







DISCOURSE

ON THE

SURVIVING REMNANT OF THE INDIAN RACE

IN THE

UNITED STATES.

DELIVERED ON THE 24TH OCTOBER, 1836, BEFORE THE SOCIETY FOR
COMMEMORATING THE LANDING OF WILLIAM PENN.

“To-morrow the traveller shall come; he who saw me shall come;
his eye shall seek me through the fields, and shall not find me.”—OSSIAN.

BY JOB R. TYSON.

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At a meeting of the "SOCIETY FOR COMMEMORATING THE LANDING OF WILLIAM PENN.," held at Philadelphia, on the 24th day of October, 1836,

On motion of John Vaughan, Esq., it was unanimously

Resolved, That the thanks of the Society be tendered to JOB R. TYSON, Esq. for his able and eloquent Oration, this day delivered, on "The Surviving Remnant of the Indian Race in the United States," and that he be requested to furnish a copy for publication.

From the Minutes.

JOSEPH PARKER NORRIS, *Pres't.*

J. FRANCIS FISHER, *Sec'ry pro tem.*

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DISCOURSE.

GENTLEMEN OF THE PENN SOCIETY :

The historical orator has a wide field open to his researches. But every portion is not alike productive or beautiful ; and when he reflects how many of its finest tracts have been explored, and their riches appropriated, he may well pause in the selection of his topic. He may alight upon an obscure and unattractive period to which no interest can be imparted, or upon dry and trivial events, which defy the utmost exertions of industry to enliven and exalt. The stream of time sweeps down to us, in its course, an intermixture of treasures and burthens ; it bears upon its pregnant bosom, shells as well as shell-fish, pebbles as well as gems. Examination only can ascertain the precise nature of its deposites, and show us which has value, and which is worthless.

Let me, however, venture to call your attention to a subject, which, if destitute of the charms of historical

attractiveness, possesses, at this moment, and on such an occasion, the merit of a peculiar adaptation, both with reference to its bearings upon the principles of Penn, and its importance to the national character. The theme addresses itself so directly to the feelings and sensibilities, that in the earnest wish to develop it, I almost forget my entire inability to do it justice.

There was no subject which clung to the heart of William Penn with a fonder tenacity and more lively fervour, than justice to the original proprietors of this country. It had a place in his affections equal, if not superior, to those other distinguishing features of his policy—I mean religious freedom and penal clemency. Permit me, then, to trace, with a feeble hand, the high and conscientious course, which, in imitation of the founder of Pennsylvania, this nation is called upon to adopt, towards the surviving remnant of the Indian race, by every impulse of virtuous sentiment, by every motive of honourable ambition.

The origin of the great Indian family, the languages of the different tribes, their habits and antiquities, have each been canvassed by learned enquiry and ingenious speculation. In this ardour of research, conducted by the master spirits of the age, it is natural to expect that the attention of men will be directed not merely to the philosophy of Indian life and manners,

but to every portion of his living history. Mankind will be curious to know the story of the Indian, not only as a solitary being, in his lonely and sequestered haunts, but in his intercourse with those by whom his country has been invaded and overrun. They will scan with a critical eye the character of that intercourse; and in pursuing the causes of his degeneracy and decline, they will estimate, at their proper value, an imputed voluntary debasement on the one hand, and the baneful arts of superior cunning on the other. Let us, then, be true to ourselves; and with the high-minded honour of an enlightened and Christian community, prevent the extinction of a race, the history of whose downfall would involve the history of our own craft and perfidy.

The American Indian is sometimes regarded as a being who is prone to all that is revolting and cruel. He is cherished, in excited imaginations, as a demoniac phantasm, delighting in bloodshed, without a spark of generous sentiment or native benevolence. The philosophy of man should teach us, that the Indian is nothing less than a human being, in whom the animal tendencies predominate over the spiritual. His morals and intellect having received neither culture nor development, he possesses, on the one hand, the infirmities of humanity; while on the other the divine spark in his heart, if not blown into a genial

warmth, has not been extinguished by an artificial polish. His affections are strong, because they are confined to a few objects ; his enmities are deep and permanent, because they are nursed in secret, without a religion to control them. Friendship is with him a sacred sentiment. He undertakes long and toilsome journeys to do justice to its object ; he exposes himself, for its sake, to every species of privation ; he fights for it ; and often dies in its defence. He appoints no *fecial* messenger to proclaim, by an empty formality, the commencement of war.* Whilst the European seeks advantages in the subtle finesse of negotiation, the American pursues them according to the instincts of a less refined nature, and the dictates of a less sublimated policy. He seeks his enemy before he expects him, and thus renders him his prey.

No better evidence need be adduced of his capacity for a lively and lasting friendship, than the history of Pennsylvania, during the life time of the founder. It is refreshing and delightful to see one fair page, in the dark volume of injustice and crime, which American annals, on this subject, present. While this page reflects upon the past an accumulated odium, it furnishes lessons for the guide and edification of the future. Let me invite the philanthropist to this affecting story.

* See Appendix. Note 1.

A chief object of Penn, in the settlement of his province, was neither land, gold, nor dominion, but "the glory of God, by the civilisation of the poor Indian." Upon his arrival in Pennsylvania, the pledge contained in his Charter was redeemed by a friendly compact with the "poor Indian," which was never to be violated, and by an uniform and scrupulous devotion to his rights and interests. Oldmixon and Clarkson inform us, that he expended "thousands of pounds" for the physical and social improvement of these untutored and houseless tenants of the woods. His estate became impaired by the munificence of his bounty.—In return for benevolences so generous and pure, the Indians showed a reality of affection and an ardour of gratitude, which they had on no previous occasion professed. The colony was exempted from those calamities of war and desolation, which form so prominent a picture in the early annals of American settlements. During a period of *forty years*, the settlers and the natives lived harmoniously together, neither party complaining of a single act of violence, or the infliction of an injury unredressed. The memory of Penn lived green and fresh in their esteem, gratitude, and reverence, a century after.

The tribe, thus subdued by the pacific and philanthropic principles of Penn, has been untruly described as a cowardly and broken-down race. They were a

branch of the great family of Indians, who, for so many years, carried on a fierce and bloody strife with the Alligewi on the Mississippi, and waged a determined hostility with the Mengwe. At one period, they were the undisputed masters of the large tract of country, now known as the territory of the middle states. On the arrival of the English, their number in Pennsylvania was computed at thirty or forty thousand souls. Their history spoke only of conquest. They were a brave, proud, and warlike race, who gloried in the preservation of a character for valour, descended from the remotest times. The confederacy of the Six Nations, by whom they were finally vanquished, was not formed until 1712, and their defeat, as evidenced by their peculiar subjugation,* occurred within a few months antecedent to the demise of the proprietary. This same people annihilated the colony of De Vries, in 1632; formed a conspiracy to exterminate the Swedes, under Printz, in 1646; and were the authors of the subsequent murders which afflicted the settlement, before the accession of the English colonists.

Such an example furnishes some insight into the elements of the Indian character. Little doubt can exist, if the subject were fairly examined, that most of those sanguinary wars, of which history speaks

* See Appendix. Note 2.

with a shudder, would be found to have arisen less from the blood-thirsty Indian, than from the aggressions of his gold-thirsty and land-thirsty defamer.

Soon after the discovery of America, the pope issued a bull, which authorised the kings of Spain to conquer and subdue its infidel inhabitants. And what, but the admitted desire of conquest and plunder, led Cortes to Mexico,—Pizarro to Peru,—and Hernando de Soto to Florida? Their steps were marked with desolation and death. Human victims were daily sacrificed, in countless numbers, on the shrine of their cupidity and ambition. Blood-hounds dislodged from their fastnesses those miserable beings whom the satiated sword had spared. Pity was extinguished in the hearts of these fierce invaders;—for neither honour nor humanity could have place in a war, the declared object of which was extermination. The details of these tragical events would sicken the natural sensibilities; I therefore leave the revolting narrative to that barbarous taste, if it exist, which can dwell, without emotion or shame, upon such exploits of Christian conquerors.

About a century after the letter of his holiness, Queen Elizabeth of England, in emulation, perhaps, of the prerogative he assumed, issued a proclamation directing her subjects to subdue the pagan savages of

the American continent. With the liberality of a sovereign, who could give away what she did not possess, she bountifully granted to Sir Humphrey Gilbert, all those countries which were not in the occupancy of any Christian prince or people. Sir Walter Raleigh, the next depository of the queen's bounty, and with a patent equally extensive, planted, a few years after, the first English colony in North America. The demeanour of the English towards the natives, might have been anticipated from the sentiments of their monarch and the principles of their Charter. Deceived, as they asserted, by the representations of the Indians, in regard to the existence of pearls, gold, and silver, they committed outrages upon their property and lives, the most perfidious and cruel. To these, and a series of hostile acts and absurd pretensions, may be ascribed the perils and disasters of Raleigh, the distresses of Smith, and a long succession of subsequent massacres.

In New England, the natives were met in that spirit of calculating prudence and cautious circumspection, for which the puritans were famous. So early however as 1624, the number of Indian victims had been so great, and the injustice of the pilgrims so apparent, that, when the conversion of the natives was resolved upon, their leader, John Robinson, in a letter to the governor of Plymouth, sarcastically wrote,

“Oh, that you had converted some, before you killed any.” To various acts of harshness and perfidy, on the part of the English, we are to attribute the occurrence of the Pequot war. They surprised their enemies at the river Mystic, and set fire to their wigwams. Many of these were consumed, and hundreds of men, women and children, fell in battle, or perished in the flames. The survivors were pursued with a vigilance so active, a vengeance so fell and unsparing, that the once formidable tribe of Pequots was reduced to a few wretched fugitives, and soon ceased to exist as a separate nation. The barbarity of the victors did not stop here. “Instead,” says the historian,* “of treating the Pequods as an independent people, who made a gallant effort to defend the property, the rights, and the freedom of their nation, they retaliated upon them all the barbarities of American war. Some they massacred in cold blood; others they gave up to be tortured by the Indian allies; a considerable number they sold as slaves in Bermudas; the rest were reduced to servitude among themselves.”

It would be an unpleasing, a repulsive task, to refer, in detail, to the hapless fates of those great men, Miantonimo, Alexander, Conanchet, and Philip. Their memories are embalmed in the historic page,

* Robertson's America, vol. ii. page 258.

and their melancholy story would form a topic worthy of the powers of poetical genius. The beautiful and affecting tribute which our classic Irving has paid to the valour, conduct, and virtues of Philip, must excite, in every reader, a tear of intense sympathy and poignant regret.

In opposition to the historian of the west, and the prevailing sentiments of the present day, it would be easy to show, that Indian wars are not always the unprovoked offspring of Indian cruelty.* Some forgotten slight, overreaching, treachery, or violence, has too often engendered those outbreaks from the Indians, which have been deemed causeless and spontaneous. The friendship of Penn and his companions carried with it the proofs of its own sincerity. During the long period of its continuance, the Indians made no warlike or unfriendly manifestation. On the contrary, all was harmony, confidence, and kindness. In after years, those calamities of Indian warfare which afflicted the inhabitants of Pennsylvania, may be ascribed to a fatal change in the policy and dispositions of the state. A protracted system of encroachment and oppression at last drove these faithful friends of our ancestors, disgusted and heart-broken, from their rightful domains, to seek independence and

* See Appendix. Note 3.

security in the remote wilds and inhospitable solitudes of the west.

When we survey, in calm retrospection, the original condition of the natives of America, when we trace the history of their wrongs, and contemplate their present enfeebled state, we must feel mingled emotions of sorrow, shame, and indignation. The annals of mankind exhibit no similar instance of injuries so enormous, of atrocities so black and un-avenged. In after times, when the Indian fate shall have been finally sealed, and their existence known to future ages only through the impartial medium of authentic history,—when it shall be told that they were simple and unoffending,—that their aggressors were enlightened by science and ennobled by Christianity,—that they carried on a series of exterminating wars for nearly four centuries, killing, defrauding, and dispossessing them,—by what arguments will the invaders plead their justification?

When first visited by Europeans, the Indians were numerous and powerful, happy in a precarious subsistence which was sweetened by the freedom of an unfettered independence. They were in the enjoyment of a religion and state of manners, approved and adopted by their fathers; of a home endeared to them by the associations of childhood, and the graves

and reminiscences of their kindred. A bountiful Manitto, whose voice they had listened to in the thunder, as well as in the sighing winds of the forest, supplied them with game ; he led them forth to battle ; and if they gloriously fell, he was ready to admit them to the bliss of a better and far more delightful region. How changed is the scene ! That race once so free, so powerful, so full of heroic fortitude and high-minded honour, are dwindled into a miserable remnant, for the most part of base dependents and degenerate debauchees.

“ Thus to deep sadness sullenly resigned
They feel their body’s bondage in their mind,
Put off their generous nature, and, to suit
Their manners with their fate, put on the brute.”

Wretched outcasts from their native homes, they line the skirts of the settlements only to see ease, comfort and plenty, in which they are not allowed to share ; and to witness the protection and security of a society from which they are excluded. Of the many millions who roamed for ages the undisputed masters of our extended territory, not half a million survive. A few of these retain their characteristic independence, disdain the shackles of civilised restraints, and the dependence imposed by fancied superiority. These scour the wilderness as before in pursuit of game, and glory in the proud identity of

their habits. Others, smitten with a taste for the arts and conveniences of an improved state of society, desire to secure their advancement and perpetuate their existence by claiming the privileges of immemorial right, and the redemption of our national faith, pledged to them in the form of solemn treaties.

Even now the din of war, and reports of the hideous battle-axe and scalping-knife, ring in our ears. Where are we to look for the origin of these disasters? Where, but in that same remorseless and inexorable policy which has extinguished so many noble spirits in death, and forced so many others into involuntary banishment? The weakness of the southwestern tribes in point of number, their pitiable condition in regard to discipline, would teach even their uninformed reason of the folly, the absurdity, of an offensive war. Do they assume a belligerent front when the measures of government are friendly, and their treatment by its citizens is just? The proudest Indian resorts to war only in retaliation of inflicted injury, or in defence of rights either violated or in danger. Revengeful sentiments for wrongs, which it would require a volume to unfold, swell the bosom of the reviled Seminole, and urge him to turbulence and desperation.

But this insidious and oppressive system has disclosed to us a new feature of Indian character, at

once a disproof to their adversaries and honourable to human nature. The Cherokees have been the unre-sisting victims of a persecution which has disgraced this age and country. They have borne its accumu-lated pressure without a single act of violence. They have met it with that heroic forbearance which looks for redress only to the justice and magnanimity of Congress. Let us honestly investigate the grounds upon which they claim the protection of that body to which they appeal; for if these be well founded, it is our duty, as the friends of man—as the humble repre-sentatives of the principles of William Penn—to espouse their cause and second their pretensions.

The Cherokees are a tribe of Indians whose early history and recent misfortunes are alike remarkable. They are honourably mentioned by the chroniclers and travellers of the last age,* as attached to their native soil; and exempted from those erratic propen-sities so common to the North American savage. With a very extended dominion, they united an in-trepidity and prowess capable of defending it. During the war of the revolution, they fought upon the English side; and so valiant and brave was this warlike people, that the United States were glad, upon the establishment of peace, to give them amnesty

* See Appendix. Note 4.

and friendship by a formal treaty. Their territory then included thirty-five millions of acres. This vast and beautiful region was blessed with a delightful climate, plentiful streams of water, and a soil of surpassing fertility. Numerous successive grants to the United States have dwindled down this princely inheritance to about eight millions of acres, of which an extensive portion is comprised within the map of Georgia.

The first compact between the United States and the Cherokee nation, was the treaty of Hopewell, made in the year 1785. Its objects, as expressed, were to establish peace and friendship, to define limits, and to prescribe rules for the prevention and redress of mutual injuries. The treaty of Holston, concluded in 1791, has received the emphatic sanction of Washington, in the twofold forms of an act of Congress, and a previous convention with the Creeks.* Even at that day, the Cherokees had made some advancement in civilised life, and one of the articles was intended to provide for its extension by the general distribution of agricultural implements. In the fourteen subsequent treaties with the Cherokees, the existence of a right to the soil; the guarantee of that right; and additional means for their social improvement; are kept steadily

* See Appendix. Note 5.

in view. Nowhere is it impaired by direct expression or remote implication. In the last of those four great compacts, which were framed under the auspices, and with the approbation of Washington, the United States engage, "*never to claim* the lands reserved to the Indians." The final treaty, which was ratified in 1819, was a definitive cession and agreement. Prior to its execution, and as an inducement to it, the Indians were solemnly assured that *no further cession of their lands thereafter would ever be solicited or required*. Its provisions were in coincidence with those liberal and enlightened principles which looked to the perpetual residence of the Cherokees upon their native soil, in the elevated character of freemen. A permanent fund was to be created for the diffusion of the blessings of education, to them and their posterity for ever.

From the first compact formed by the United States with any Indian nation, which was that solemnly concluded with the Delawares in 1778, down to the treaty with the Creeks in 1826—every where and in each—will be found profession heaped upon profession, guarantee following guarantee, inviolability of soil, and perpetuity of friendship. In the correspondences between our government and the Indian tribes, from an early period, they are affectionately urged to relinquish the occupation of hunting for the more certain pursuit of systematic husbandry; to train their

children in letters and a knowledge of civilised life; and to organise a regular form of civil and political society. They are assured of the fidelity with which the promises of treaties would be kept, in securing to them the absolute ownership and exclusive possession of their property. All intrusion into the Cherokee territory is, by the treaty of Hopewell, plainly prohibited; and those who violate the engagement are to be surrendered to the Indians for discretionary punishment. The paramount object of the treaty which followed, after prescribing the extent and terms of the cession, was *the security of the remainder inviolate*. The treaty of 1798, concluded at Tellico, confirms the stipulations of antecedent compacts, by assuring to the natives for ever *the residue of their country*. A long succession of subsequent contracts, enforced by the ordinary legislation of Congress, provide against the invasion of their property from white settlers, by the summary process of instant eviction.

There can be no question that the Cherokee nation, for her own protection, is in a state of political pupilage to the United States. It is equally clear that her rights of territory repose upon a similar basis. But these rights are indefeasible in their nature, and absolutely perfect, with the restriction of an exclusive power in the United States to extinguish the title by an honourable purchase. She cannot sell to a foreign

nation, to a state, nor to private individuals, under the provisions of various treaties, recognised and enforced by acts of congress.* This question was presented by Jefferson in 1793, in its true and legitimate aspect. He regards the privilege of pre-emption only in the character of a remainder, after the extinguishment of an existing right, which, unless voluntarily conveyed, *may continue for ever*. This doctrine has received the approbation of all concurring authorities. It has been approved and sustained by elementary writers upon jurisprudence; it has been sanctioned by the supreme court of the United States; it has been reasoned upon and adopted by the state papers of the federal government.

Such is the nature of the engagements under which the Cherokees are entitled, by virtue of laws, treaties, and promises, to the duty of protection from the United States. I might assume a higher position than the mere *recognition* of a right to their own domain, in successive compacts. I might ascend to the basis of Indian title, and claim what has not been surrendered, upon a ground beyond and superior to any recognition. Let them roam over these reservations as hunters, or cultivate them as husbandmen, or cover them with cities, and no right under the law,

* Acts of 1790 and 1802.

no power but that of violence, can abridge or control them in the absolute ownership. They hold, by an immemorial patent, a deed whose antiquity no one can question, because its date is indubitably antecedent to European discovery, and too early for the utmost reaches of European knowledge.

But the state of Georgia has had the boldness to interfere with these possessions, held, as they are, under the twofold sanctions of original right and treaty stipulation. She has ventured, in the face of her own engagements, to arrogate a jurisdiction over the territory, and a title to the estates of the Cherokees, independent of the United States. But, until the convention of 1783, between the Cherokees and Georgia, is blotted from existence; and so long as the compact of 1802 is preserved among the public archives, the assumptions of the latter must be regarded as that lust for dominion, which usually receives the name of fraud or usurpation.

“Tyranny

Absolves all faith; and who invades our rights,
Howe'er his own commence, can never be
 But an usurper.”

According to the theory of her doctrine, broached in 1827, and since reduced to practice, her rights against the Cherokees are unquestionable, and without

limitation, since her *force* is able to second her pretensions. She possesses the physical might to enforce her claims, if a superior *right*, because a superior *power*,* will lend her that countenance or connivance which she requires, for the completion of her unjust and iniquitous projects.

It must ever prove a subject of unmitigated regret, that when Georgia had asserted her monstrous and perilous doctrines, the Congress of the United States should so far aid the tendencies of her usurping spirit, as to enact the law, "to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the Mississippi." That act has been the moving cause, the chief instrument of the persecutions which the Cherokees, in common with the other Indian tribes, have since endured. From the period of its passage, it has been proclaimed as the settled policy of the government, to effect the removal of the Indians, by persuasion or by *force*. Remonstrance has been followed by menace. These proving ineffectual, every species of insult, oppression, and tyranny, has been resorted to for the purpose of cruelly sundering those ties of deep-seated attachment, which bind man to his native home. Hordes of speculators are collected from all

* See Appendix. Note 6.

parts of the Union, observing their movements with a burning impatience, and like the ravenous Harpies in Virgil, ready to pounce upon their possessions before they are abandoned. Is it gratuitous or unfair to suppose, that these greedy expectants of the heritage of another should put in requisition every guilty means to gratify their desires which ingenuity might prompt, or bad instruments accomplish? Is it gratuitous or unfair to suppose, that they would foment jealousies, heart-burnings and mischief, with a view to impart additional impulse to that *screw*, which, a public agent declared, was to grind the Indians into powder? It is to such causes that the shout of savage and merciless war, from the enraged Creek and the not less injured Seminole, has penetrated into the shades of peaceful settlements, laying waste the honest rewards of industry, and destroying life with indiscriminate and remorseless butchery.* It is to such causes, urged on with a more desperate spirit, that the improved Cherokee finds his life a grievous and oppressive burthen, bowed beneath the accumulated weight of secret cabals, of bold usurpations, and of ingenious fraud. It is their unhappy lot to own a country so rich and beautiful, as to allure the covetous longings of a sagacious and hard-hearted neighbour. The delightfulness of the climate, the fertility of its

* See Appendix, Note 7.

virgin soil, the valuable improvements which immense tracts have received from the laborious hand of cultivation, and above all, the existence of inestimable mines of the precious metals, render it a bait too tempting for unprincipled rapacity to resist.

During a period of seven years, these people have patiently withstood the combined machinations of internal enemies, and the neglect and injustice of that government, to which, under the solemn sanctions of laws and treaties, they might reasonably look for protection. Georgia, in defiance of her plighted faith to the Cherokees, and her allegiance to the Union, has claimed the whole district of Indian territory, within the limits of the state, as her own. She has proceeded so far in the assertion of this pretended right, as to parcel out the land by lottery ; and with the strong arm of the militia, to divest the rightful possessors. Families, on whose acres the wilderness had given place to fruitful fields, and who had surrounded themselves with the comforts and conveniences of civilised existence, have been driven away in the midst of winter, to seek habitations they knew not whither. Women and children, in the temporary absence of their natural protectors, have been thus exposed to the evils of famine and the severity of the elements. Cattle belonging to private individuals, and other species of movable property, have been subjected to the

wanton depredation of thieves, and the persons of the owners to the violence of desperadoes. For the redress of these injuries they have sought the protection of the United States, but the answer of the government is, that they have no power to interfere; they have sought it from the tribunals of the state, but equity jurisdiction has been closed against them by express legislation.

A cardinal principle of Georgia policy has been to tire out the people, by every kind of causeless vexation and wanton wrong. Through her instrumentality, the agents of the United States have suspended the payment of annuities, due by virtue of long subsisting treaties; and have called elections at unusual times, and with the inadequate object of deciding, by suffrage, the mode of their reception. Violence has stalked abroad at noon day. The printing press of the nation has been forcibly seized, with a view to silence that organ of public sentiment and popular complaint. Persons of respectable character and high standing have been hurried off to prison, under the authority of a brutal soldiery, without the specification of charge or the formality of trial.

Where shall they fly for shelter from these manifold evils? Shall they give up that home which they have cherished and made comfortable, for strange

habitations in a howling desert? Shall they abandon those hills for ever consecrated to every feeling, sentiment, and association, which can render them dear to the heart?

“How can they part? The lake, the woods, the hills,
 Speak to their pensive hearts of early days,
 Remembrance woos them from the haunted rills,
 And hallows every spot their eye surveys.”

Shall they imitate the example of their misguided and desperate brethren, and in a moment of frenzy, grief, and despair, fly to arms, as their own avengers? Shall they tranquilly reflect upon the immense cessions of territory with which the promises of protection were bought,—promises now proved to be empty, illusory, unmeaning? But we have an assurance against any warlike sally, in the sentiments of the people, and the example of the past. Though in number exceeding eighteen thousand inhabitants, they prefer the pacific means of petition, remonstrance, negotiation, to the probable chance of being involved with the slaughtered around them, in promiscuous and undistinguished ruin. Encompassed as they are by every form of unmitigated tyranny, the elevated style of their appeals, its freedom from passion, and the manly temperance with which they avouch the plighted faith of laws and treaties, present a humiliat-

ing contrast to the deportment of their oppressive neighbour.

Ever since the treaty of 1819, the Cherokee nation has replied to each application for a sale of their remaining estate, in the firm language of enlightened freedom. "The treasury of the United States," say they, "does not contain money enough to purchase an additional acre." They have felt satisfied with the increase of their social attainments, as they knew that emigration to the untamed solitudes beyond the Mississippi would retard their advances in civilisation and refinement. Already their domain exhibits the germs of a taste, which bear no contemptible comparison to large districts of our own people, in the southern and western country. From the humble dwelling of logs in an incipient *clearing*, to comfortable and even elegant edifices, in tracts under skilful cultivation, the Cherokee region presents the spectacle of a thrifty and enterprising community. The unsettled habits of nomadic existence are gone. They have disappeared amidst the diffusion of a relish for those higher enjoyments, which pertain to moral and mental melioration. Nothing seems requisite for their realising the bright visions of those who were derided as day-dreamers, but the stretching out of that strong arm in their defence, which has sworn to sustain, succour, and protect them. Shall this arm be powerless

or timid, when the rights of humanity, the faith of treaties, the sanctity of laws, and the sacred honour of the nation, are all directly involved ?

In pursuance of a policy so disgraceful and cruel, the attempt has been recently made to negotiate a treaty for the United States with a few unauthorised persons, on a basis repugnant to the sentiments of the Cherokee people. The instrument concocted at New Echota is deemed imperfect in its guarantees, and exceptionable in most of its provisions. The constituted authorities of the nation have disavowed its adoption, as a palpable fraud ; and the people themselves, in an almost unanimous mass, have protested against its ratification. They prefer to be *forced* from the country of their birth and lineage, by an open and irrevocable decree, to sanctioning an iniquitous and spurious compact, extorted by the baseness of manœuvre, and the underhanded secrecy of stratagem. No one can deny that that opposition must be strong which resists, among the neediest of the people, the lures held out by the instrument itself, to secure their acquiescence.*

If the national character be of any value,—if numerous treaties solemnly made, often repeated,

* See Appendix, Note 8.

frequently acted upon, and solemnly recognised, from the earliest period, by each succeeding administration of the United States, be worth the *paper* they are written upon,—if laws and compacts, framed for the benefit of Georgia, and to which she is a party, be not wholly void and delusive,—if the rights of man be of any consequence, and the cause of Christianity and civilisation of any account,—then it becomes the duty of the United States to drive away intruders from the Indian lands; to reinstate the rightful possessors; to repay the injured the amount of their losses; and to protect them and their property, in all time to come, from open violence, predatory invasion, and insidious fraud.

May not the difficulties which now exist with Georgia, and which the United States erroneously considers as insuperable, soon be reproduced with multiplied additions, in regard to the Indian asylum across the Mississippi? With the new state of Arkansas on one side, and the ambitious province of Texas on another, what shall prevent collision and outrage? What, in future time, will prevent the United States herself from reasserting that legal inability to guard the territory from invasion, which she now professes, in the face of guarantees almost as numerous as the stars? May not the day arrive, when state jealousy or personal avarice will find it convenient to distinguish between tribes situated on

their immemorial possessions, and those who have emigrated to distant regions? May it not, then, be expedient to embarrass the question of Indian patents with some forgotten legislation or doctrine of constructive right, or to impair their legal efficacy by the act of Congress of 1830? May not the Indians themselves recede into savage life; and incited by neighbouring treachery, or stimulated by their own passions, be in a state of perpetual conflict and disquiet?

In imitation, therefore, of William Penn, let us extend to them a generous protection in their present abode; and lead them, by all the means in our power, to that civilisation after which they aspire. The glory of the republic will be dimmed, its brightest laurels will be faded or lost, if we desert, in their extremity, a people with so many claims upon our justice and sympathy. Let us prove, like Penn, the sincerity of our friendship—its freedom from interested alloy—by the unerring test of active kindness. We shall thus disarm those bands of savages, who now, in the spirit of demons, prowl over the forests, seeking vengeance upon the defenceless inhabitants of peaceful and secluded settlements. We shall stanch the blood which cries to us from the distant frontiers; and crown humanity with those precious and enduring results not merely of honourable safety to ourselves, but of justice and civilisation to the Indian race!

APPENDIX.

NOTE I. SEE PAGE 8.

I am happy to see similar sentiments to those in the text, in the excellent biography of John Elliot, the Indian apostle, by *Convers Francis*. This Life forms the fifth volume of Sparks's American Biography. The whole work is replete with evidence that the Indian is capable of being penetrated and softened by the offices of Christian kindness. The respectable author gives his opinion at large of the Indian character, which is homogeneous with the text.

Heckewelder represents the Indians, with whom he was acquainted, as being too magnanimous to go to war, without first apprising their enemies of their intention. Nevertheless, the Indian custom generally is, either to let that intention be ascertained by acts of individual outrage, or to proclaim it by a general attack upon the main body of their enemies. The suddenness of these assaults is the pride and boast, as it is the chief art, of untutored policy. Indian magnanimity in war cannot often be the subject of praise, any more than certain usages which civilised society has sanctioned, in hostile times. The education of the Indian has taught him that

such a mode of onset is not only allowable but meritorious. But he has been known to feed his adversary in time of war, averring that he could not fight with a starving enemy. A very different line of policy, it must be acknowledged, is pursued by improved states! It is permitted by the code of civilised nations to starve an enemy into submission.

NOTE 2. SEE PAGE 10.

The Lenape tribe was solemnly declared *a nation of women*, at Albany, in 1717. Several writers of New England pretend to account for the long prevalence of peace in Pennsylvania, by describing this people as originally a miserable and inferior race, without martial pretensions. I have thought it of sufficient importance, once for all, to refute this notion, by a reference to their early history and actual condition, during the life of William Penn. They were the "Grand fathers" of most of the Indian tribes of North America.

NOTE 3. SEE PAGE 14.

The sentiment objected to in the text is contained in "The Indian Wars of the West," by Timothy Flint, page 37. He says—"We affirm an undoubting belief, from no unfrequent nor inconsiderable means of observation, that aggression has commenced, in the account current of mutual crime, as a hundred to one, on the part of the Indians." This testimony

is contradicted by all history since the discovery of America. I might refer indifferently to the conquest of North or South America, and, not confining the enquiry to the early settlements of the eastern and southern parts of the United States, which are now the subjects of history, appeal to recent events in the West and South. Many historians might be quoted in confirmation of this position. Among these may be classed, with no impropriety, the novels of our gifted countryman, J. Fenimore Cooper. Though professedly works of fiction, they present, in relation to Indian history and manners, portraitures of surpassing fidelity and exquisite genius. Cooper is not so much the fanciful limner as to paint the Indian the usual aggressor. Judge Hall, of Cincinnati, has given, in his highly interesting and beautiful "Sketches of History, Life, and Manners in the West," published in 1835, the most abundant and accumulated evidence in opposition to the sentiments of Flint.

NOTE 4. SEE PAGE 18.

"Historical Account of the Rise and Progress of the Colonies of North Carolina and Georgia," (edition of 1779,) vol. ii. p. 221, and "Bartram's Travels," page 485, are here referred to.

NOTE 5. SEE PAGE 19.

The eleventh article of the treaty of Holston, is a literal copy from an act of Congress, which received the signature

of President Washington on the 22d day of July, 1790, and of a treaty with the Creeks, formed at New York, on the 7th day of August, 1790. These facts show that the language and provisions of that treaty had been subjects of great deliberation, and that it expressed sentiments of policy upon which the government of the United States then solemnly determined to act.

NOTE 6. SEE PAGE 24.

A joint committee of the legislature of Georgia made a report upon the subject of the Cherokees, which was approved by the senate of that state, December 27th, 1827. The following passages, which occur in the report, are alluded to in the text. "It may be contended," says the committee, "with much plausibility, that there is, in these claims, more of *force* than *justice*; but they are claims which have been recognised and admitted by the whole civilised world;" (we are to suppose that the committee here refer to Pope Innocent VIII., Queen Elizabeth, and perhaps to Cortes and Pizarro;) "and it is unquestionably true, that under such circumstances *force becomes right*." Meaning, we may presume, that *force* is the arbiter to decide what is *right*.

This idea is more distinctly avowed by the committee in the passage snbjointed:—"Before Georgia became a party to the articles of agreement and cession," (the compact of 1802) "she could rightfully have possessed herself of those lands, either by *negotiation* with the Indians, or by *force*; and she

had determined *in one of those two ways to do so*, but by this contract she made it the duty of the United States to sustain the expense of obtaining for her the possession, provided it could be done upon reasonable terms, and by negotiation; but in case it should be necessary to resort to *force*, this contract with the United States makes no provision; the consequence is, Georgia is left untrammelled, and at full liberty to prosecute her rights *in that point of view*" (i. e. *by force*), "according to her own discretion, and as though no contract had been made." These extracts are alike deficient in logic and morality. To quote them is enough to consign their authors to the disgust and execration of mankind.

NOTE 7. SEE PAGE 25.

A book lately published at Baltimore, entitled, "The War in Florida; being an exposition of its causes, and an accurate history of the campaigns of Generals Clinch, Gaines, and Scott; by a late Staff Officer," contains authentic proof of the origin of the difficulties with the Seminoles, and abundantly confirms the observations in the text. The two Memorials, and accompanying documents, addressed by the Cherokee nation to the last Congress, together with the recent letter of John Ross, the principal chief, to a Friend, demonstrate that the same causes have been in operation, a little varied by local circumstances, among most of the Indian tribes.—Massachusetts is worthy of commendation, for her treatment of the Indians within her borders. The Marshpee tribe, whom, by an act of the Massachusetts legislature,

passed in 1789, it was death to teach to read and write, were allowed, in 1835, a liberal annuity from her school fund, for the purposes of education.

NOTE 8. SEE PAGE 30.

It appears, that out of a population of eighteen thousand Cherokees, no less than fifteen thousand have protested against the pretended treaty, which was formed at New Echota, on the 25th December, 1835. Major William A. Davis states, in a communication to the secretary of war, under date, 5th March 1836, that the regular delegation were not present at the assembly, nor when the instrument was signed. He says that a feast was prepared, to secure a large meeting of the Indians, but that not more than three hundred men, women, and children, attended, who had no authority whatever to act for the nation. The Cherokee protest to Congress, under date, March 11th, 1836, employs this emphatic language in regard to the ratification of this spurious agreement: "If it be the fate of the Cherokee people, and the decree has gone forth, that they must leave their homes and native land, and seek a new residence in the wilds of the far west, without their consent, *let them be expelled and removed by an act of congress*, when they or their posterity, in after times, may have some claims upon the magnanimity of the American people. The delegation do solemnly declare, they would consider such an act preferable, and more humane, than the ratification and enforcement of a fraudulent treaty, false upon its face, and made without the consent of one of the professed contracting parties."



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