish for any refutation of the insinuating sophistry of this gentleman more complete in its kind, than he

has himself given us the opportunity to make. There are some men, who have to seek fresh principles, with every fresh mail which arrives from Washington. We hope he is not one of these; otherwise, while we are laboring to expose his false assertions, and before our pamphlet can reach him, he may become of the same opinion with ourselves, and we shall find we have been treading on a shadow.

We shall first exhibit his inconsistencies; and afterwards mention and refute some of his false assertions, and display to our readers a specimen of his immoral principles. They are precisely of the same nature with those, out of which the famous Georgia committee undertook not long since to institute a new code of public morality.—

‘Accipe Danaum insidias, et crimine ab uno  
Disce omnes.’

We shall also exhibit his garbled and partial representation of legal opinions and acknowledged truths.

To show his inconsistency we first quote his latest opinions on the proposed plan of removal for the Indians.

#### Gov. Cass in 1830.

“For many years after the first settlement of the country, the colonists were engaged in the duty of self-preservation, and they had neither leisure nor inclination coolly to examine the condition of the Indians, and investigate the causes of their degradation, and the mode by which they might be counteracted. And when they began to survey the subject, the facts were not before them, as they are before us. That the Indians were borne back by the flowing tide, was evident; but that this tide would become a deluge, spreading over the whole country, and covering the summits of the loftiest mountains, could not be foreseen, and was not anticipated. *Nor was it known, that these people were incapable of permanent improvement, upon fixed reservations, within the limits of the civilized country.* The duty, therefore, of providing a residence for them, where they could say to this ocean, heretofore as irresistible as the great deep itself, ‘Thus far shalt thou come, but no farther,’ neither the government nor the people understood.\* The infant communities become powerful colonies; the colonies, independent states, and these states a great empire. Their boundaries were established, and their jurisdiction was granted or assumed. *New territories, and eventually new states, were formed, each looking to its own political advancement, and to the extension of population and cultivation over its dominion, with an anxiety as natural and salutary, as that which impels individuals onwards in the strife for wealth and influence.* And now, when we begin to suspect, that the white man and the red man cannot live together, we find no country where we can plant, and nourish, and protect those children of misfortune, until we pass the farthest limits of the governments formed beyond the Mississippi. There is a region belonging to the United States, admirably adapted to the situation and habits of the Indians, where no state authorities have, or can have jurisdiction, and where no attempt will be made to disturb or molest them. Because no permanent barrier has heretofore been raised between them and us, let it not be supposed, that a country, occupied by them and guaranteed to them, upon the Red river and the Arkansas, would not secure them from future demands. There would be neither local gov-

\* We know not what this writer can mean by the ‘duty’ of our infant colonies to ‘provide a residence’ for Indians, who then possessed almost the whole of North America, and from whom those colonies, in the attitude of dependence and inferiority, were daily compelled to purchase new territory for their own residence, and with whom they were anxiously striving to maintain peace. But Gov. Cass speaks as if the colonies were themselves masters of the whole continent, upon which the aboriginal possessors dwelt only through their permission.

ernment nor people to urge the extinction of their title. No claim could be interposed to conflict with theirs. *And if, in the course of ages, our population should press upon that barrier, it would be after the Indians had acquired new habits, which would cause our intercourse to be without danger to them and without pain to us, or after they had yielded to their fate and passed the Rocky Mountains, or disappeared. These are events too remote to influence any just view of this subject.*" North American Review, No. 66, page 108.

This extract is remarkable, particularly in the sentences which we have printed in Italics, first, for the manner in which he takes for granted as a known truth, the falsehood that these people in their present situation are incapable of permanent improvement; second, for its open declaration of the utter selfishness of those motives which have made us "begin to suspect that the white and the red men cannot live together;" and third, for the unfeeling indifference with which such politicians as Gov. Cass can speak of the Indians' 'yielding to their fate, passing the Rocky Mountains, and disappearing forever from the notice and the memory of man.' The falsehood of the closing sentence in this extract we shall presently show.

Page 112, contains the following declaration:—

"We cannot enter into a full examination of the effect of planting colonies of Indians in the western regions. From the retrospective view furnished by their history, it is evidently the only means in our power or in theirs, which offers any probability of preserving them from utter extinction. As a *dernier resort* therefore, apart from the intrinsic merits of the scheme itself, it has every claim to a fair experiment. But when viewed in connection with the peculiar notions and mode of life of the Indians, the prospect it offers is consolatory to every reflecting person.

Page 119 of the same number contains the following paragraphs on the same topic. We mark the word *some* in Italics, to direct the attention of the reader to the singular difference in the tone of Gov. Cass's compassion for the Indians in 1839, from that which he manifested in 1826.

"But after all, it cannot be denied and ought not to be concealed, that in this transplantation from the soil of their ancestors to the plains of the Mississippi, *some* mental and corporeal sufferings await the emigrants. These are inseparable from the measure itself. But by an appropriation liberally made, and prudently applied, the journey may be rendered as easy to them, as for an equal number of our own people. By a continuation of the same liberality, arrangements may be made for their support, after their arrival in the land of refuge, and until they accommodate themselves to the circumstances of their situation; until they can secure from the earth or the forests, the means of subsistence, as they may devote themselves to the pursuits of agriculture or of the chase."

He then goes on in strain of *classical feeling*, which is merely hypocritical, compared with the hard insensibility, which reigns through the whole article; and of compliment to the Secretary of War which is very gentlemanly and polite. He closes with the following paragraph.

"This is the course we had a right to expect, and to which there can be no just objection. Let the whole subject be fully explained to the Indians. Let them know

that the establishment of an independent government is a hopeless project ; which cannot be permitted, and which if it could be permitted, would lead to their inevitable ruin. Let the offer of a new country be made to them with ample means to reach it and to subsist in it, with ample security for its peaceful and perpetual possession, and with a pledge, in the words of the Secretary of War, 'that the most enlarged and generous efforts, by the government, will be made to improve their minds, better their condition, and aid them in their efforts of self-government.' Let them distinctly understand, that those who are not disposed to remove, but wish to remain and submit to our laws, will, as the President has told the Creeks, 'have land laid off for them and their families, in fee.' When all this is done, no consequences can affect the character of the government, or occasion regret to the nation. The Indians would go, and go speedily and with satisfaction. A few perhaps might linger around the site of their council-fires ; but almost as soon as the patents could be issued to redeem the pledge made to them, they would dispose of their possessions and rejoin their countrymen. And even should these prefer ancient associations to future prospects, and finally melt away before our people and institutions, the result must be attributed to causes, which we can neither stay nor control. If a paternal authority is exercised over the aboriginal colonies, and just principles of communication with them, and of intercommunication among them, are established and enforced, we may hope to see that improvement in their condition, for which we have so long and so vainly looked."

North American Review, No. 66, page 120.

*Gov. Cass on the same subject in 1826.*

"But we are seriously apprehensive, that in this gigantic plan of public charity, the magnitude of the outline has withdrawn our attention from the necessary details, and that, if it be adopted to the extent proposed, it will exasperate the evils that we are all anxious to allay.

"Migratory, as our Indians are, they all have, with few exceptions, certain districts which they have occupied for ages ; to which they are attached by all the ties which bind men, white or red, to their country ; and where their particular habits, and modes of life, have become accommodated to the nature of the animals, which furnish their subsistence. \* \* \* \* \*

"A removal through eight degrees of latitude, and fifteen degrees of longitude, will bring many of them to a country, of whose animal and vegetable productions they are ignorant, and will require them to make great changes in their habits, to accommodate themselves to the new circumstances, in which they may be placed ; changes, which we, flexible as we are, should make with difficulty, and with great sacrifices of health and life. It is no slight task for a whole people, from helpless infancy to the decrepitude of age, to abandon their native land, and seek in a distant, and perhaps barren region, new means of support. The public papers inform us, that an attempt was made this season in Ohio, by the authorised agents of the government, to induce the Shawnese to remove to the west, and that liberal offers were made of money, provisions, and land. But it seems they declined, alleging that they were happy and contented in their present situation, and expressing their dissatisfaction with the nature of the country offered to them.

"But this is not all. Many of the tribes, as we have already seen, east and west of the Mississippi, are in a state of active warfare, which has existed for ages. The Chippewas are hereditary enemies of the Sioux, and the Sacs and Foxes have recently joined the former in the war ; and most of the Algonquin tribes, the Delawares, Shawnese, Kickapoos, Miamies, and others, are in the same relation to the Osages. How are these tribes to exist together ? As well might the deer associate with the wolf, and expect to escape with impunity. The weak would fall before the strong. Parcel out the country as we may among them, they will not be restrained in their movements by imaginary lines, but will

roam where their inclination may dictate. There is a strong tendency to war, in the whole system of Indian education and institutions. How is the young man to boast of his exploits, at the great war dance and feast of his band, as his father has done before him, unless he can find an enemy to encounter? How can he wear on his head the envied feathers of the war eagle, and one for each adventure; or paint upon the body a vermilion mark for each wound, if he must pursue game only, and never travel the war path? A cordon of troops, which should encircle each tribe, might keep them all in peace together. But without such a display of an overwhelming military force, we should soon hear, that the war dance was performed, the war song raised, and that the young men had departed in pursuit of fame, scalps, and death. And this scene would be more tremendous, as the Indians were more compressed. They could then neither conceal themselves from the pursuit of their enemies, nor flee from their vengeance.

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“The whole subject, however, is involved in great doubt and difficulty, *and it is better to do nothing, than to hazard the risk of increasing their misery.* For ourselves, we think, that the efforts of the government should be limited to certain general objects and regulations.”

He then goes on to specify some of those regulations, and closes with the proposition,—

“That ten thousand dollars should be annually added to the appropriation for civilising them, until a satisfactory judgment can be formed, of the probable result of this experiment. And that, after all this, we should leave their fate to the common God of the white man and the Indian.”

North American Review, Vol. 23. pages 117 to 119.

We are informed, on good authority, that Gov. Cass has repeated these sentiments in conversation within one year. We leave his inconsistency, without additional remark, to the reflection of our readers.

Our next extracts are on the efforts of missionaries and the prospect of civilization and Christianity among the Indians.

### *Gov. Cass in 1830.*

“It is easy, in contemplating the situation of such a people, to perceive the difficulties to be encountered in any effort to produce a radical change in their condition. The *fulcrum* is wanting, upon which the lever must be placed. They are contented as they are; not contented merely, but clinging with a death-grasp to their own institutions. This feeling, inculcated in youth, strengthened in manhood, and nourished in age, renders them inaccessible to argument or remonstrance. To roam the forests at will, to pursue their game, to attack their enemies, to spend the rest of their lives in listless indolence, to eat inordinately when they have food to suffer patiently when they have none, and to be ready at all times to die; these are the principal occupations of an Indian. But little knowledge of human nature is necessary, to be sensible how unwilling a savage would be to exchange such a life for the stationary and laborious duties of civilized society.

“Experience has shown, that the Indians are steadily and rapidly diminishing. And causes of this diminution, which we have endeavored to investigate, are yet in constant and active operation. It has also been shown, that our efforts to stand between the living and the dead, to stay this tide which is spreading around them and over them, have long been fruitless, and are now hopeless. And equally fruitless and hopeless are the attempts to impart to them, in their

present situation, the blessings of religion, the benefits of science and the arts, and the advantages of an efficient and stable government. The time seems to have arrived, when a change in our principles and practice is necessary ; when some new effort must be made to meliorate the condition of the Indians, if we would not be left without a living monument of their misfortunes, or a living evidence of our desire to repair them."

We postpone for a moment, our exhibition of the falsehood contained in this extract ; it being our immediate object to show his own inconsistency. Our readers have seen that he here omits to mention the rising generation of Indians.

*Gov. Cass on the same topic in 1826.*

"The efforts, which benevolent individuals and associations are now making through the United States, in co-operation with the government, are founded upon more practical principles, and promise more stable and useful results. We consider any attempt utterly hopeless, to change the habits or opinions of those Indians, who have arrived at years of maturity, and all we can do for *them* is to add to the comforts of their physical existence. Our hopes must rest upon the *rising generation*. And, certainly, many of our missionary schools exhibit striking examples of the docility and capacity of their Indian pupils, and offer cheering prospects for the philanthropist. The union of mental and physical discipline, which is enforced at these establishments, is best adapted to the situation of the Indians, and evinces a sound knowledge of those principles of human nature, which must be here called into active exertion. A few years will settle this important question : and we have no doubt, that on small reservations, and among reduced bands, where a spirit of improvement has already commenced, its effects will be salutary and permanent.

*"But we confess that, under other circumstances, our fears are stronger than our hopes. Where the tribes are in their original state, with land enough to roam over, and game enough to pursue, they do not feel the value of our institutions, but are utterly opposed to them."*

We print the closing sentences in italics because they are so remarkably inconsistent with the late expression of his opinion that the Indians will more easily be civilized, the farther they are driven from the last glimmerings of a Christian settlement, and (in reality) the nearer they are reduced to "their original state."

We next quote his opinions on the causes of their decay.

*Gov. Cass in 1830.*

"But a still more powerful cause has operated to produce this diminution in the number of the Indians. Ardent spirits have been the bane of their improvement ; one of the principal agents in their declension and degradation. In this proposition we include only those tribes in immediate contact with our frontier settlements, or who have remained upon *reservations* guarantied to them. It has been found impracticable to prevent the sale of spirituous liquors to those who are thus situated. The most judicious laws are eluded or openly violated. The love of spirits, and the love of gain, conspire to bring together the buyer and the seller. As the penalties become heavier, and the probability of detection and punishment stronger, the prohibited article becomes dearer, and the sacrifice to obtain it greater. \* \* \* \* \*

"Our object, as will be seen in the sequel, is not to trace the operation of all the causes which have contributed to the diminution of the population of the Indians. We confine ourselves to those which may be fairly attributed to the coming of the Europeans among them, and which are yet exerting their influence, wherever the two races are placed in contact. As we shall attempt eventually to prove, that the only means of preserving the Indians from that utter extinction which threatens them, is to remove them from the sphere of this influence, we are desirous of showing, that no change has occurred, or probably can occur, in the principles or practice of our intercourse with them, by which the progress of their declension can be arrested, so long as they occupy their present situation.

"The consequences of their own wars, therefore, do not fall within this inquiry. These were in active operation long before our fathers landed upon the continent, and their extent and effects have been gradually circumscribed by our interposition, until the war-hatchet has been buried by many of the tribes which are near us ; and if not buried, will, we trust, ere long be taken from those which are remote."

Our readers will remark in this extract the policy of the Governor in dwelling on those causes of decay which have operated in the neighborhood of the whites, and his caution in avoiding as much as possible the troublesome consideration of those which will be most powerful in the contemplated region of removal.

*Gov. Cass on the same topic in 1826.*

On page 94, Vol. 13, (New Series) he speaks of "the introduction of whiskey" as being "among the least of the evils to which the calamities of the Indians are attributable."

"Among the remote tribes, spirits are scarcely ever seen, *and they do not constitute an article of general use, even among those, who are much nearer to us.* The regulations of the government are such, and they are so rigidly enforced, that the general introduction of spirits into the Indian country is too hazardous for profitable speculation. Nor could it bear the expense of very distant transportation ; for if sold and consumed, a corresponding reduction must be made in clothing, guns, powder, and lead, articles essential to the successful prosecution of their hunting expeditions, and without which the trader would soon find his credits unpaid, and his adventure equally ruinous to the Indians and himself.

"But their own ceaseless hostilities, as indefinite in their objects, as in their duration, have, more than any other cause, led to the melancholy depopulation, traces of which are everywhere visible through the unsettled country ; less, perhaps, by the direct slaughter, which these hostilities have occasioned, than by the change of habits incident to their prosecution, and by the scarcity of the means of subsistence, which have attended the interruption of the ordinary employments of the Indians. There is reason to believe, that firearms, by equalizing the physical power of the combatants, have among these people, as in Europe, lessened the horrors of war.

"The Indians, in that extensive region, are to this day far beyond the operation of any causes, primary or secondary, which can be traced to civilized man, and which have had a tendency to accelerate their progressive depopulation. And yet their numbers have decreased with appalling rapidity. They are in a state of perpetual hostility, and it is believed there is not a tribe between the Mississippi and the Pacific, which has not some enemy to flee from or to pursue. The war flag is



never struck upon their thousand hills, nor the war song unsung through their boundless plains.

“We have only stated a few prominent facts ; but, were it necessary, many others might be adduced to prove, that the decrease in the number of the Indians, whatever it may be, has been owing more to themselves, than to the whites. To humanity it is indeed consolatory to ascertain, that the early estimates of aboriginal population were made in a spirit of exaggeration ; and that, although it has greatly declined, still its declension may be traced to causes, which were operating before the arrival of the Europeans, or which may be truly assigned, without any imputation upon the motives of the first adventurers or their descendants.”

We perfectly agree with the writer in his remarks on the exterminating hostilities of the Indians tribes, and we only desire our readers to reflect on the probable operation of this cause of decay, should these tribes be removed, in one congregated community, to the distant regions of the west.

The next topic on which we intended to exhibit the inconsistency with which Gov. Cass is chargeable, is the general character of the Indians. We shall only make one extract from each of his articles. Our first is from that in 1839.

“Reckless of consequences, he is the child of impulse. Unrestrained by moral considerations, whatever his passions prompt he does. Believing all the wild and debasing superstitions which have come down to him, he has no practical views of a moral superintendence to protect or to punish him. Government is unknown among them ; certainly, that government which prescribes general rules and enforces or vindicates them. The utter nakedness of their society can be known only by personal observation. The tribes seem to be held together by a kind of family ligament ; by the ties of blood, which, in the infancy of society are stronger as other associations are weaker. They have no criminal code, no courts, no officers, no punishments. They have no relative duties to enforce, no debts to collect, no property to restore. They are in a state of nature, as much so as it is possible for any people to be. Injuries are redressed by revenge, and strength is the security for right.”

Our next is from the article in 1826.

“The constitution of their society, and the ties, by which they are kept together, furnish a paradox, which has never received the explanation it requires. We say they have no government. And they have none, whose operation is felt either in rewards or punishments. And yet their lives and property are protected, and their political relations among themselves, and with other tribes, are duly preserved. Have they then no passions to excite them to deeds of violence, or have they discovered, and reduced to practice, some unknown principle of action in human nature, equally efficacious with the two great motives of hope and fear, upon which all other governments have heretofore rested ? Why does the Indian, who has been guilty of murder, tranquilly fold his blanket about his head, and, seating himself upon the ground, await the retributive stroke from the relation of the deceased ? A white man, under similar circumstances, would flee, or resist, and we can conceive of no motive, which would induce him to submit to such a sacrifice. Those Indians, who have murdered our citizens, have generally surrendered themselves for trial.”

We finish our *extracts* with the following melancholy picture, drawn by this writer in 1826, and exhibiting a sympathy of feeling for the distresses and degradation of the Indians, which we wish might have dictated his pen at the present interesting moment.

“But after all, neither the government nor people of the United States, have any wish to conceal from themselves, nor from the world, that there is upon their frontiers a wretched, forlorn people, looking to them for support and protection, and possessing strong claims upon their justice and humanity. These people received our forefathers in a spirit of friendship, aided them to endure privations and sufferings, and taught them how to provide for many of the wants, with which they were surrounded. The Indians were then strong, and we were weak; and, without looking at the change which has occurred, in any spirit of morbid affection, but with the feelings of an age accustomed to observe great mutations in the fortunes of nations and of individuals, we may express our regret, that they have lost so much of what we have gained. The prominent points of their history are before the world, and will go down unchanged to posterity. In the revolution of a few ages, this fair portion of the continent, which was theirs, has passed into our possession. The forests, which afforded food and security, where were their cradles, their home, and their graves, have disappeared, or are disappearing, before the progress of civilization.

“We have extinguished their council fires, and ploughed up the bones of their fathers. Their population has diminished with lamentable rapidity. Those tribes that remain, like the lone columns of a fallen temple, exhibit but the sad relics of their former strength; and many others live only in the names, which have reached us through the earlier accounts of travellers and historians.”

Before we proceed to correct his mistatements and refute some of his unfounded assertions, we wish to remark on two peculiar points of sophistry in the whole of what he has written on the character of the Indians in the late number of the *North American Review*. It is evidently his object to exhibit that character in the most gross and degraded colors in which it can possibly be drawn; and even to make it appear that such “wandering hordes of barbarians” can be entitled to no rights, which would resist the universal progress of white and civilized population for any period of time, or over any, the smallest extent of territory. He gradually endeavors to prove, by the darkest display of their savage wretchedness and inferiority, that there is something in their very nature which renders them absolutely incapable of even approximating to the condition of the whites. This incapability, lest his readers should forget it, he is ever and anon asserting as he finds opportunity. Their nature is such that they really *cannot* be improved by civilization or meliorated by Christianity. For this purpose, and as if most of the tribes of Indians now in the United States were not widely different in their circumstances and character from the race of Aborigines which inhabited this continent on its first discovery, he goes back to the elaborate description of Dr. Robertson, and devotes page after page to the delineation of the “life and conversation” of the savage; taking for granted that not a single tribe has improved a whit from the earliest period at which they became the subject of observation to the present day. He then goes on to reason about the obligation of ‘reclaiming and cultivating the soil’ imposed by Nature on all men, and the necessity of coercing those savage communities who will not obey this obligation. From all this reasoning he conceives it to be a very obvious conclusion that the United States have a perfect right at any time to dispossess a savage community and occupy their soil for the general benefit of society,

and the accomplishment of the designs of nature. There is another conclusion to which he brings himself from his picture of the barbarity and imbecility of the Indians, which is, that not being able to take care of themselves, it becomes the right and duty of individual states to oversee and legislate for all those tribes within their respective limits.

Reasoning, as he professes to do, concerning the present generation of Indians, the effect of this sophistry is, to make his readers conceive of those now in the United States, Cherokees, Choctaws, and all other tribes, under the general character of stubborn and ferocious savages; to whom his principles, however unjust in themselves, might seem to be more applicable, and less *evidently* unjust, than if he had attempted to apply them directly to tribes so peaceable in their conduct, and so far advanced in civilization and Christianity, as that of the Cherokees. He knew that such an attempt, with the admission of what is really true in regard to the state of those tribes, would have been revolting to the moral sense of the whole community; and he therefore artfully here leaves them out of view, and reasons generally upon his description of fierce and murderous and imbecile savages. He likewise *assumes* the *right* to oversee and legislate for the Indians, endeavoring to make his readers forget that all the right of this kind, which we do or can possess, is founded on their own voluntary permission and agreement, in the stipulations of inviolable treaties.

Another fallacy which he uses in endeavoring to prove the impossibility of civilizing the Indians, and one by which the mind might easily be blinded, is this: He reasons altogether from the character of those who have arrived at manhood; who have grown up and been moulded by the customs of savage life; who are satisfied with their own habits, and "clinging with a death-grasp to their own institutions." "But little knowledge of human nature is necessary, to be sensible how unwilling a savage would be to exchange such a life for the stationary and laborious duties of civilized society." As if this exchange could only be made at once, and from the full barbarity of the one condition into the full refinement of the other. As if there were no process by which the pliant mind of the young and coming generation may be gradually formed to better habits, and introduced to a more elevated existence. As if the efforts of our missionaries were to be all wasted on the hardened and the aged, instead of being chiefly directed to the Christian education of the tender and the young. It is evidently his object to make his readers forget that such a possibility of their youthful education exists. In speaking of the missionary exertions among the Cherokees he observes, (and we shall presently extract the whole paragraph,) that "to form just conceptions of the spirit and object of these efforts, we must look at their practical operation upon the community. It is here, *if the facts which have been stated to us are correct, and of which we have no doubt*, that they will be found wanting." But what are the facts on the strength of which he dares to make this absolutely false assertion; an assertion

repeated and insinuated in some form or other, time after time throughout the course of his article. He has not stated one; but after making this declaration, for the truth of which he leaves his readers to trust to his own honesty, he proceeds to draw that broad and dark picture of the savage life and character, of which we have spoken. This picture, drawn from accounts nearly a hundred years old, stands in the place of "facts," and we doubt not it was his intention that it should appear in the view of his readers as the hopeless result of all the efforts which have been or can be made, to improve and Christianize our unhappy brethren of the wilderness. He wished it might pass for an exhibition of "the practical operation of those efforts on the community."

We shall now proceed to point out and to prove the falsehood in some of the assertions of Gov. Cass, commencing with those which occur in the extracts already made. The first is found at the close of our first extract, in regard to certain events which are declared to be "too remote to influence any just view of this subject." With this declaration we may compare the following moral propabilities of the case exhibited by William Penn, fairly and without exaggeration.

"Twenty years hence, Texas whether it shall belong to the United States or not, will have been settled by the descendants of the Anglo-Americans. The State of Missouri will then be populous. There will be great roads through the new Indian country, and caravans will be passing and repassing in many directions. The emigrant Indians will be denationalized, and will have no common bond of union. \* \* \* Another removal will soon be necessary.

"If the emigrants become poor, and are transformed into vagabonds, it will be evidence enough, that no benevolent treatment can save them, and it will be said they may as well be driven beyond the Rocky Mountains at once. If they live comfortably, it will prove, that five times as many white people might live comfortably in their places. Twenty five years hence, there will probably be 4,000,000 of our population west of the Mississippi, and fifty years hence not less than 15,000,000. By that time, the pressure upon the Indians will be much greater from the boundless prairies, which must ultimately be subdued and inhabited, than it would ever have been from the borders of the present Cherokee country."

Our readers have seen an extract from Gov. Cass' opinion of the character of the Indians, in which he makes the following assertions. "Government is unknown among them," "They have no criminal code, no courts, no officers, no punishments. They have no relative duties to enforce, no debts to collect, no property to restore. They are in a state of nature, as much so as it is possible for any people to be." These remarks are found on page 74 of the article. On page 93 he remarks, "But there are barbarous tribes in the world, who do not feel the force of these restraints, who have neither religion nor morality, neither public opinion or public law, to check their propensity for war; whose code requires them to murder, and not to subdue; to plunder and devastate, and not to secure. Are such tribes to be admitted into the community of nations, ignorant of every thing but their own barbarous practices, and utterly regardless of their own

promises, and of any higher obligations?" He applies such a description and such questions, without any exception, to all tribes throughout the United States, Cherokees, Choctaws, and all others, and intends that they shall be so applied in the minds of his readers. If *our* readers doubt what may seem to be incredible for the wickedness of the sophistry, they can satisfy themselves that such is his object by turning to pages 93 and 94, among other places in the article, and observing how he draws his conclusions in regard to our right of jurisdiction over them. We shall contradict his assertions first from his own words. Page 101 he declares respecting the Indian tribes, "Heretofore, no one among them has denied the obligation of any law passed to protect or restrain them." "A government *de facto* has been organized within the limits of the State of Georgia, claiming legislative, executive, and judicial powers, and all the essential attributes of sovereignty, independent of that State." On page 111 he declares "The Cherokee government is *acquiring the sanction of time.*" On page 117 he remarks, "In the civil polity of the Cherokees, and we believe of the Creeks as now established, there seems to be a severalty of property among themselves, regulated we know not how, and a community of property with respect to the federal and state governments. Cessions can only be made in a pre-established manner; and the principles of Draco are revived in these little communities, by the terrible punishments annexed to a violation of this regulation, which will no doubt be enforced with as little compunction as it has been prescribed."

This writer saves us the trouble of refuting him, by his own summary contradictions. Without remarking on his deliberate and shameful injustice in his application of the first part of these quotations, we only wish our readers to observe how his statements alter with the different purposes which he has in view; how he can at one moment represent the same tribes, as being destitute of a criminal code, punishments, officers, &c, as having no relative duties or property, as under no restraints of religion, morality, public opinion, or public law, and as being utterly regardless of all obligations; and at another moment, as never denying the obligation of law, as having an established government, a civil polity, a severalty of property, strict regulations, and severe punishments annexed to the violation of those regulations.

In one of our former extracts, Gov. Cass asserts, as we have seen, that "the attempt to impart to the Indians, in their present situation, the blessings of religion, the benefits of science and the arts, and the advantages of *an efficient and stable government* is fruitless and hopeless." According to his custom, he brings forward not a solitary fact or statement to support, in any part of it, this general, gratuitous, and utterly unfounded assertion; and that part which relates to government he has just contradicted in his own words. For the rest, all who are in any degree acquainted with the present condition of the Southern tribes, know its falsehood; which we shall presently exhibit more strongly by a considerably detailed account of their religious and domestic improvement.

Gov. Cass asserts that "there is no just reason to believe, that any one of the tribes, within the whole extent of our boundary, has been increasing in numbers at any period since they have been known to us." We may compare this with the following assertion in the Cherokee Phoenix. "The Cherokees have been increasing within the last 20 or 30 years; and of late in a common ratio of increase among the whites. Among the Choctaws and Chickasaws the increase is probably nearly as rapid." This may be a large estimate, yet we cannot doubt they are on the increase.

We are confirmed in this opinion by the testimony of Col. McKenney, who says in his "Report and proceedings," submitted to Congress in 1828, "The population of the Chickasaw nation may be put down at four thousand; they having increased about four hundred within the last five or six years." It is rendered still more certain in regard to the Cherokees by the statement of David Brown, which Col. McKenney accepts as correct. He gives the census of that tribe in the years 1819 and 1825 and concludes, "If this summary of Cherokee population from the census is correct, to say nothing of those of foreign extract, we find that in six years the increase has been 3,563 souls. If we judge the future by the past, to what number will the Cherokee population swell in 1856? The calculation of William Penn, therefore, is less than the truth, that "when Georgia shall have a hundred souls to the square mile, (and her soil is capable of sustaining a larger number than that,) the Cherokees may have four times as many to the square mile as Georgia now contains."

Gov. Cass asks, as if there were not a doubt of the truth of his implied assertion, "Where is the tribe of Indians, who have changed their manners, or who have exhibited any just estimate of the improvements around them, or any wish to participate in them?" He repeats this sentiment, which he cannot but know to be false, in a variety of forms throughout the article, and each time with additional confidence, as if it added another to his irrefutable arguments, and as if there were no such nations as the Cherokees or Choctaws in existence. On page 72 this assertion comes up in the following shape. "And in the whole circle of their existence it would be difficult to point to a single advantage which they have derived from their acquaintance with the Europeans." Thus it is reiterated from page to page with so much pertinacity of falsehood, that we are inclined to believe he is merely trying as an amusing experiment the practical truth of his theory in regard to the Indians, *that wrong, long persisted in, at length becomes right.*

It is worthy of remark that Gov. Cass declares with much candor that his knowledge of the Indians is confined principally to the Northern tribes, and that he has the least acquaintance with the Cherokees, Chickasaws, Choctaws and Creeks,—the very tribes whose interests are most deeply involved in the question on which he has written, and against some of whom he has uttered, as we have seen, the most prompt and sweeping slanders. We give him full credit in the

confession of his ignorance, for on no other supposition, except the hypothesis that his moral sense is annihilated, can we account for his obstinate repetition of falsehoods. That our readers may know what reliance can be placed upon his speculations, we quote his enumeration of the tribes to whom he says his personal intercourse "has been almost wholly confined." 'The Iroquois, the Wyandots, the Delawares, the Shawnese, the Miamies, the Kickapoos, the Sacs, the Foxes, the Potawatamies, the Ottawas, the Chippewas, the Ioways, the Menomonies, the Winebagoes, and the Sioux. Some of these are so disgustingly degraded, as to have become a proverb of misery and wretchedness, even among the Indians themselves. Yet this writer sets out with the declaration that his "general facts and deductions will be principally founded upon what he has seen and heard among these tribes." How then can he expect to be trusted when he classes the Cherokees with these "barbarous communities," and so draws his conclusions and institutes his reasonings in regard to this tribe? Why, merely by a flourish with the wand of his sophistry, thus, "Limited as our intercourse with those Indians has been, we must necessarily draw our conclusions respecting them from facts which have been stated to us, and from the general resemblance they bear to the other cognate branches of the great aboriginal stock. It is due to truth that this admission should be made." After this we do not wonder to hear him declare that "he doubts whether there is upon the face of the globe a more wretched race, than the Cherokees as well as the other Southern tribes present." It is due to truth, we suppose, that this admission also should be made; and that their civilization and Christianity should be left totally out of view.

There are two features which reign very remarkably throughout the whole article of this writer; they are his extreme paucity in *facts*, and his prolific fertility in *conclusions*. Of the "facts which have been stated to him," in regard to the Cherokees, he gives not a solitary example. We need not observe that his opinion (we should say his assertion) in regard to them differs totally from that of those who have had personal and intimate acquaintance with their condition. Taking for the basis and ground work of his whole speculations, degrading views of the Indian character, founded on materials collected almost a century ago, and depicted by an Historian who never in his life looked upon a red man, together with a similar view of his own, drawn from an acquaintance with the most miserable tribes in the North-Western portion of the United States territory, he goes on making assertion after assertion, and piling contradiction upon contradiction; and applying his reasonings and conclusions in regard to "savage and barbarous communities," with the same happy facility with which he makes them, to the condition of the Cherokees and other Southern tribes, directly in the face of statements concerning their advancement in civilization and Christianity, which are tested by such strong confirmation that they cannot be doubted.

In order to give a fallacious strength to his assertions in regard to the fruitlessness of efforts to improve the Indians, he calls in the aid of

the Rev. Isaac McCoy, a Baptist Missionary among the Northern tribes; and at the commencement of the article quotes from the "Remarks upon Indian Reform" by that gentleman. These remarks, like Gov. Cass's knowledge, are confined almost wholly to the Northern tribes. Towards the close of the article Gov. Cass has occasion again to call in the aid of Mr. McCoy's opinion on the Removal of the Indians; and it is an amusing instance of the reckless confidence with which he gives the lie to all who differ from him, that when this gentleman names the Cherokees and other Southern tribes as particular exceptions to the truth of his remarks, Gov. Cass flatly contradicts his own witness, and accuses him, in a note, of being "ignorant of the actual state of things among the Cherokees, and of the utter poverty and misery, and we may add oppression, of the great body of these people!"—these very people, in regard to whom Gov. Cass himself had previously confessed his own ignorance!

On page 71 he makes the following assertions in regard to this tribe.

"That individuals among the Cherokees have acquired property, and with it more enlarged views and juster notions of the value of our institutions, and the unprofitableness of their own, we have little doubt. And we have as little doubt, that this change of opinion and condition is confined, in a great measure, to some of the *half-breeds* and their immediate connections. These are not sufficiently numerous to affect our general proposition; and the causes which have led to this state of things, are too peculiar ever to produce an extensive result. *An analysis of these causes is not within the task we have assigned to ourselves.*"

Had Gov. Cass attempted an analysis of these causes he would not have found them "too peculiar ever to produce an extensive result." The progress of Christianity, which is the great and predominating cause, will continue to operate as long as the Indians exist, and to produce its result as extensively as the limits of the tribe will permit, and until not an individual shall be left beyond its power. Our readers may judge of the truth of his assertion in regard to the *half-breeds*, from the following facts. At one of the eight missionary stations among the Cherokees there were in the schools, in the month of August last, 25 Cherokee boys and 27 Cherokee girls, besides the children of the mission families. One of the churches in the same tribe contained, in the month of July last, 38 members, exclusive of the mission family, of whom 36 were Indians. From the Choctaw tribe we have more full and minute information in regard to this particular, but we have no reason to suppose that the improvement in this tribe is more extensive among full blooded Indians than in the tribe of the Cherokees; indeed we may infer that it is less so from the general inferiority of the former tribe, compared with the latter, in Christian and civil improvement. In the Choctaw tribe, in seven of the schools the proportion in September last was 97 full Choctaws to 131 mixed or *half-breed*. In one of the schools the proportion was 30 full Choctaws to 6 mixed. In another it was 17 full Choctaws to 3 mixed. These facts are sufficient for our present purpose.



After making this assertion he goes on in a climax of misrepresentation, till at length he comes absolutely to the conclusion that not a more wretched race exists on the face of the whole globe than the Cherokees! He ends the paragraph by saying that "only three years since an appropriation was made by Congress, upon the representations of the authorities of Florida, to relieve the Indians there from actual starvation." This has nothing to do with the condition of the Cherokees, of whom he is particularly speaking, nor with that of the other Southern tribes, Chickasaws, Choctaws, or Creeks, of whom he seems desirous to make the Seminoles in Florida serve as an example. The instance besides is direct and forcible against his own final argument; for these Indians were actually reduced to their state of starvation by having been compelled to a removal of much of the same nature, as that which Gov. Cass contemplates for all the Indian communities together. The same consequences we doubt not would follow such a measure in regard to these communities; and Congress would soon be called upon to appropriate the very necessities of life to the sixty thousand *children*, whom their Great Father is seeking to drive out to "actual starvation" on the prairies beyond the Mississippi.

The following paragraph is to be noticed only for its slanderous insinuation, for the hypocrisy of its "melancholy forebodings," and the reckless nature of its assertions.

"We are as unwilling to underrate, as we should be to overrate, the progress made by these Indians in civilization and improvement. We are well aware, that the constitution of the Cherokees, their press, and newspaper, and alphabet, their schools and police, have sent through all our borders the glad tidings, that the long night of aboriginal ignorance was ended, and that the day of knowledge had dawned. Would that it were so. None would rejoice more sincerely than we should. But this great cause can derive no aid from exaggerated representations; from promises never to be kept, and from expectations never to be realized. The truth must finally come, and it will come with a powerful reaction. We hope that our opinion upon this subject may be erroneous. But we have melancholy forebodings. That a few principal men, who can secure favorable cotton lands, and cultivate them with slaves, will be comfortable and satisfied, we may well believe. And so long as the large annuities received from the United States, are applied to the support of a newspaper and to other objects, more important to the rich than the poor, erroneous impressions upon these subjects may prevail. But to form just conceptions of the spirit and objects of these efforts, we must look at their practical operation upon the community. It is here, if the facts which have been stated to us are correct, and of which we have no doubt, that they will be found wanting."

The error of the closing sentence in this paragraph we have already mentioned, as well as that degrading picture of abstract savageness which Gov. Cass meant should stand in the place of facts, and exhibit itself as the "practical operation" of all effort for the improvement of the Indians. It cannot be expected that we should go into a particular examination of every assertion, which a writer so loose and unprincipled may choose to make. Neither our time, nor our limits,

nor the patience of our readers, would suffer it. We shall therefore content ourselves in this case with merely answering assertion by assertion; with declaring that the objects to which the "annuities," are devoted, are of more real importance to the poor than to the rich; and that, till we see some cause for remodelling our belief, we shall continue to trust to the declarations of missionaries, to the accounts in the Cherokee Phoenix, to the statements of the principal chiefs of that tribe, who were the authorized agents to our government, and to the reports of our own official authorities, rather than put faith in Gov. Cass's whining insinuations and "melancholly forebodings," fortified though they be with the candid confession that he knows less of the Southern Indians than of any other tribes, and must necessarily draw his conclusions respecting the Cherokees, from what he does know of the wretched tribes a thousand miles distant. We have besides had intercourse with those who have been among the Cherokees, and who declare that the impressions, which they received from personal observation in the regard to the advancing civilization and Christianity of that tribe, were stronger than any which had been previously produced in their minds by the statements of missionaries. But we are not disposed, like Gov. Cass, to leave our readers to trust merely to our own *dictum*; we shall exhibit *facts*; and our statements will be so confirmed by the testimonies of public individuals, that no unprejudiced mind can avoid a willing assent to their truth.

We acknowledge we are already tired with hunting this writer through the windings of his sophistry, and pointing out his misrepresentations; but our fear that many will be persuaded by his plausibility, who do not detect his errors, induces us to proceed in our task.

His next false assertion which we shall notice is this: He maintains that the jurisdiction, which the United States possess over the Indians, is founded on maxims of right and expediency; whereas it is an incontrovertible truth that all the power, which our Government can lawfully exert over them, has been given to the United States in solemn treaties, by themselves—wisely and deliberately given, and for their own benefit. But this writer sometimes talks as if he were absolutely unconscious that such treaties ever did or ever could have an existence. Finding that the jurisdiction which we are permitted to exercise is partial, and looking upon it as a singular "anomaly," he sets himself to discover its origin. On page 79 he asserts that "our system of intercourse has resulted from our superiority in physical and moral power." (Our readers may here inquire which party was strongest, when intercourse first commenced between the Indians and the whites.) He goes on to speak of their being "as wild, and fierce and irreclaimable as the animals," &c. &c., and concludes, "The result of all this was necessarily to compel the latter (their civilized neighbors) to prescribe, from time to time, the principles which should regulate the intercourse between the parties," &c. Again, on page 98, he enumerates some of the "municipal regulations" of the United States in regard to the Indians, enacted by virtue of permission granted

from those Indians. He quotes them, however, just as if they were the result of unlimited authority on the part of the general government. There is no way to detect this writer's reiterated misrepresentations, but by constantly remembering that the United States can exercise no power over the Indians, which has not been voluntarily granted in treaties by the Indians themselves.

"Who doubts," says Gov. Cass, "that the authority which could enact the following clause, could embrace within its operation the whole 'life and conversation' of the Indians, did policy or necessity require it?" He makes a short extract from a law, enacted in 1817, which declares that crimes committed by white men in Indian territory or by Indians against white men, within the same territory, shall be punishable by the laws of the United States, in the same manner as if the same crimes had been committed in places, over which the United States have "sole and exclusive jurisdiction." He cites, also, the substance of a proviso, which declares, that the law shall not affect, (as most obviously it *could* not,) any stipulations of treaties in force; nor shall it extend to offences "committed by one Indian against another within the Indian boundary."

Here is a law, made for the protection of Indians against lawless whites, who may commit crimes in the Indian country; and for the protection of honest white travellers and hunters, who may be exposed to ill treatment from barbarous tribes, in the North-Western wilderness; expressly excepting cases where treaties apply, as they do in all the South-Western tribes, and expressly disclaiming the intention to bring our criminal code to bear upon the Indians, in regard to offences committed by them against each other. And yet this profound reasoner sagaciously infers, that because we have assumed the right of punishing a Pawnee, who should kill a white hunter on the banks of the La Platte, we may therefore undertake to direct the whole "life and conversation" of the Cherokees, whose territory we have guaranteed; whose separate government we have a hundred times acknowledged, by treaties, by laws, by agencies, by letters of advice, and by a series of labors for their civilization; and whose case falls within the exception of this very statute.

It seems, however, that even in the opinion of Gov. Cass, we are not thus to usurp dominion, unless "policy and necessity" require it. 'Necessity,' is always called the tyrant's plea; and 'policy' is, if possible, still more infamous, as having sanctioned every foul deed of fraud, rapine, and cruelty, which can be named. Unless we are mistaken, Mr. Secretary Barbour once disclaimed "policy and necessity," as guides in our intercourse with the Indians; and argued, that we should now proceed with them, whatever might have been the case heretofore, upon principles of justice and benevolence.

But there is no policy or necessity, in the proposed usurpation. A pretence of necessity would be the grossest imprudence imaginable. It would be the necessity of the full gorged wolf, who should plead, in the midst of carcasses strewn around him, the urgency of the case impelled him to kill a few remaining lambs, lest he should some time or other be brought to the horrors of starvation.

There is no more necessity, at this moment, that our government should deprive the Cherokees and Choctaws of their independence and country, than that we should seize the Canadas, or Cuba, or Hayti. To talk of such a necessity is an insult to any man of ordinary intelligence; and even a moderate share of honesty would prevent its being mentioned. There is indeed the necessity which avaricious selfishness always brings with it, and pleads to justify the most atrocious acts of cruelty. It is the moral compulsion of depravity,—a compulsion which supersedes all other obligations, however strong,—a compulsion, whose influence its subject imagines he conceals, when he alleges the “considerations of expediency and necessity,” to excuse the guilt of his usurpation or extortion.

Without stopping to remark any farther on the moral character of his reasonings, we shall here simply quote the article of treaty by which “authority” was ceded to the United States from the Indians. The same reasoning and doctrine which he has here used, is expanded through almost every one of the pages which we are now about to examine, and which contain the most involved and perplexing portions of his sophistry.

Article 9th in the treaty with the Cherokees, concluded at Hopewell, 1785. “For the benefit and comfort of the Indians, and for the prevention of injuries and oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.” Lest our readers should imagine that the indefiniteness of the latter phrase renders the power of the United States general and unlimited, we must remind them that the guaranty of the sovereign possession of the Cherokee territory and the limitations, stipulations, and explanations in other treaties, and in this treaty, render such a construction impossible.

Gov. Cass takes great pains to bring forward a decision of the Supreme Court of New York, which rested upon the ground that the small tribes of Indians, remaining in that state, are not now independent sovereignties. What then? If the Oneidas, reduced to a small number, residing on a reservation of a few square miles, surrounded by a dense population, exposed to the corrupting example of numberless vicious white men, and having held intercourse with the Dutch colony; then with the English colony, then with the United States, and with New York, during a period of nearly two hundred years; if such a remnant had, to use the words of the judge, ‘lost its independence,’ what would this prove about the Cherokees and Choctaws? Would it prove, that the Cherokees, residing much secluded from the whites, surrounded by a comparatively sparse population, on a tract of country, among the mountains, more than 150 miles long and 70 or 80 miles broad; that such a people, fortified by numerous treaties, and assured, in different ways, by the functionaries of the United States, more than fifty times a year for fifty years in succession, that their country should never be taken from them without their consent; that the government of the United States wished them to become civilized, and re

main permanently, as a distinct people, under their own improved and improving laws ; and that they might always expect from us the most exact fulfilment of all our stipulations ;—does the case of the Oneidas, whatever it may be, prove that the Cherokees are not an independent community ? The Oneidas were pronounced by the judge to have *lost* their independence ; of course they once had it. But the Cherokees have not lost theirs ; nor will they lose it, unless by one of the most flagitious acts of perfidy, which the annals of the world can furnish.

We have not done with this matter, touching the Indians in the state of New York. It would seem that the Supreme Court of that state was mistaken, as to the condition of the remnants of tribes, remaining there. Though we entertain a sincere respect for the Chief Justice, and consider him a very able and a very upright judge, yet it is due to truth, and to the present issue, to say, that the decision, which he announced, was overruled by a higher tribunal ; viz. the Court for the Correction of Errors. But does Gov. Cass tell his readers of this ? Does he let them know, that the decision, to which he refers no less than six times, was overruled, and therefore is not law ? Does he mention the fact, that Chancellor Kent, after a most elaborate examination of the matter, came to the conclusion that Indians in New York are *not under the laws of that state*, but are *distinct communities*, and, in a certain and very important sense, *independent sovereignties* ? and that, in a numerous court of thirty members, the decision of the court below was overruled, and the reasoning of the Chancellor sustained, with but one dissenting vote ? Does Gov. Cass announce these facts ? No such thing. It would not answer to let the readers of the North American know them. What ! spoil an argument by telling the truth !

But our readers will ask, Is it possible, that such barefaced deception can have been wilfully practised ? It is impossible that it should have been otherwise ; for Gov. Cass actually quotes part of a sentence and repeats his quotation, from the very argument of Chancellor Kent, to which he was referred by the report of the decision in the court below ; both decisions being in the same volume. He takes care, however, not to give any indication of Chancellor Kent's opinion, on the very point at issue.

We do therefore impeach Lewis Cass, Governor of the Michigan Territory, and Superintendent of Indian Affairs, having a double salary, with many emoluments of office, the continuance of which undoubtedly depends upon the favor of the powers that be ;—we do impeach this celebrated Reviewer in the North American, of an act of flagrant and palpable dishonesty as a disputant, in concealing from his readers the true state of this case. Why did he not, like a man, tell his readers, that the decision, on which he had been building, was overruled ? Why did he not give at least one page, in connection, from Chancellor Kent's reasoning ;—a page, which would be worth more to mankind, than any fifty, that he himself ever wrote ? There is a Latin maxim, which we will translate thus ;—and a legal maxim it is, as well as an honest one ;—*to conceal the truth is just as criminal*

*as to tell a downright lie.* The lawyer, who should perform a trick of this kind, by quoting as law a decision, which he knew to have been set aside by a higher court, would deserve to be thrown over the bar.

We have charged the Reviewer with dishonesty as a disputant. We should not have done this, if it had been a question of politics merely, or of science, or of Indian philology; on which latter subject the Reviewer has acquired some little fame, solely because his readers were totally ignorant of the subject, and were therefore unable to detect his ignorance.\* But the discussion of the rights of the Indians is a graver subject. No course can possibly be so injurious to them as that of concealing the truth, overwhelming their character with obloquy, and disguising the real state of the case by sophistry, while pretending withal to a large share of philanthropy and a great deal of wisdom. There are few moral offences so atrocious, as first to deprive a weak and defenceless people of their public and private character, and then assign their destitution of character as a reason why they should be deprived of their country, their freedom, and, (as the event will prove to many of them,) of their lives.

Pages 86—103 of Gov. Cass's article contain on the whole the most remarkable exhibition of immoral reasoning, false assertion, and garbled quotation, which has ever fallen under our notice; and it is put together with a confusion and perplexity, which must have resulted from a very perverse ingenuity, or a very blind entanglement in the author's mind. We shall follow his windings as particularly as circumstances will permit.

He sets out with a certain lawyer's description of the Indian title, in an argument in the case of Fletcher and Peck, as "mere occupancy for the purpose of hunting." It happens that the Supreme Court in this case referred to this title of "mere occupancy" thus; "the Indian title is certainly to be respected by all courts, until it be legitimately extinguished," that is, until the Indians, shall have freely ceded or sold it to the United States.

This case was decided in 1810. Again, in the case of Johnson and McIntosh, decided in 1823, the Supreme Court declared of the "original inhabitants," without restriction, of this continent, that "they were admitted to be the rightful occupants of the soil, with a *legal as well as just claim to retain possession of it*, and to use it according to their own discretion."

"This is said, be it remembered, (we quote the remarks of William Penn) respecting Indians generally, found in their native condition, and undefended

\* Having picked up a few Indian phrases, and learned their meaning through ignorant interpreters, Gov. Cass set up for a great Indian critic, and, in this capacity, dogmatically set aside the opinions, and the direct testimony, of the venerable Heckewelder, who had lived with the Indians as a laborious missionary for thirty or forty years, and of the intelligent Zeisberger, who made both a grammar and a dictionary of an Indian language. It has been stated by more than one person, who has lived near Gov. Cass, and is intimately acquainted with him, that he has no practical acquaintance with any aboriginal dialect; and yet he makes assertions at variance with the declarations of the apostle Eliot, who translated the Bible into Indian, and of the second President Edwards, who spoke an Indian language from his early childhood. The investigations of Mr. Pickering, and of Mr. Duponceau have sufficiently exposed the presumption of this adventurous writer.

by any guaranty of territory, or any express stipulation in their favor. The Indians, then, have the *right of occupying* their country, of *retaining possession of it, of using it according to their discretion*; and thus far they have a *legal* as well as *just* claim. But they cannot sell, except to the government.

"Here we have a clear distinction between the rights of the Indians and the rights of Europeans, as fixed by Europeans themselves, and a thousand times admitted by different tribes of Indians. The original inhabitants have the right of occupying their country, and using it, as long as they please, according to their discretion; the descendants of Europeans have confided to their government the exclusive power of extinguishing the Indian title."

After the above named description of the Indian title, Gov. Cass proceeds to the practice of the European powers, especially French and Spanish, in arrogating possession and jurisdiction of Indian soil, and gives it as his "deliberate conviction," that it would have been far better if the United States, like those powers in their intercourse with the aborigines, expelling the Indians utterly from the consultation, had always decided by themselves, "the consideration which should be allowed for each proposed purchase, and the various stipulations for the protection and permanent advantage of the Indians." "Who doubts," asks he, "that such a process would be more just and humane than the practice now pursued!"—Let the attempts now making to drive them from their rightful inheritance, or enslave them on their own soil, answer. Let the late enactments of the Georgia legislature answer. Let the writer's own "considerations of expediency and necessity," answer.

He then asserts, what our readers will find to be absolutely false on turning to the early history of the State of Georgia itself, that the Indians never made formal treaties of cessions to "the colonial authorities," but that these "seem to have been introduced into the United States alone." Here, in this unfortunate introduction, is to be found the origin of all the evils in regard to this subject! Here it is, that "the ardor of a mistaken benevolence," by treating the Indians like human and intelligent beings, has "relaxed the principles of intercourse which many other nations had adopted with them," and "introduced a system difficult to reconcile with our preconceived notions." He then enumerates some of the powers which we grant them, and some of the powers which we withhold from them. (Such is this writer's habitual phraseology and that of many others; it should be, *powers for the continued possession of which they stipulated in their own favor by treaties*, and *powers which they granted us by treaties*; we never could grant what we never possessed, nor could they receive from us what they had possessed from time immemorial.)

If asked "to reconcile these apparent inconsistencies with what may be termed the natural rights of the parties," he answers that "such a reconciliation is unnecessary, because the Indians themselves are an anomaly on the face of the earth." Now we say that such a reconciliation is not only necessary, but is found in the very treaties by which the Indians themselves relinquished, for their own and our benefit, a certain portion of those rights, reserving the rest unimpaired;

and that it cannot be found in any "assumed right to restrain the Indians," however often this writer may assert the existence of such a right. We have no power whatever over them, but that which they have voluntarily given to us by express stipulations, and for their own protection and defence.

After this he goes on, from page 83, through two pages more of false assumptions, which we proceed to lay before our readers. 1st, he declares, that in the various treaties negotiated with the Indians, such terms as 'lands,' territory,' 'hunting grounds,' &c. could not have been intended; indeed, "no terms in these compacts could have been intended to convey the sovereignty of the territory, or the absolute dominion of the soil; for such improvident concessions would be equally inconsistent with all the legislation over them, recorded in our statute-books," (our readers will remember, that the only power of legislation possessed by the United States was granted from the Indians by treaty) "and all the transactions with them recorded in our history," &c. We fully agree with Gov. Cass, that no terms in those compacts could have been intended to *convey* such sovereignty; for it would be manifestly impossible for our government or any government to 'convey' by any language or ceremonies, a power which it does not and cannot itself possess. We however assert that they were intended to *acknowledge* that sovereignty as a condition which already existed, which could not be disputed, and which the treaties themselves, in their very nature, and apart from all mention of it, irresistibly implied. We moreover assert on the strength of those treaties, and of opinions expressed in regard to them (which we shall presently exhibit) by the highest court of New York, by Chancellor Kent, and by other eminent civilians, that the sovereignty and dominion of the Indians over their country was considered in such compacts as "absolute;" and that the only and "ultimate title" of the United States is the acknowledged power of being, to the exclusion of all other nations or individuals, the sole purchasers or receivers of the soil of the Indians, whenever they may be disposed to sell or cede it. This we never can legally *compel* them to do, and in no other way, unless they make war upon us or become extinct, can we ever come into possession.

2nd. He asserts that "because we have resorted to this method, (the method by treaties) of adjusting some of the questions arising out of our intercourse with them, a speculative politician has no right to deduce from thence their claim to the attributes of sovereignty, with all its powers and duties;" &c. We declare again that they possess all the attributes of sovereignty which they have not yielded up, by positive treaty, to the United States. We shall confirm this truth also, by extracts from the opinions of Chancellor Kent, whom we suppose Gov. Cass will hardly denominate a "speculative politician."

3d. He asserts that it is only out of humanity, and commiseration for "their inferiority in knowledge and in all the elements of prosperity," and not because they are independent nations, that we recognize



a right in them to take up arms against our government. This assertion follows of course from the denial of their sovereignty. It is so plainly contradictory with the whole meaning of multiplied treaties ratified with the Indians, and sometimes being treaties of peace, and arranging among their very preliminaries, the exchange of prisoners of war on both sides, that we shall not dwell upon it; and only request our readers to ask what sort of *humanity and commiseration* it is to grant *savages* a right to *make war*. One would think in such a case the part of benevolence would be that of restraint.

The falsehood of this assertion will likewise appear from the extracts of legal opinions which we shall now make; to which sort of evidence Gov. Cass is so fond of appealing, and to which he appeals, as we have seen, with such wilful incorrectness. These extracts contain Chancellor Kent's opinion in regard to the sovereignty of the Indian tribes in the State of New York; an opinion which was sustained by the decision of the highest court in that State. It was this decision that overruled the opinion of Justice Spencer, to which Gov. Cass has referred in support of his sophistry; dishonestly endeavoring to make his readers receive for law what he must have known had been set aside by the determination of a higher court.

*Extracts from the opinion of Chancellor KENT, in the case of Goodell vs. Jackson.—Johnson's Reports, vol. xx. pp. 709—715.*

"The Oneidas, and the other tribes composing the six nations of Indians, were originally, free and independent nations. It is for the counsel, who contend that they have now ceased to be a distinct people, and become completely incorporated with us, and clothed with all the rights, and bound to all the duties of citizens, to point out the precise time when that event took place. I have not been able to designate the period, or to discover the requisite evidence of such an entire and total revolution.

\* \* \* \* \*

"Through the whole series of our colonial history, these Indians were considered as dependent allies, who advanced for themselves the proud claim of free nations, but who had voluntarily, and upon honorable terms, placed themselves and their lands under the protection of the British government. The colonial authorities uniformly negotiated with them, and made and observed treaties with them, as *sovereign communities*, exercising the right of free deliberation and action; but in consideration of protection, owing a qualified subjection, in a national, but not in any individual capacity, to the British crown.

"No argument can be drawn against the sovereignty of these Indian nations, from the fact of their having put themselves and their lands under British protection. Such a fact is of frequent occurrence in the transactions between *independent nations*.

\* \* \* \* \*

"The American Congress held a treaty with the six nations, in August, 1775, in the name, and on behalf of the United Colonies, and a convention of neutrality was made between them. 'This is a family quarrel between us and old England,' said the agents, in the name of the colonies; 'you Indians are not concerned in it. We desire you to remain at home, and not join either side.' Again, in 1776, Congress tendered protection and friendship to the Indians, and resolved, that no

Indian should be employed as soldiers in the armies of the United States, before the tribe, to which they belonged, should, in a national council, have consented thereunto, nor then, without the express approbation of Congress. What acts of government could more clearly and strongly designate these Indians as totally detached from our bodies politic, and as *separate and independent communities* ?

\* \* \* \* \*

“ There was nothing, then, in any act or proceeding, on the part of the United States, during the revolutionary war, which went to impair, and much less to extinguish the national character of the six nations, and consolidate them with our own people. Every public document speaks a different language, and admits their distinct existence and competence as nations, but placed in the same state of dependence, and calling for the same protection which existed before the war.

\* \* \* \* \*

“ In 1794, there was another treaty made between the United States and the six nations, in which perpetual peace and friendship were declared between the contracting parties, and the United States acknowledged the lands reserved to the Oneida, Onondaga, and Cayuga nations, in and by their treaties with this State, to be their property ; and the treaty contains this provision, which has a very important and very decisive bearing upon the point under discussion : The United States and the six nations agree, that for injuries done by individuals, on either side, no private retaliation shall take place, but complaint shall be made by the injured party to the other ; that is, by the six nations, or any of them, to the President of the United States, and by or on behalf of the President, to the principal Chiefs of the six nations, or of the nation to which the offender belongs. What more demonstrable proof can we require, of existing and acknowledged sovereignty residing in those Indians. We have here the forms and requisitions peculiar to the intercourse between friendly and independent States, and they are conformable to the received institutes of the law of nations. The United States have never dealt with those people, within our national limits, as if they were extinguished sovereignties. They have constantly treated with them as dependent nations, governed by their own usages, and possessing governments competent to make and to maintain treaties. They have considered them as public enemies in war, and allied friends in peace.”

After mentioning certain provisions made in treaties with several Indians tribes, among whom were the Cherokees, the Chancellor remarks,

“ It would seem to me to be almost idle to contend, in the face of such provisions, that these Indians were citizens or subjects of the United States, and not *alien and sovereign tribes*.

“ In the ordinance of Congress, in 1787, passed for the government of the territory of the United States northwest of the Ohio, it was declared, that the Indians within that territory should never be invaded or disturbed in their property, rights, or liberties, unless in just and lawful war. By a just and lawful war, is here meant, a controversy according to the public law of nations, *between independent States*, and not an insurrection and rebellion. The United States have never undertaken to negotiate with the Indian tribes, except in their national character. They have always asserted their claims against them in the only two ways known to nations, upon the ground of stipulation by treaty, or by force of arms. The ordinance further provided, that laws should be made to prevent wrongs done to the Indians ; and this implies a state of dependence and imbecility on the part of the Indians, and that correspondent claim upon us for protection, arising out of the superiority of our condition, which afford the true solution to most of our regulations concerning them.”

In 1811, Justice Johnson observed, “ innumerable treaties formed with them acknowledge them to be an independent people ; and the

uniform practice of acknowledging their right of soil, and restraining all persons from encroaching upon their territory, makes it unnecessary to insist upon their right of soil."

On page 87 Gov. Cass declares,

"If the peculiar relations subsisting between us and the Indians are not to control and regulate the construction of our compacts with them, every Indian treaty is a virtual acknowledgement of their independence, and its conclusion with them a practical recognition of their right to all the attributes of sovereignty. If their claims to establish and maintain a government, and to possess the absolute title of the land, are deducible from the course of these negotiations, or from the general nature of the instruments themselves, we have in fact abandoned all just right to restrain or to coerce them. They are as independent as we are, and can come forward and take their station among the nations of the earth."

He utters this last sentence just as if the idea contained in it were some new thing; just as if, indeed, it was a perfect absurdity,\* *cujus mentio est refutatio*,—an absurdity so great, that the bare perusal of it would be sufficient to refute it in the mind of the reader. And yet they *are* as independent as we, except that they are *under our protection* just so far as they themselves have been pleased to stipulate. This very idea that they are alien and sovereign tribes, which Gov. Cass here sets forth as new and absurd, with such deliberate ignorance or depravity, (we sometimes scarcely know which) has been (with the proviso in regard to their *voluntary* dependence, so far as they have placed themselves under our protection) expressly declared and maintained, as well as implied, in every treaty between the United States and the Indian tribes, ever since the first moment of their mutual intercourse; has been asserted by Chancellor Kent; has been adopted as law, in the highest court of New York; and constitutes the very point for which we do most strongly contend: which we think, indeed, is too manifest to admit a doubt; founded, as it is, on the inalienable rights of those who were once the undisputed possessors of this whole continent, and who have only relinquished so much of their sovereignty, as might entitle them to, and place them under, the protection of a more powerful nation, in whose justice and generosity they have confidently trusted; and settled, as it has been, by "innumerable treaties," by the whole practice of the United States, by multiplied legal authorities, and by the extrajudicial opinions of wise and venerable politicians.

In regard to "the peculiar relations," of which Gov. Cass speaks, a reader anxious to know the whole truth might very naturally ask what

\* "No argument can be drawn against the sovereignty of these Indian nations, from the fact of their having put themselves and their lands under British protection. Such a fact is of frequent occurrence in the transactions between independent nations." Chancellor Kent *ut supra*.

The protection which is here spoken of is the same which the Indians receive from the United States. But the Secretary of War and Gov. Cass contend that Georgia received from Great Britain such unlimited authority over the Cherokees as would totally annihilate the sovereignty of that tribe. Our readers will naturally ask how Great Britain could grant what she did not herself even pretend to possess.

they are; supposing that all our peculiar relations with the Indians had been specified and disposed of in multiplied stipulations. We will tell him. The Indians are less civilized than we. The State of Georgia wants the Indian Territory. The Indians are less powerful than we, and have committed themselves, trusting in the faith of treaties, to the United States for protection. Therefore, we must so "regulate the construction" of those treaties as to "coerce" the Indians out of their present inheritance, or under the laws of the Georgians. Such are the peculiar relations which, according to this unprincipled politician, are to "regulate the construction" of our compacts with the Indian tribes. These are peculiar relations indeed; the relations of weakness on one side, and strength on the other; the relations of an inferior and peaceful tribe, looking to us for protection from the oppressive avarice of a more powerful neighboring state; appealing to the very treaties, by which, for the sake and with the promise of that protection, they have placed themselves in the attitude of a dependent nation. They are relations which should make us peculiarly disinterested and benevolent in our conduct, jealous of all usurped and intermeddling jurisdiction, and scrupulously careful to preserve, unimpaired in the slightest degree, every jot of those rights, which the Indians have, as it were, committed to us for safekeeping. It is not only oppression, but inexpressible meanness, and shows in Gov. Cass a selfish and degraded mind, when he can allege such relations—the very ones which call for generosity and kindness,—as affording his country an opportunity for successful fraud.

On page 88 he asserts, that "Our right of jurisdiction over them, founded upon the principles we have already discussed, and supported by our own practice, *and by that of every nation which has extended its sway over them*, is perfect. But in the exercise of this jurisdiction, a just regard is due to the relative situation of the parties, and unnecessary restraints should not be imposed upon the Indians. *Of the extent and necessity, however, of these restraints, we must, from the nature of the case, be the judges.*" Gov. Cass seems determined resolutely to forget that all our power of restraint over the Indians is fixed by the stipulations of "innumerable treaties." He goes on to declare that "all other nations have adopted the '*Sic volo*' in their communications with the aboriginal tribes," and so must we! "The time is probably not far distant, when our practice must change, and when the legislatures must speak to them as they speak to our own citizens, in terms of authority."!

Our readers may thus see that according to Gov. Cass' theory, the example of other nations may justify us in acts of usurpation; and that, although in times past the United States have been obliged to resort to treaties for any new arrangements with the Indians, or any new regulations affecting their property or territory, yet now a new era has commenced; there is no longer any such unhappy necessity; those treaties having been founded on the mistaken conceptions of benevolence; it having now become necessary to speak to them in the lan-

guage of authority ; and in fine to strip them of every shadow of national and perhaps individual independence. One would think, from his manner of speaking, that the solemn obligation of treaties is an idea which has never crossed his mind ; but how, in the name of our national honor, (we ask it in astonishment at either his moral or his intellectual insensibility) how does he imagine the sixteen treaties with the Cherokees, and our repeated treaties with the other tribes, are to be disposed of ?

Pages 85 to 92 are merely an examination of the President's talk, and the Secretary's letter, with a declaration, as fast as he goes on, that he agrees with every word of it, and with several ingenious compliments to the President, on his acquaintance with the principles, and skill in the practice of Indian eloquence.

From page 92 to 94 he returns to his old description of the savage character, and argues that barbarous tribes, full of war, murder, plunder, and devastation, can never be admitted into the community of nations, inferring of course that the Indians are all, without exception, in this predicament. He uses again the same fallacy as formerly, of applying a picture of barbarians nearly a century ago, and considerations drawn from circumstances then existing, to the state of things at the present moment. In this view he makes the truly ridiculous remark, "that it is evident that two such races (as the Indians and the whites) cannot exist in contact, independent of each other. Their wars would soon come to be wars of extermination," &c. &c. Is it possible that Gov. Cass supposes he can make any man in his senses believe that the people of the United States are at this day in danger from the aggressions of any Indian tribe within the limits of our territory ? That the Cherokees, for instance, and the United States, who have lived in mutual peace and independence for forty years, have now at last arrived to such a pitch of barbarity on one side, that they can no longer remain in contact with each other without fierce wars of extermination ? We wonder that he had not displayed the terrors of the war whoop, and the tomahawk, and the scalping knife, and addressed a thrilling appeal to the hearts of mothers and fathers from Maine to Georgia. Yet it is in sober truth from such considerations, that this sagacious politician concludes that an entire resignation of independence from all the Indian tribes in the United States "is essential to the safety of both." !!

He again, (as if determined to leave no doubt of his own destitution of principle) argues, from the practice of European powers, our own right to "assume complete authority" over the Indians, not only "without their consent, but even against it." He even goes so far as to appeal to the "moral sense of mankind," and impudently insinuates that this assumption of authority is not only a right, but a duty—a duty of self-preservation ! And just as if we were the aggrieved and injured party in this case, instead of having ourselves trampled the Indians in the dust, he quotes from Vattel on the law of nations, that "a nation may even, if necessary, put the aggressor out of the condi-

tion to injure him." He then makes the following remarkably unprincipled declaration. "No candid man can look back upon the history of the Indians, or survey their habits, character, and institutions, without being sensible that they are 'a nation of a restless and mischievous disposition,' and that '*all have a right to join, in order to repress, chastise, and put it ever after out of its power to injure them.*'" When we remember that such language as this is intended to refer to tribes so peaceable in their character, and so indisputably advanced in civilization and Christianity as the Cherokees, we think our readers will begin to suspect us of insensibility for the coolness we have exhibited. Let no one henceforward speak to us of Gov. Cass' humanity.

Now let our readers turn to the remarks we have quoted from Gov. Cass in 1826, on the fidelity and friendship of the Indians towards our government, and on the readiness with which they yield themselves up for punishment whenever they have committed a crime; let them remember our extract from his late article, in which he accuses them of being regardless of their promises and faithless to all obligations; let them reflect upon his own inconsistency with himself, and then witness his violation of the truth; made strikingly evident by the following testimonial of Chancellor Kent, to the kindness and unshaken fidelity of the Indians.

"The friendship of the six nations towards the colony government, and the protection of the government to them, continued unshaken for upwards of a century, and this mutual good faith has received the most honorable, and the most undoubted attestations. Gov. Colden, in his history of the six nations, 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.

\* \* \* \* \*

"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."

Yet Gov. Cass, not satisfied with the unprincipled misrepresentations which he has already exhibited of the Indian character, from which, as we have seen, he infers the right to "*repress, chastise and disable them,*" again repeats his worn out and reiterated assertion, in direct contrariety to truth,—“Nor can it be objected to the practical applica-

tion of this doctrine, that the Indians have improved in their manners and morals, and are now less disposed than formerly to molest our frontiers. Some of the most unprovoked aggressions and atrocious barbarities have been committed within a few years; and nothing but the absence of foreign aid, and the impression of our strength, prevents the renewal of the scenes at Fort Mimms, at the Maumee, and at the River Raisin." Does he expect to be believed in such indiscriminate slander, and that too, without bringing forward a single fact to support it?

If Gov. Cass feels no shame at this exhibition of his own inconsistency, let him blush when he is reminded, that the Cherokees have been forty years in friendly alliance with this country, and that they never have committed a single act of aggression; that the Choctaws have been still longer in such alliance, and never have committed a single act of aggression; and that the Choctaws make it their boast that they never shed the blood of a single citizen of the United States!

But these are truths, which he must have known long and familiarly; and their repetition will therefore excite no remorse in his bosom; he is proof against such considerations. A man's conscience, we should think, would ask for a strong opiate, before he could bring himself, like Gov. Cass, to utter such unprovoked and deliberate slander against a whole people; and then display their character, caricatured and blackened with malignant calumny, to justify the most wanton usurpation of their sovereign rights and privileges. This he has done;—and in what light ought we to view his conduct? How must we regard the argument, by which he would insinuate the alleged degradation of the Indians—the very fact which would call the loudest for our mercy—as a reason why we should cast them out, like a pestilential mass of corruption, from our midst! The idea—so natural to a man of any feeling—that the falsely asserted wildness and ferocity of their character, did it really exist, would demand our tenderest treatment, seems never to have entered into his imagination; and he argues that it calls on us to banish them, like the excrescences of human existence, from the farthest limits of civilized society! To whom now does the imputation of savage inhumanity belong—to the Indian, or the white man?

Pages 95 to 98 are devoted to a "cursory" examination of what the elementary writers of Europe have said on the relative rights and duties of civilized and savage nations, what the countries of Europe have practised in regard to the same, and what course the United States have pursued in regard to them. Here he again takes for granted that the course which Christian communities in past ages have adopted in their intercourse with uncivilized ones *must be right*; or that if it was not right at first, "considerations of general expediency and authority" have since come in and changed its character. Fortunately for Christian as well as savage communities this writer's belief cannot change the nature of crime; nor can his considerations of expediency make it less certain that iniquity can never become just, even though

it should point back to a prescription of ages. It is curious to observe him on page 96 and 97 declaring the folly of doubts in regard to the unlimited extent of our jurisdiction over the Indians. France never had any doubts. Spain, "as it is well known," never had any doubts. Great Britain had very few, and what she had were a trouble to her. How foolish to vex our consciences with doubts, in a case where nothing but Indians are concerned!

From page 99 to 101 he labors to prove that each individual State has the right of jurisdiction over all the Indians within its chartered limits. Here it is remarkable that his own sophistry, and his selfish eagerness to prove the point at which he is aiming, leads him into the most palpable contradiction. Our readers have seen how he has all along been asserting and attempting to prove, that the United States possess unlimited jurisdiction and perfect, over all Indian tribes. We have also seen that he has all along deduced the right of that jurisdiction from the general practice of civilized powers, and from his favorite "general considerations of expediency and authority." Now he not only denies that the United States possess any but a limited degree of jurisdiction over the Indians, but finds that even that small degree of it is possessed only by virtue of a grant in the constitution!

He says, "And the only provision we there find relating to the Indians, is the third clause of the eighth section, which grants to Congress the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. Certainly this is too narrow a foundation upon which to erect so broad a superstructure, as that which would include within it the *whole concerns* of the Indians. The regulation of commerce can by no fair interpretation include within the sphere of its operation all the acts and duties of *life*, and thus confer the power of exclusive legislation." We make this quotation that we may set it in its full contrariety to an opinion expressed but two pages before on the unlimited extent of the United States' jurisdiction over the Indians. We have already quoted this opinion once, and our readers will remember it. It is in the form of a question, and precedes a specified power in the United States over the Indian tribes.

"Who doubts that the authority which could enact the following clause could embrace within its operation the *whole 'life and conversation'* of the Indians, did policy or necessity require it?"

Besides the contradiction of which he is here guilty, he overlooks the fact that this clause and all other clauses of this nature are founded on express stipulations in treaties with the Indians; that they can give no authority by way of precedent, in cases not so stipulated; that they have passed from such treaties into the Constitution; and that the Constitution can give no power to the general government for the enactment of laws over the Indians, unless they themselves have granted and specified such authority, and provided for its exercise, in formal treaties.

But this is not the only one of the absurdities he falls into in regard to this part of his subject. We shall not attempt to enumerate all; a careful reader will easily detect them. On page 100 he makes a la-



mention that "it is now too late to call in question the obligation to treaties with the Indians, or the power of the government to conclude them; *although it is difficult to point to any provision of the Constitution which expressly or necessarily grants this power.*" (We are glad the obligation of treaties has come to his remembrance, though it be attended in his own bosom with so much regret and dissatisfaction.) We see him again recurring to the Constitution, for the source of that power in the United States which he has all along been attempting to prove is supreme, from the expediency and necessity of the case. We ask our readers to reflect on the jumble of contradictions contained in his argument. He asserts on page 101 that "the jurisdiction over the territory may be in the States, and the power to dispose of it in the United States;" and proves this by reference to the fact that white citizens on the territory of the general government, are subject to the laws of the States within whose limits they reside. Here he is guilty of an absolute *petitio principii*, by assuming that the Indians have no existence or property as communities, but are, in fact, like all individual white citizens. Besides this, he here contradicts the very doctrine of the Georgians, that "soil and jurisdiction are inseparable."

If, according to the doctrine he now holds, the United States possess no power over the Indians which is not granted them by express provision in the constitution, how did the individual States acquire the unlimited jurisdiction for which he contends, and which the United States cannot give because it does not belong to them?

We suppose that he grounds this right on the principle that the States received from great Britain all her power of jurisdiction over the Indian tribes;\* and that Great Britain possessed that power by the right of discovery. Such in its first clause is the proposition of the Secretary of War, and Gov. Cass unhesitatingly accedes to all his propositions. Now though nothing can be more unjust than the idea that mere discovery of the continent could give to any nation the power to legislate over the natives, against their consent, or to drive them from their own territory; yet admitting for a moment that Great Britain possessed such a power, and that after our independence it passed to the individual States; still it is certain that Georgia herself, since her independence, has repeatedly waived that power and practically denied its existence, by treaties negotiated with Indian tribes, and acknowledging those tribes as nations, with sovereign territorial rights. Can any man show why Georgia is not bound to respect her own treaties as well as the United States, or France, or England, or any nation in the world? The claim of jurisdiction by right of discovery is an unjust claim, which neither Great Britain nor Georgia can be

\* We have seen that according to Chancellor Kent, whose opinion we think is entitled to quite as much respect as that of Secretary Eaton or Gov. Cass, Great Britain treated the Indian tribes as "sovereign communities, exercising the right of free deliberation and action; but, in consideration of protection, owing a qualified subjection, *in a national, but not in any individual capacity*, to the British Crown."

excused for advancing. But, if it were not so, and if the latter State had not relinquished that claim by formal treaties, the repeated treaties between the United States and the Indian tribes would still be binding, and must exclude Georgia from all the jurisdiction for which she contends, unless our nation chooses to incur the guilt of violating its most solemn engagements.

Page 101 he says, speaking of treaties with the Indians, "And if, in these compacts any pledge has been given, that the Indians shall be exempt from the legislative authority of the States within which they live, we have only to submit to an improvident stipulation, and leave them free, whatever be the consequences. But such an assurance cannot be found." We merely ask our readers to compare with this assertion the following "improvident stipulation," in the treaty of Holston, together with a plain commentary thereon, to be found in the 7th number of the Essays of William Penn.

"ART. 11. If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go to any town, settlement, or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceful and friendly Indian or Indians, which, *if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts*, against a citizen or any white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed *within the jurisdiction of the State or district* to which he or they may belong against a citizen or white inhabitant thereof."

'If there is any meaning in language, it is here irresistibly implied, that the Cherokee country, or "territory" is not "within the jurisdiction of any State, or within the jurisdiction of either of the territorial Districts of the United States." Within what jurisdiction is it, then? Doubtless within Cherokee jurisdiction; for this territory is described as "*belonging to the Cherokees*,"—one of the most forcible idiomatic expressions of our language to designate absolute property. What then becomes of the assumption of jurisdiction over the Cherokees by the State of Georgia? This question will be easily decided by the man who can tell which is the strongest, a treaty of the United States, or an act of the legislature of a State. The treaty says, that the Cherokee territory is inviolable; and that even white renegadoes cannot be pursued thither. A recent law of Georgia declares the greater part of the Cherokee country to be under the jurisdiction of that State; and that the laws of Georgia shall take full effect upon the Cherokees within less than a year from the present time. The Constitution of the United States (Art. VI.) has these words: "All treaties made under the authority of the United States, shall be the *supreme law of the land*; and the judges in every State shall be bound thereby, anything in the laws or Constitution of any State *to the contrary notwithstanding*." The question of jurisdiction is, therefore, easily settled.'

Page 102 he asks, "What has a Cherokee to fear from the operation of the laws of Georgia?" We answer by simply exhibiting the following enactments, passed, not long since, in the Georgia legislature; with another commentary by William Penn.

"Sect. 8. 'That all laws, usages, and customs, made, established, and in force, in the said territory, by the said Cherokee Indians, be, and the same are hereby, on and after the first day of June, 1830, declared null and void.

“Sect. 9. ‘That no Indian, or descendant of Indian, residing within the Creek or Cherokee nation of Indians, shall be deemed a competent witness, or a party to any suit, in any court created by the constitution or laws of this State, to which a white man may be a party.’

‘Under the administration of this law, a white man might rob or murder a Cherokee, in the presence of many Indians, and descendants of Indians; and yet the offence could not be proved. That crimes of this malignant character would be committed is by no means improbable; but assaults, abuses, and vexations, of a far inferior stamp, would render the servitude of the Cherokees intolerable. The plan of Georgia is, as explained by her Senate, to seize five sixths of the territory in question, and distribute it among her citizens. If a Cherokee head of a family chooses to remain, he may possibly have his house and a little farm assigned to him. This is the most favorable supposition. But his rights are not acknowledged. He does not keep the land because it is his own; but receives it as a boon from Georgia. He will be surrounded by five white neighbors. These settlers will not be from the more sober, temperate, and orderly citizens of Georgia, but from the idle, the dissolute, the quarrelsome. Many of them will hate Indians, and take every opportunity of insulting and abusing them. If the cattle of a Cherokee are driven away in his presence, if his fences are thrown down and his crops destroyed; if his children are beaten, and his domestic sanctuary invaded;—whatever outrage and whatever injury he may experience, he cannot even seek a legal remedy. He can neither be a party, nor a witness. He has no friend, who can be heard in his behalf. Not an individual can be found, who has any interest in seeing justice done him, and who, at the same time has any power to serve him. Even the slaves of his new neighbors are defended by the self-interest of their masters. But he has not even this consolation. He is exposed to the greatest evils of slavery, without any of its alleviations. Every body is let loose upon him; and it is neither the interest, nor the inclination, nor the official duty, of the white settlers to defend him. Every body may destroy his property; but nobody is bound to keep him from starving, when his property is gone. How long could a Cherokee live under such treatment as this?’

On pages 107 and 108, this master spirit of expediency, necessity, selfish policy, and intrigue, proposes that we get rid of the odium of sending off the Cherokees in a body, by cutting their territorial community to pieces, giving each individual his separate share, and then persuading them separately to sell their interest “for a valuable consideration,” and as soon as the bargain shall be concluded, to start off for the Pacific. The portions of land thus successively yielded up by the Indians are to be assigned ‘to the State or to the United States,’ and according to Gov. Cass’ reasoning, must fall within the laws of Georgia. Thus the Cherokee tribe will soon be annihilated as a nation, and that in a very quiet, innocent manner, without any of the disturbance and difficulty, of the possibility of which even this sturdy disciple of “expediency and necessity” seems to have some indistinct idea.

He thinks it would be quite idle to meet this proposition by the assertion that the Cherokees have prohibited such a course; because, in the first place, according to his theory they have no right to make such a prohibition; and in the next place, it would not be favorable “to their future prosperity.” We ought therefore to interfere and teach them better, to ‘abolish their own institutions,’ these not being

adapted to subserve their highest interests, and out of pure, disinterested compassion for their ignorance, to draw up and establish among them a new code of law—a code which may enable us to divide and denationalize them just as we please. There is one other obstacle to his plan of division, but which he probably considered so slight as not to be worth mentioning; and that is—the sixteen treaties by which the United States have solemnly guarantied to the Cherokees as a nation, and not as individuals, the undisturbed possession of their territory.

But in our age, treaties and all other obligations must give way to the “considerations of expediency and necessity.” This writer actually makes the following profligate assertion. “*The mode of acquiring the possessory right of the Indians is a question of expediency, and not of principle!*” We have before impeached him for dishonesty as a disputant; we may now accuse him of flagrant immorality as a writer. We charge him with upholding a doctrine which, if it were universally practised, would overturn society from its foundations, would make us a community of demons, and would sweep away every vestige of morality and religion from among us. He declares that in our conduct with one another we are no longer to regard moral principle, no longer to be guided by what our consciences tell us is right and just, but by what we ourselves judge to be expedient! Even Bonaparte’s principles of conquest were better than this; for he always declared that his battles and his usurpations would be for the world’s *benefit*. But Gov. Cass acknowledges no law save that of his own *convenience*. “Expediency” is his motto, in all cases where ‘principle’ and selfishness happen not to coincide.

There are very many points of error and sophistry in this article on which our limits would not permit us to remark. One of them, especially, is of such a nature that we cannot now but notice it. Chancellor Kent observes that the Indians in New York are ‘placed under our protection, and subject to our coercion, *so far as the public safety requires it, and no farther.*’ Now our profound commentator on national law gravely tells the ‘learned Chancellor,’ that he could never have meant to restrict the extent of the terms, ‘public safety,’ to cases involving actual danger, but that he must have intended to define it, as according to the political system of this professor of ‘expediency and necessity’ it ought to be defined, “*the permanent interest of both parties!*” We imagine the ‘learned Chancellor’ must be highly gratified with the compliment Gov. Cass pays to his integrity, in thus bestowing upon his terms such a Machiavellian construction. From Nimrod down to Napoleon no usurper or conqueror has ever existed, who did not pretend to fight and usurp for the ‘permanent interest of both parties.’

It may be thought improper to have mentioned Gov. Cass, as the author of the article in the North American. We certainly should not, in ordinary cases, disclose the name of a reviewer, who had chosen to write anonymously. But, in this case, the Reviewer is the last man in the country, who would wish his authorship to remain alto-

gether unknown. It is very important to him, as he may naturally think, that his merits should be appreciated in certain quarters. His friends, throughout the country, know very well his agency in this matter ; and it is altogether desirable that the public at large should know it.

We may seem also to have been too severe in our censures, and too personal in our remarks ; but we appeal to every reader who may peruse these pages in a spirit of impartiality, and with correct moral feelings, to say whether the principles developed in the late production of Gov. Cass do not deserve a severity of reprobation far more stern and unmitigated, than that with which we have treated them. We are acquainted only with his public character ; towards him as an individual we should be very guilty if we entertained any feelings but those of undissembled kindness. The best wish we can form for his true and lasting prosperity is, that he may sincerely and bitterly repent of his conduct towards that unhappy people, over whose destiny he has endeavored to exert no trifling influence.

Were it possible to imagine that in writing on the character and condition of the Indians, he has labored under the power of some unfortunate mistake ; or that he did not see in its true colors the criminality of the course he has urged his country to adopt, the case would be somewhat different. But we cannot believe that such a man could be ignorant of the real nature of the principles he has advocated, or that, with so many opportunities for knowing the truth, and with so much parade of repeated assertion, he could be unacquainted with the actual condition of the tribes whose character he has grossly misrepresented. He has even put himself to considerable labor of research for the darkest materials with which he might fill up the picture. And if, as he has declared, he knew less of the Cherokees, than of the more degraded and uncivilized tribes, what a perversion of moral feeling, what utter carelessness of truth, what inhumanity of heart does it show, to apply such a picture to the character of such a tribe ;—and not merely this—but to allege it as a reason for depriving them of their most valuable rights !

It is a dark crime to slander the reputation of a single individual. But it is one of uncommon malignity to calumniate the character of a whole people—a people absent, unfortunate, and defenceless,—peculiarly unprotected from such charges, and without a voice to refute the reproach ;—a people always cruelly degraded beneath the rank of their proper humanity, but now more than ever entitled to the commiseration and assistance of their white brethren, through their own noble exertions to rise up and come forward to the light of Christianity.

When therefore we behold a public writer totally regardless of such claims, and even declaring the people who make them incapable of permanent social improvement ;—when we behold him openly declaring that this Christian nation ought not to regard the rights of that people, that indeed they have no rights, or if they have, that our mode of acquiring their possessory right is a question of expediency

and not of principle ;—when we behold him making light of the solemn obligation of treaties, regretting their introduction, laughing at the ‘*mistaken benevolence*’ of those revolutionary patriots and excellent men, (among whom was Washington,) who presumed to elevate ‘these little Indian communities’ to the rank of an equal party in such treaties ;—when we behold him alleging past usurpation in other nations to justify present usurpation in our own, and meanly endeavoring to deceive his readers, and give strength to his reasoning, by garbled extracts from the law, and by quotations of overruled opinions ;—when we behold him ungratefully accusing the Indian tribes without any exception, of ‘unprovoked aggressions and atrocious barbarities,’ and of being ‘restless and mischievous’ and savage in their disposition, and totally regardless of their promises ; and when we see him asserting, without scruple, that “all have a right to join in order to repress, chastise” and disable those tribes ;—and to crown all, when we hear him proposing a most detestable plan of cruel and perfidious cunning, by which we might succeed in overreaching them, and cajoling them out of their inheritance—when we behold all this and then turn our eyes to their true condition, and imploring posture, we hesitate not to declare that a production which, like that of Gov. Cass, discloses such principles and such propositions, ought, in the mind of a Christian republic, to awaken a general sentiment of indignation against its author, and to cover his name with disgrace.

By the power of his sophistry he would hurry his country to the violation of treaties more solemn, of obligations more binding and repeated, than any people, in their natural capacity, ever yet swore to preserve. They are the more solemn, and the more binding, because they are made with a people defenceless and forsaken—a people weaker than we—and who in their simplicity have imploringly appealed to us for protection from the evils which threaten them. If ever pity had claims upon any nation, it has them upon ours. If ever any tie can bind us to compassionate the wretched, it is that of helplessness. If ever we are called to unlock all our sympathies, to exercise a generous forbearance, and to be kind even to the extremity of kindness, it is to those, who are wholly in our power—it is when the cry comes before us of the last remnant of that oppressed people, upon whose very ashes our republic has flourished.

What is the plea that *we* use, when we implore His mercy, the very slightest of whose innumerable favors we have all alike forfeited ? Is it not our own weakness, our own helplessness, our own utter unworthiness ? But with what face can we make this plea, if we deny its efficacy to others ? Have we no feelings of humanity ? Are they not men—are they not our brethren ? Shall benevolence be left utterly out of the question ? Shall we forget that if mercy is a blessed attribute and a binding duty in the catalogue of personal virtues and individual obligations, it is still more blessed and still more binding, when it shines in the character, and holds up its obligations in the path of a great nation ? Shall we, can we be so selfish, with a territorial do-

minion almost coequal with that of all Europe, to break up the homes and sacrifice the dearest interests of sixty thousand helpless beings, for the possession of one poor additional bit of land! Beings who do bear, like us, the image of their Creator; who do feel, like us, the ties and the sympathies of common humanity; whose existence, like ours, can never cease; who are, like us, invited to one common Saviour, but of whose salvation, both for time and eternity we may well despair, if our remorseless cruelty should enslave them on their own soil, or banish them to the boundless and almost uninhabitable prairies of the west.

As long as life remains to them—in whatever circumstances of slavery, and in whatever abandoned degradation—they never can be *totally* alienated from the power of the Gospel. But let us beware how we incur the incalculable guilt of having thrust them beyond the cheerful use, and the favorable operation of those means of grace, by which only, so far as God's providence is made known to us, he has determined to reclaim and save a world of lost but immortal beings.

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*Opinion of Mr. JEFFERSON on the Sovereignty of the Indian tribes.  
From a Letter to General Knox, dated Aug. 10, 1791.*

“I am of opinion that Government should firmly maintain this ground; that the Indians have a right to the occupation of their lands independent of the States within whose chartered lines they happen to be; that until they cede them by treaty or other transaction equivalent to a treaty, no act of a State can give a right to such lands; that neither, under the present constitution, nor the ancient confederation, had any State, or persons, a right to treat with the Indians, without the consent of the General Government; that that consent has never been given to any treaty for the cession of the lands in question; that the government is determined to exert *all its energy for the patronage and protection of the rights of the Indians*, and the preservation of peace between the United States and them; and that if any settlements are made on lands not ceded by them, without the previous consent of the United States, the government will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force.”

*Opinion of HON. HENRY CLAY on the same subject. From an Address lately delivered before the Kentucky Colonization Society.*

“The United States stand charged with the fate of these poor children of the woods, in the face of their common Maker, and in presence of the world. And, as certain as the guardian is answerable for the education of his infant ward, and the management of his estate, will they be responsible, here and hereafter, for the manner in which they shall perform the duties of the high trust which is committed to their hands by the force of circumstances. Hitherto, since the United States became an independent power among the nations of the earth, they have generally treated the Indians with justice, and performed toward them all the offices of humanity.”

“Under that system, the Indians residing within the United States are *so far independent*, that they live under *their own customs and not under the laws of the*

*United States* ; that their rights upon the lands where they inhabit or hunt, are secured to them by boundaries defined in *amicable treaties* between the United States and themselves ; and that whenever those boundaries are varied, it is also by *amicable and voluntary treaties*, by which they receive from the United States ample compensation for every right they have to the land ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private person, nor to any power other than the United States, and to be under *their protection alone*, and not under that of any *other power*. Whether called subjects, or by whatever name designated, *such* is the relation between them and the United States. That relation is neither asserted now for the first time, nor did it originate with the treaty of Greenville. These principles have been *uniformly recognized* by the Indians themselves, not only by that treaty, but in *all the other previous as well as the subsequent treaties* between them and the United States."

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#### PRESENT STATE OF CIVILIZATION AND CHRISTIANITY AMONG THE INDIANS.

At a future day, when we look upon this subject in the light of experience, it will appear not the least astonishing and mournful part of it that such opinions should have been uttered in regard to the incurableness of what is wild and disorderly in the Indian character. Nothing ought more sensibly to awaken our indignation, than the hypocritical whining of some statesmen over what they are pleased to term the melancholy result of past efforts, and the hopelessness of all future ones, to christianize these people. As if God's plan of redemption were not suited to the character of all mankind ! As if He, whose essence is mercy, had created a race of human, intelligent, and accountable beings, with such peculiarities in their moral constitution as to render it impossible that they can ever be brought into obedience to his laws or under the influence of his Spirit ! Such peculiarities as pass upon them an irreversible sentence of endless opposition to his nature and banishment from his presence ! The proposition is not merely absurd—it is awfully blasphemous. And yet, strange as it may seem, it is undoubtedly the truth, that the minds even of Christians have in some cases been so blinded as to incline to this belief. And with the great mass of the community it has long been an established tenet that the Indians cannot be civilized, and of course that they cannot be christianized ; for light and heat do not so certainly accompany the progress of the sun, as civilization waits upon the march of Christianity. Are the solemn declarations of God's word to be disbelieved, and is the testimony of all past experience to be blotted out ? Have they never heard of the Sandwich Islanders, or compared their dreadful wickedness and degradation twenty years ago, with the piety, the decorum, the morality, the social and civil order, and the domestic refinement and happiness, which are found among them at this day ? And are they prepared to assert that the aborigines of North America are less likely to be subjected to the operation of Christianity than a people who have been, from the time



of their discovery till the Bible went among them, an astonishment and a proverb in the whole world, for their extreme licentiousness of inhuman cruelty and lust? Yet we are not left to resort merely to the testimony of the experience of other nations; we shall prove from indisputable facts, not only that they *can* be christianized, but that some tribes are now fast advancing to the state of a religious and civilized community.

On this subject we are willing to make all the allowance for high coloring, and misguided benevolence, and too enthusiastic hope, which the coldest speculator could ask; and still there will remain amply sufficient to prove that some tribes have rapidly improved in their condition, and hold out a most rational probability, that, if left to the natural and undisturbed progress of improvement, they will soon become as truly Christian and as civilized as the people in any part of our country. We shall make extracts from statements whose correctness cannot be contradicted, and shall exhibit testimonies from men who will not be suspected of partiality or enthusiasm on this subject, in confirmation of this truth.

But before we proceed to such an exhibition, we wish to make one remark on the conduct of those who are perpetually asserting the moral incapacities of the Indian character, and pointing to experience for a melancholy proof of the total failure (as they assert) of all past efforts to redeem them. Were it even true that there had been such a failure, we wish to remind them that they have never yet given the time, the opportunities, the circumstances, the scope, which are absolutely necessary for the fair and thorough trial of so mighty an experiment. Do they look upon the moral constitution of the human mind as if it were a machine, coarse in its texture, mechanical in its operation, in which they can calculate with mathematical precision, the effect of a given quantity of power and circumstance and motive, that they determine, when the result does not exactly coincide with their previous calculation, that there is something wrong in its construction and imperfect in its nature? We wish to remind them that their "failure" and mistake should make them humble in the view of their own ignorance, and sensible of their entire dependence on the power of a superior agent, instead of rendering them impatient of effort, and angry at an obstinate depravity, which is only the unerring mirror of their own. In view of their criminal impatience at what they call the melancholy result of all past efforts, we wish them to reflect how different is their conduct from that course which religion dictates, and which the framer of the human mind and the Author of our religion has himself pursued. What would have been their own condition and ours, had our moral Governor acted towards us on the same principles and with the same conduct, which they exhibit towards others. We forget, and refuse to imitate, the patience which has so long borne with our own depravity, both as a nation and as individuals—which has so often stayed the arm of justice, and said in the councils of Heaven, "*let it alone this year also*;"—let the dews

of grace fall yet longer upon it, let the opportunities of mercy be still held out.

We shall confine our extracts and remarks principally to the Cherokees, Chickasaws, and Choctaws. These are the tribes which would be most deeply affected by a removal; and the progress of civilization and Christianity is most remarkable and most encouraging among them; although missions and schools have been established in many other Indian communities.

#### CHEROKEES.

The American Board of Commissioners for Foreign Missions commenced their operations among the Cherokees in 1817. About two years afterwards Mr. Hodgson, the English traveller, visited the Cherokee tribe, and bore testimony to the judicious arrangement of the mission, the sincerity and benevolence of the missionaries, and the encouraging prospect of success. There are now 8 missionary stations, a church and a school being established at each. In 1828 the churches contained 159 members, and the schools 174. The next year there were 182 members in the former, and 180 in the latter.

The Methodist Episcopal Society have 4 stations in the same tribe; at each of which there is a school. In all the four schools are contained about 100 scholars. The Baptists have likewise two stations among the Cherokees, and the United Brethren, or Moravians, two.

#### *Outlines of the Constitution adopted by the Cherokees; as abstracted for the Missionary Herald in 1828.*

This instrument was framed and adopted at New Echota, the seat of government, in July, 1827, by delegates from the eight districts, into which the territory of the Cherokees has, for some time been divided.

The provisions of the Constitution are classed under six general heads, and are again subdivided according to the number of topics.

The *first* Article regards the boundaries of their territory, and their rights of sovereignty within those boundaries.

The *second* divides the power of the government into three departments, legislative, executive, and judicial.

The *third*, consisting of twenty-six sections, describes the nature and powers of the Legislature. This is to consist of a Committee and a Council, each having a negative on the other, and both to be styled the General Council of the Cherokee nation. The Committee is to consist of two members from each of the eight districts, and the Council of three, to be chosen by the qualified electors in their respective districts, for the term of two years. All free male citizens, except persons of African origin, who have attained the age of eighteen years, are equally entitled to vote at public elections, and are to vote *viva voce*. The other provisions of this Article need not be specified: they are, we believe, similar to those which govern the legislative proceedings in the States of the Union.

The *fourth*, containing twenty-five sections, relates to the executive power. This is vested in a Principal Chief, to be chosen by the General Council, and to hold his office four years. An Assistant Principal Chief is to be chosen at the same time; and every year three men are to be appointed by the General Council to be associated with the Assistant Principal Chief as advisers of the Principal Chief. The powers of the executive are ample, yet well guarded.

The *fifth* defines the nature and powers of the judiciary. The judicial powers are vested in a supreme court, and in such circuit and inferior courts as the General Council may, from time to time, establish. Three judges constitute the supreme court, who hold their commissions for four years; but any of them may be removed from office on the address of two thirds of both houses of the General Council to the Principal Chief for that purpose. The judges are supported by a fixed and regular salary, and are not allowed to receive fees or perquisites of office, nor to hold any other office of profit or trust whatever. They are appointed by a joint vote of both houses of the General Council, and are eligible only within the ages of thirty and seventy years. The rights of the citizens are secured in the manner following.

"Sec. 14. In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

"Sec. 15. The people shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches, and no warrant to search any place or seize any person or things, shall issue without describing them as nearly as may be, nor without good cause, supported by oath or affirmation. All prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident, or presumption great."

The *sixth* Article is of a miscellaneous character. A few only of the provisions will be noticed.

"Sec. 1. Whereas the ministers of the Gospel are, by their professions, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the Gospel, or public teacher, of any religious persuasion, whilst he continues in the exercises of his pastoral functions, shall be eligible to the office of Principal Chief, or a seat in either house of the General Council.

"Sec. 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this nation.

"Sec. 3. The free exercise of religious worship, and serving God without distinction, shall forever be allowed within this nation: *Provided*, That this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this nation."

"Sec. 9. The right of trial by jury shall remain inviolate.

"Sec. 10. Religion, morality and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education shall forever be encouraged in this nation.

It will readily be perceived, that the foregoing is but an outline of the Constitution adopted by the Cherokees. Enough is stated, however, to show that they have a regularly organized government, on the most approved model among civilized nations.

From the general view of the operations of the American Board in 1828 we make the following extracts, which our readers will compare with those for the year 1829. They will notice particularly what is said in regard to the ease with which Cherokees read their own language. A very interesting account of the process, by which the inventor of the Cherokee alphabet was led to his invention, may be found in Knapp's Lectures on American Literature.

"At most of the stations there has been the last year, an unusual attention to religion, and considerable accessions to the churches. A desire to hear preaching is becoming more general.

*“Education.”*—More than 100 of the scholars reside in the mission families, perform various kinds of labor, and are trained up like the children of Christian parents.—About 250 have left the school at Brainerd alone, most of them having made considerable advances in knowledge. Parents manifest an increasing desire to have their children instructed, and the number of boarding scholars might be enlarged to almost any extent.

“The press is owned by the Cherokee government, and is superintended and worked by men of their appointment. It however facilitates the labors of the missionaries and the diffusion of knowledge.

“The following general remarks, taken from the 19th Report of the American Board of Foreign Missions, are worthy of notice.

“‘It is an unexampled fact, that in some places nearly all the adult population, and in the tribe at large, more than one half, are actually capable of reading their own language, in their own peculiar character, having learned from small manuscripts, and without ever having become acquainted with any other alphabet, or possessed a single page of a printed book in any language.

“‘There is a great improvement in many families with respect to industry, neatness, and manner of living. A large proportion of the people dress much better than formerly. Many of the women spin and weave cotton, and thus furnish cloth for very decent garments of their own manufacture.’

“At each of the stations, except two, there is a farm of considerable extent, under the direction of the mission family; on which the boys are taught to labor. The girls perform various kinds of domestic work. At Brainerd there is a grist-mill, a saw-mill, a blacksmith’s shop, under the care of the Board. These are of very great use to the people.”

From the general view of operations of the same Board in 1829 we extract the following information.

“The members of the churches generally are very attentive to preaching, and use diligently all the means of grace. They are exemplary in their conduct, and many of them make great exertions to suppress vice, disseminate religious knowledge, and manifest more maturity of Christian character. Public worship, conducted by native members of the church, is held in three or four places remote from the stations.

*“Schools.”*—At the schools generally, the pupils have attended more regularly than heretofore and made better progress. Parents set a higher value on the schools, and exert themselves more to educate their children. Some of the schools have, however, been affected by the agitation occasioned by the apprehension of being removed west of the Mississippi.—More than 100 of the scholars board in the mission families, and are trained to various kinds of labor. Many leave the schools annually with an education sufficient for the common business of life.

*“Improvement among the People.”*—They are becoming more industrious, a large portion have good farms and comfortable houses, raise an abundance of the necessities of life, and manufacture their own clothing.—During the year societies have been formed, in various parts of the nation, for the promotion of temperance, on the principle of entire abstinence, and large numbers have joined them. A National Society for this object was formed at New Echota during the last session of the legislature. The civil officers enforce the laws against the introduction of ardent spirits, and impose fines on transgressors. A great reformation has been the consequence. The system of government adopted in 1827, has gone into steady operation, and the people are contented and orderly.—Most of the adults can read their own language.

*“The Press.”*—The Gospel of Matthew and a collection of hymns translated by Mr. Worcester, have been printed in the Cherokee character, in an edition of 1000 copies each. The people every where manifest a strong desire to

obtain them, and most of them have been distributed. Societies have been formed to aid in the gratuitous distribution of them and of other tracts which, it is hoped, will soon be printed."

The following is extracted from a report by the missionaries in 1828.

"That the Cherokees are rapidly advancing in civilization is acknowledged by every one. Six years ago, a large proportion of the parents of our children came to the annual examination of the schools, poorly clad, and generally dirty; but at an examination in 1826, when near 200 people attended, all without exception, were well clothed and apparently clean. Many of the Cherokees around us, may be said to be good farmers. One man, the last year, tilled about 100 acres. Some have been successful in raising tolerable crops of wheat.

In August 1829 the teacher of the school at the Brainerd Station writes thus.

"During the last year, I think the children have made greater proficiency than during any year previous. The examination of the schools was attended on the 5th inst. by upwards of 100 persons, many of whom were from among the most respectable in the nation, and were able to judge of the attainments of the scholars. All were gratified so far as I can learn; and there is no doubt but the schools are regarded with much more interest by the people now, than formerly. We hope that the instruction given to the young, will, in many instances have a happy influence on the minds of the parents. The school also brings the people more within the sound of the Gospel, and gives us more influence.

*"State of Morals.*—The moral condition of the Cherokees is certainly improving. Temperance Societies are forming, and men of influence and authority are using the power vested in them to promote morality. A case occurred last spring, where one of the judges of the circuit court, on finding the air in the court house strongly impregnated with whiskey, directed his sheriff to follow certain suspected persons to their haunt in the woods, and destroy the whiskey. He succeeded, and was in the act of pouring it off on the ground, as the men appeared. By the same judge six men were fined Fifty Dollars each for gambling, and one was fined for profaneness."

From reports at the same period it appears that on the first of July 1828 there were at the same station 19 members of the church, including the mission family. On the first of July 1829 there were 34; of whom 19 were native members.

### *Books in the Cherokee Language.*

"One thousand copies of the Gospel of Matthew in the Cherokee language, and in the new character of Guess, have been printed at the Cherokee national press, at New Echota. The translation was made by the Rev. S. A. Worcester, the missionary of the American Board stationed at that place, assisted by Mr. Boudinot, the editor of the Cherokee Phoenix. A very large portion of the members of the mission churches, and of the adults generally, in the nation, are now able to read this portion of the Holy Scriptures.

"A small collection of hymns, consisting of thirty-three, designed to aid in religious worship, have been prepared by the same persons, and printed in the same language and character."

In Sept. 1829, a missionary writes, "So much desire to obtain the Scriptures has been manifested by the Cherokees in the vicinity of the

Baptist mission (at the Valley Towns) that Mr. Jones, (the missionary,) has purchased already 200 copies of Matthew's Gospel."

To these statements we may add the testimony of Col. McKenney, in his "Reports and proceedings," submitted to Congress.

"Of the Cherokees it is due that I should speak from my knowledge, obtained, however, otherwise than by personal observation, in terms of high commendation. They have done much for themselves. It has been their good fortune to have had born among them some great men. Of these, the late Charles Hicks stood pre-eminent. Under his wisdom, which was guided by virtues of a rare quality, these People have been elevated, in privileges of every local description, high above their neighbors. *THEY SEEK TO BE A PEOPLE*; and to maintain, by law and good government, those principles which maintain the security of persons, defend the rights of property, &c."

In another official document from which we shall have occasion to quote a more general testimonial, the same gentleman observes, "The Cherokees on this side the Mississippi are in advance of all other tribes. They may be considered as a civilized people. Their march has been rapid." He quotes the letter of David Brown, a converted Cherokee, in regard to which he remarks that "*Theory and all previously conceived opinions, which are averse to Indian capacity and Indian improvement, must give way to the stubborn demonstrations of such facts as David Brown discloses, even if there were no others; but there are many such.*"

The following are extracts from this letter.

"The natives carry on considerable trade with the adjoining States; and some of them export cotton in boats, down the Tennessee, to the Mississippi, and down that river to New-Orleans. Apple and peach orchards are quite common, and gardens are cultivated and much attention paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Blankets, of various dimensions, manufactured by Cherokee hands, are very common. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprize are extending themselves in every part. Nearly all the merchants in the nation are native Cherokee. Agricultural pursuits, (the most solid foundation of our national prosperity,) engage the chief attention of the people."

\* \* \* \* \*

"Schools are increasing every year; learning is encouraged and rewarded.—The young class acquire the English, and those of mature age the Cherokee system of learning. The female character is elevated and duly respected. Indolence is discountenanced. Our native language, in its philosophy, genius, and symphony, is inferior to few, if any, in the world. Our relations with all nations, savage or civilized, are of the most friendly character. We are out of debt, and our public revenue is in a flourishing condition. Our system of government, founded upon republican principles, by which justice is equally distributed, secures the respect of the people."

Mr. McCoy devotes several pages to an exhibition of the improvement among the Cherokees, and declares, "*In view of the preceding fact it is presumed that none will hesitate to admit that the Cherokees are a civilized people.*"

In regard to the present critical state of the Cherokees one of the Missionaries remarks,

*“Critical state of the Cherokees.*—The civil and religious institutions, which now exist among this people have been a work of much time, patience, and prudence. Some men in the nation seem to have been raised up for the very purpose of bringing the Cherokees to the state which they are now in. These men have been for years holding the reins with a firm but careful hand until they have brought the nation up a dangerous precipice and fixed it on a firm civil basis, where, if let alone, it will doubtless prosper; but if the nation is interfered with, it will be easy to plunge it into the abyss where it was thirty years ago; to break up all the religious institutions, to scatter the churches, and to cause the people, freed from civil and religious restraints, to abandon themselves to intoxication, lewdness, and almost every other vice, by which they will be wasted away until they become utterly extinct. I think now is the time when every Christian, every philanthropist, and every patriot in the United States ought to be exerting themselves to save a persecuted and defenceless people from ruin.”

#### CHOCTAWS.

The missions among the Choctaws were commenced in 1818. There are now 8 missionary stations. Within two years there has been a very remarkable attention to religion in this tribe. We make the following extracts from the general view of the operations of the Board in 1829.

*“Progress of Religion.*—More than a year ago a prevailing attention became apparent in the northeast district of the Choctaw nation; which, in the course of the last year, spread into all parts of the nation, the excitement becoming more strong, and continued without abatement, till the date of the latest intelligence. The people had before manifested the utmost indifference to the preaching of the Gospel, and seldom could 15 or 20 be collected at a meeting; and those would hear without appearing to be interested or to understand. Now 400 or 500 often assemble, and appear to understand the Gospel, to be convinced of sin, and intent on securing their salvation.

*“Education.*—Schools are taught at each of the eight stations, and at various other villages. The following is a summary view of them Sept. 1. The desire to learn to read and sing in their own language is a most universal.

Native pupils in the English schools,	172
Pupils learning English in Choctaw schools,	24
Pupils learning Choctaw only,	100
	<hr/>
	296
White children in all the schools,	23
	<hr/>
Total,	319

Of the pupils studying English, 67 read well in any book—64 others in the New-Testament—and 20 in easy reading lessons—108 wrote—37 composed in English—42 were in arithmetick—and 59 in geography. In the Sabbath school nearly 20,000 verses of Scripture have been recited, besides hymns and answers in catechisms.

“Many Choctaw schools in the southern part of the nation are not included in the statement given above. A native, formerly a member of the school of Emmaus, taught four in rotation, embracing 90 scholars. Near Goshen, 20 captains have requested that each might have a Choctaw school in his neighborhood.

*“Preparation of Books.*—Three books in the Choctaw language were published two years ago—one an introductory spelling-book, of 15 pages, another spelling-book of 160 pages, and the third a spelling-book of 144 pages, consisting of Scripture extracts and other useful matter; designed principally for the adult Choctaws.

Since the attention to religion commenced, the desire to learn to read has become very strong and general. A book of 59 hymns is printed in an edition of 2,000, which it is expected will be demanded immediately. The first of the former books is to be reprinted in an edition of 3,500 or 4000 copies.

In a report compiled by Mr. Kingsbury, (from the reports received from the several stations,) and forwarded to the War department, he remarks in regard to the state of the mission during the past year, thus:

"We have also been permitted to witness a greater improvement in the schools and among the people, than in any former year. What was anticipated in the last report, is now in a great measure realized. The Gospel has had a commanding influence in different parts of the nation. By means of this influence, and so far as it extends, a foundation has been laid for an entire change in the feelings and habits of a considerable number of Choctaws. They have not only laid aside their vices, but their amusements. Instead of assembling for ball-plays and dances, as formerly, they now assemble for prayer and praise, and to converse on subjects which tend to their moral and religious improvement. Parental influence is now exerted, to a considerable extent, to encourage and sustain those principles and habits which are inculcated on the children while at school. A powerful impulse has been given to industry. Hundreds of Choctaws can now be hired to do many kinds of farming work on reasonable terms. A system of means is now operating, for the civil, moral, and intellectual improvement of the Choctaws; which, if not interrupted, cannot fail, with the blessing of God, to produce important and happy results. But should the present order of things be broken up, there is reason to apprehend that all the ground that has been gained would be lost, and that the nation would sink to rise no more. I regret the necessity I am under of differing from the government in any of their views relative to the Indians. But candor and a regard to what I apprehend to be the *best interests*, both of the red and white man, constrain me to say, that, should the Choctaws be brought into such circumstances, as to feel themselves compelled, contrary to the wishes of the best part of the nation, to leave the country they now inhabit, I cannot but anticipate consequences highly disastrous to themselves, and eventually injurious to our own country. And my prayer is, that God in his holy and wise providence, would avert such a calamity."

Mr. Wright, another of the missionaries remarks,

"Their former amusements are abandoned, the Sabbath is observed, many attend to the duty of family prayer, and an almost universal desire to hear the Gospel prevails. There is also a general desire awakened among the people to read their own language; the Choctaw books are sought for, with an eagerness that is truly wonderful. Such has been the call for books not only here, but in the other districts that the whole of the edition of the little Choctaw spelling book is entirely expended, and another edition is called for immediately. It is thought that the edition now to be printed, should consist of 3,500 or 4,000."

The following are extracts from a letter of Mr. Kingsbury in Jan. 1829.

"To form a correct estimate of what the Gospel, with its meliorating and civilizing attendants, has accomplished for the Indians, we must compare the *present* state of those who have in some degree been brought under its influence with their *former* condition. Judging by this standard, it may be fairly doubted whether the past eight years have witnessed, in any portion of the civilized world, a greater improvement than has been realized in the civil, moral, and religious state of the Choctaws."

#### *Advance in the Arts of Civilization.*

"Other evidences of improvement we have in the increase of industry, and a consequent advance in dress, furniture, and all the comforts and conveniences of civilized life.



"It has been remarked by many, that the fields of the Indians have never been kept in so good order, and managed with so much industry, as the past year. At councils and other large meetings, the Indians, especially in the northern and western districts, appear comfortably and decently and some of them richly clad. A great desire is manifested to obtain furniture for their houses, and some are already supplied in a manner not inferior to that of new settlers in our own country.

"The result of a census taken last year in the northeast district was as follows, viz. population, 5,627 ; neat cattle, 11,661 ; horses, 3,974, oxen, 112 ; hogs, 22,047 ; sheep, 136 ; spinning wheels, 530 ; looms, 124 ; ploughs, 360 ; waggons, 32 ; blacksmith's shops, 7 ; cooper's shops, 2 ; carpenter's shops, 2 ; white men with Choctaw families, 22 ; schools, 5 ; scholars in a course of instruction, about 100. In one clan, with a population of 313, who a year ago were almost entirely destitute of property, grossly intemperate, and roaming from place to place, there are now 188 horses, 511 cattle, 853 hogs, 7 looms, 68 spinning wheels, 35 ploughs, 6 oxen, 1 school, 20 or 25 scholars.

"The northeast district last year appropriated \$1,500 of their annuity for the establishment and support of blacksmith's shops. The present year they have appropriated their whole annuity to similar objects.

"As an evidence of industry and public spirit, I would mention, that in one neighborhood the natives have built a shop, chopped wood for a large coal-pit, and carried it on their backs to the place of sitting ; have built a house for their blacksmith, and cleared for him a field of 12 acres, all with their own hands ; they have purchased with their annuity a set of tools and iron and steel to the amount of two hundred dollars, and have engaged to pay their smith \$300 more annually, for three years. Similar provision is making for smith's shops in other places.

The following is from a letter of Mr. Byington, in August 1829.

"A great change has taken place within a few years, in the moral condition of the natives. They are quite temperate compared with their previous habits, or with those of white men. Probably there are not 20,000 white men to be found residing together in any part of the United States, who have not used twice the quantity of ardent spirits which the Choctaws have used during the year past. Several very good laws have been passed in Council to regulate property and the conduct of individuals. The people attach more importance to a good government, to schools, to the Gospel, to industry and its fruits, than they have done. In this part of the nation we do indeed feel that we live in the enjoyments of Christianity and civilization. Often have the men whom we employ, after making a visit into the white settlements, come home to us, bearing abundant testimony in favor of a residence here, compared with one in the settlements."

It would be easy to multiply extracts containing the most minute and interesting information in regard to the moral improvement in this tribe, the prosperous state of their schools, their abandonment of the wicked practices and rites of Indian superstition, and their increasing acquaintance with the arts of civilized life ; but our limits will not permit us to be more particular.

#### CHICKSAWS.

The mission among these Indians was commenced in 1821 by the Missionary Society of the synod of South Carolina and Georgia ; and was transferred to the American Board in 1827. There are now four

missionary stations. The schools contain about one hundred members. During the two past years there has been a prevailing attention to religious instruction. In October 1828, one of the missionaries writes,

"The nation has recently formed some wholesome laws, and to our astonishment they are all strictly enforced. Whiskey is banished from the country. A thief is punished with thirty-nine lashes, without regard to color, age or sex, and is compelled to return the stolen property or an equivalent. One hundred men (twenty-five out of each district) are to carry the laws into execution, and are paid by the nation.

"These things are encouraging, and I see nothing in the way, if these people are unmolested, of their becoming civilized, enlightened, and happy.

"The work of reformation is already commenced; and if they could but enjoy tranquillity of mind, I have no doubt but that it would rapidly advance."

From the reports of missionaries in July 1828, it appears that a remarkable change had taken place among the Chickasaws with respect to *temperance*. "I am informed," says Mr. Holmes, "that it is very common for the full Indians to purchase coffee, sugar, and flour, in the stores on the borders of the nation, *but no whiskey*. This last article appears by common consent to have been banished from the nation. *We have not seen an intoxicated native during the past year.*" There was also at this period an uncommonly general attention to religion. Of late the agitation produced by the fears of a removal seems to have drawn their minds from this subject, and disheartened the chiefs in their exertions to enforce the salutary laws which had been enacted. In the latest view of the operation of the Board it is remarked as follows.

"The condition of the Chickasaws is obviously improving. The chiefs are more decided in favor of the schools and the preaching of the Gospel. Laws enacted against the introduction of whiskey were very strictly enforced, and a great reformation occasioned for a while; but of late, some change of rulers, with anxiety respecting removal, have made the laws to be less regarded."

Our readers will be interested in the perusal of the following extracts from the answers of the Chickasaws at three different intervals in 1826, to the propositions made by the treaty commissioners on the part of the United States. We quote from the official account of their proceedings, published by Congress.

"We have to look to our Father to still extend his strong arm of protection to us, until we are more enlightened and advanced in civilization. We know that this is a very important subject before the nation. We, the commissioners, on the part of the nation, have to act agreeably to the voice of the People. *We are desirous of promoting our rising generation into a state of respectability. We cannot act contrary to the will of the nation. They are determined on staying in their native country*; under these circumstances we can only say to our brothers, the Commissioners, that they are still opposed to selling any more of their lands, consequently we can do no more."

"You say that the country we have is greatly too large for us; we have always taken the talks of our father, the President, heretofore, and reduced our lands to very small bounds; not more than what will support us comfortably: *We, as well as our white brothers, have a rising generation to provide for. We have*

abandoned the idea of hunting for a support, finding the game will not do for a support. Our father, the President, introduced Missionaries to come amongst us, to advance us to a state of civilization ; *we accepted them, and are making all the progress that people can ; we have also been providing means for the support of missionaries to enable us to go on with the education of our children, and to have them enlightened.* Industry is spreading amongst us ; *population is increasing ; we hope soon to arrive at that state of improvement that is so much desired by our father, the President ; we consider ourselves as the tree of the forest, but not of the useless kind. We are a fruitful tree, and have provided means, by the assistance of our father the President, to cultivate and improve it, in order that we may bring forth good fruit.* You say it is right that we should be attached to the land of our forefathers, but "how seldom do we see our white brothers leave their bones in the land of their forefathers ?" We can only account for that in this way ; that our white brothers appear always to be desirous of changing their condition. It is not the case with your red children ; they have no desire for changing an old friend for a new one ; we are satisfied to remain here for the support of our children. We know that the United States have always protected us, and that the strong arm of your Government has extended its protection West of the Mississippi, for the peace and happiness of our red brethren ; *we have also every reason to expect that the Government of the United States feel themselves bound, by every tie of gratitude, to defend and protect their brothers, the Chickasaws, as we have never shed the blood of any of our white brothers. Therefore, we feel ourselves freed from any danger of our red enemies where we are, and wish not to incur any expense to our father, the President.*"

"We find it is the wish of our father to exchange lands with us, lying on the West side of the Mississippi river, which we are very sorry to hear, as we never had a thought of exchanging our land for any other, as we think that we would not find a country that would suit us as well as this we now occupy ; it being the land of our forefathers, if we should exchange our lands for any other, fearing the consequences may be similar to transplanting an old tree, which would wither and die away, and we are fearful we would come to the same ; we want you, our brethren, to take our talk ; we have no lands to exchange for any other ; we wish our father to extend his protection to us here as he proposes to do on the West of the Mississippi, as we apprehend we would, in a few years, experience the same difficulties in any other section of the country that might be suitable to us West of the Mississippi."

"We further consider that there is a number of nations West of the Mississippi, that have been enemies to us, as well as to our white brothers. It would be as much impossible for to unite us with them as it would to unite oil and water, and we have every reason to believe that those tribes that have left their country are not well satisfied ; and, if that should be the case, we are fearful that those tribes will take satisfaction of us for injuries done by us, as well as our white brothers ; we are a small tribe, and unable to defend our rights in any country."

In regard to the general improvement among the Indians, and the injustice of the course pursued in regard to them, the following is a remarkable testimony from Hon. James Barbour, extracted from his letter in 1826 to the Chairman of the committee on Indian affairs.

"Missionaries are sent among them to enlighten their minds, by imbuing them with religious impressions. Schools have been established by the aid of private as well as public donations, for the instruction of their youths. They have been persuaded to abandon the chase—to locate themselves, and become cultivators of the soil—implements of husbandry, and domestic animals, have been presented them, and all these things have been done, accompanied with professions of a disinterested solicitude for their happiness. Yielding to these temptations, some of them have reclaimed the forest, planted their orchards, and erected houses,

not only for their abode, but for the administration of justice, and for religious worship. And when they have so done, *you send your Agent*, to tell them they must surrender their country to the white man, and re-commit themselves to some new desert, and substitute as the means of their subsistence the precarious chase for the certainty of cultivation. The love of our native land is implanted in every human bosom, whether he roams the wilderness, or is found in the highest state of civilization. This attachment increases with the comforts of our country, and is strongest when these comforts are the fruits of our own exertions. We have imparted this feeling to many of the tribes by our own measures. Can it be matter of surprise, that they hear, with unmixed indignation, of what seems to them our ruthless purpose of expelling them from their country thus endeared? They see that our professions are insincere—that our promises have been broken; that the happiness of the Indian is a cheap sacrifice to the acquisition of new lands; and when attempted to be soothed by an assurance that the country to which we propose to send them is desirable, they emphatically ask us, what new pledges can you give us that we shall not again be exiled when it is your wish to possess those lands? It is easier to state than to answer this question.”

The following is a testimony to the same purpose from Mr. Calhoun.

“Almost all of the tribes proposed to be effected by the arrangement, are more or less advanced in the arts of civilized life, and there is scarcely one of them, which have not the establishment of schools in the nation, affording at once the means of moral, religious, and intellectual improvement. These schools have been established for the most part by religious societies, with the countenance and aid of the government, and on every principle of humanity the continuance of similar advantages of education ought to be extended to them in their new residence. There is another point which appears to be indispensable to be guarded, in order to render the condition of this race less afflictive. One of the greatest evils to which they are subject, is that incessant pressure of our population, which forces them from seat to seat, without allowing time for that moral and intellectual improvement, for which they appear to be naturally eminently susceptible. To guard against this evil, so fatal to the race, there ought to be the strongest and the most solemn assurance, that the country given them should be theirs, as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens.”\*

The following is another testimony from Col. McKenney in regard to the increasing civilization and Christianity of the Southern tribes.

“The present system, whilst it maintains the dignity and purity of moral and religious instruction, keeps also in constant operation the means which are now leading so many Indians to an acquaintance with the domestic arts, with mechanics, and with agriculture. It has been by the union of these, aided, it is true, by the absence of game, that the present system for civilizing the Indians has, in the course of a very few years, produced such a striking change in the habits and practices of several of the tribes, among whom it has been put in operation. Upwards of eleven hundred children, as has been shewn in my report of the 30th ultimo, are now having imparted to them, and successfully too, the blessings of civilized and Christian life, whilst the older Indians, struck with its transforming effects, are themselves practising, to a very great extent, the lessons which they receive from their more fortunate offspring; and, in proof of their admiration of it, have

\* We need scarcely remind our readers that “the strongest and the most solemn assurance” of this nature has already been repeatedly given to the Cherokees and other Southern tribes in regard to their present home; and how could it be made stronger or more solemn in regard to another residence.

in many instances, contributed from their own scanty resources to its support. Several tribes have placed, at the disposal of the superintendents of the schools, under the direction of the General Government, large annuities. The Choctaws have allotted twelve thousand dollars of their means, per annum, for nearly twenty years, towards the support of this system ; and the Chickasaws have given one year's annuity, amounting to upwards of thirty thousand dollars, as a fund for the same object.

The Cherokees on this side the Mississippi are in advance of all other tribes. They may be considered as a civilized people. Their march has been rapid."

At the commencement of the same document from which we have extracted the above, Col. McKenney remarks ; "*the effects of the present system for civilizing the Indians are, every where, within the limits of its operation, salutary. The reports from the schools all testify to its excellence.*"

From several pages which Mr. McCoy devotes to an exhibition of the improvements among the Southern tribes we select the following passage.

"It is certain that the attachment of the Indians to a hunter's life is not so obstinate but that they will voluntarily exchange it for a better, whenever they become situated where the love of life, and the hope of enjoyment, can be cherished in their bosoms. This has been the case with the Cherokees, and some others of the south who have adopted habits of civilized life.

"It was not merely the diminution of the wild game which induced those southern Indians to abandon the chase, for hundreds of them are now decently farming on the west side of the Mississippi, contiguous to good hunting grounds. They have adopted civilized habits because of their superior advantages to the hunter state. These people have readily enough relinquished attachments to Indian habits, not because their prejudices were originally less obstinate than those of other tribes, but because they happened to be situated where their hopes of enjoying the fruits of their labors were more encouraging than those of their more unfortunate northern brethren.

"To the concurrent testimony of all who are engaged in the labor of Indian reform, I add my own unqualified assertion, resulting from an experience of more than nine years actual residence in the Indian country, that there exists among our Indians no attachment to any pernicious manners or customs, that will not yield to sound argument, righteous example, and the offer of a better condition."

In regard to this subject the Editors of the Missionary Herald remark very justly,

"Much of the influence of the schools, it should also be remembered, is prospective. It is not yet seen ; and will not be, until those, who during the last ten years have been children in the schools, become old enough to be the active men and women in the nation. *Probably ten times as many of the generation, who will be engaged in the active business of life ten years hence, will be able to read, and be influenced by a knowledge of the Gospel, as were possessed of this ability and this knowledge in the generation engaged in active business ten years ago.* All this influence is progressive. Every enlightened, industrious, and enterprising Indian, becomes, as a matter of course, an example, to all his brethren around him, of the practicability of improving their condition ; and, to a greater or less degree, an active promoter of their improvement. Much influence of this kind has been exerted by Indians on one another."

We wish our readers to reflect candidly on the consequences of the probability, which we have marked in Italics. Let them remember

the influence, which the *comparatively few*, who have hitherto been educated, have exerted already on the character of the nation, especially that of the Cherokees. Let them remember that this influence will still continue to spread, while there will be added to it the influence of a much larger number of educated Indians, (a number increasing each year) who will leave the schools annually for ten years to come. Let it be remembered that in the mean time a large proportion of those, whose attachment to old habits of life is most inveterate, will have passed away, while their places are filled by those whose habits have been formed in a greater degree under the influence of civilization and Christianity; that the number of schools and missionary stations will also be increased, while the obstacles which have impeded their success are daily diminishing;—let all these circumstances be considered without prejudice, and none can help acknowledging that there is the fairest prospect of the full and perfect civilization of the nation of the Cherokees, and that too at no distant period of time. Provided that they be left to the undisturbed power of the causes now in operation—that they be not broken up and driven off to the wilds beyond the Mississippi, nor left to suffer from the oppression of the State of Georgia—we think there exists the most rational ground for such a conclusion, not merely in regard to this tribe, but, at a somewhat more distant interval, in regard to their neighbors, the Choctaws, Chickasaws and Creeks.

The statements we have exhibited will probably be met with incredulity in the minds of not a few, and with absolute contradiction on the part of others. There seems to be a deep rooted superstition (we know not what else to call it) in many minds, that the Indians are really *destined*, as if there were some fatality in the case, never to be christianized, but gradually to decay till they become totally extinct. This superstitious idea is equally irrational and unchristian; and it is every man's duty to examine facts with an unprejudiced mind, and to give accredited statements their true weight.

As to the proceedings of Congress on this subject, it is most evidently the duty of that body to learn the *truth*, from eye witnesses who are competent to decide, who have had intimate and personal acquaintance with the character of those tribes, whose welfare would be so deeply affected by the measures which have been proposed in regard to them. Those who hold the destiny of these tribes in their power cannot be too humane, too deliberate, nor too cautious in their decisions. They should never rest satisfied with second-hand information, nor with the declarations of interested men.















