

birds that lay in his path. He soon entered the bushes on the margin of the lake, and was hid from view.

Whatever might be the impression the morality of Natty made on the Judge, it was utterly lost on Richard. He availed himself of the gathering of the sportsmen, to lay a plan for one "fell swoop"⁸ of destruction. The musketmen were drawn up in battle array, in a line extending on each side of his artillery, with orders to await the signal of firing from himself.

"Stand by, my lads," said Benjamin, who acted as an aid-de-camp on this momentous occasion, "stand by, my hearties, and when Squire Dickens heaves out the signal for to begin the firing, d'ye see, you may open upon them in a broadside. Take care and fire low, boys, and you'll be sure to hull the flock."

"Fire low!" shouted Kirby—"hear the old fool! If we fire low, we may hit the stumps, but not ruffle a pigeon."

"How should you know, you lubber?"⁹ cried Benjamin, with a very unbecoming heat, for an officer on the eve of battle—"how should you know, you grampus? Havn't I sailed aboard of the Boadishy¹ for five years? and wasn't it a standing order to fire low, and to hull your enemy? Keep silence at your guns, boys, and mind the order that is passed."

The loud laughs of the musketmen were silenced by the authoritative voice of Richard, who called to them for attention and obedience to his signals.

Some millions of pigeons were supposed to have already passed, that morning, over the valley of Templeton; but nothing like the flock that was now approaching had been seen before. It extended from mountain to mountain in one solid blue mass, and the eye looked in vain over the southern hills to find its termination. The front of this living column was distinctly marked by a line, but very slightly indented, so regular and even was the flight. Even Marmaduke forgot the morality of Leather-stocking as it approached, and, in common with the rest, brought his musket to his shoulder.

"Fire!" cried the Sheriff, clapping his coal to the priming of the cannon. As half of Benjamin's charge escaped through the touch-hole, the whole volley of the musketry preceded the report of the swivel. On receiving this united discharge of small-arms, the front of the flock darted upward, while, at the same instant, myriads of those in their rear rushed with amazing rapidity into their places, so that when the column of white smoke gushed from the mouth of the little cannon, an accumulated mass of objects was gliding over its point of direction. The roar of the gun echoed along the mountains, and died away to the north, like distant thunder, while the whole flock of alarmed birds seemed, for a moment, thrown into one disorderly and agitated mass. The air was filled with their irregular flights, layer rising over layer, far above the tops of the highest pines, none daring to advance beyond the dangerous pass; when, suddenly, some of the leaders of the feathered tribe shot across the valley, taking their flight directly over the village, and the hundreds of thousands in their rear followed their example, deserting the eastern side of the plain to their persecutors and the fallen.

8. Shakespeare's *Macbeth* 4.3.219, in Macduff's lament for his dead wife and children.

9. Landlubber, clumsy fellow.

1. The *Boadicea*, a ship named for the British

queen who led a rebellion against the Roman rulers in 62 C.E. "Grampus": variety of small whale, used here as a term of contempt.

"Victory!" shouted Richard, "victory! we have driven the enemy from the field."

"Not so, Dickon," said Marmaduke; "the field is covered with them; and, like the Leather-stocking, I see nothing but eyes, in every direction, as the innocent sufferers turn their heads in terror, to examine my movements. Full one half of those that have fallen are yet alive: and I think it is time to end the sport; if sport it be."

"Sport!" cried the Sheriff; "it is princely sport. There are some thousands of the blue-coated boys on the ground, so that every old woman in the village may have a pot-pie for the asking."

"Well, we have happily frightened the birds from this pass," said Marmaduke, "and our carnage must of necessity end, for the present.—Boys, I will give thee sixpence a hundred for the pigeons' heads only; so go to work, and bring them into the village, when I will pay thee."

This expedient produced the desired effect, for every urchin on the ground went industriously to work to wring the necks of the wounded birds. Judge Temple retired towards his dwelling with that kind of feeling, that many a man has experienced before him, who discovers, after the excitement of the moment has passed, that he has purchased pleasure at the price of misery to others. Horses were loaded with the dead; and, after this first burst of sporting, the shooting of pigeons became a business, for the remainder of the season, more in proportion to the wants of the people.² Richard, however, boasted for many a year, of his shot with the "cricket;"³ and Benjamin gravely asserted, that he thought that they killed nearly as many pigeons on that day, as there were Frenchmen destroyed on the memorable occasion of Rodney's victory.⁴

2. The pigeons described in this chapter—the passenger pigeons—are extinct, the last known specimen dying in 1914 at the Cincinnati Zoological Garden.

3. I.e., the little cannon.

4. The British admiral George Brydges, Baron

Rodney (1719–1792), defeated the French off Dominica, in the West Indies, in April 1782. Pennycuik's nickname "Pump" comes from his tall tale about manning the pumps to keep the ship from sinking after Rodney's victory.

THE CHEROKEE MEMORIALS

In 1829, gold was discovered at Dahlonega, on the western boundary of the Cherokee Nation, in the state of Georgia. Georgia had for some time wished to rid itself of its Indian population; now, the desire to mine Cherokee gold, and the fact that Andrew Jackson had been elected president the previous year, spurred Georgians to press for Indian removal. Jackson, having made his national reputation as an Indian fighter, had made it clear that he favored removing the American Indians from the eastern states to lands west of the Mississippi River. It was also his position, consistent with that of Georgia, that independent governments (like that of the Cherokee Nation) should not exist within the borders of any of the states.

In 1830, the Indian Removal Act, authorizing the president to relocate eastern Indians to lands west of the Mississippi, was passed in the Senate by a vote of 28 to 20, and then in the House, by a vote of 103 to 97. As Representative Henry Storrs

of New York noted, we might now "break up [the Indians'] society, dissolve their institutions, and drive them into the wilderness." Jackson signed the bill into law on May 28, 1830. According to Alexis de Tocqueville, the French social observer, who visited the United States in 1831,

The Spaniards by unparalleled atrocities which brand them with indelible shame, did not succeed in exterminating the Indian race and could not even prevent them from sharing their rights; the United States Americans have attained both these results without spilling blood and without violating a single one of the great principles of morality in the eyes of the world. It is impossible to destroy men with more respect to the laws of humanity.

The Cherokee were well aware of the intentions of Georgia and of President Jackson. Able to write their own language in the syllabary devised by the mixed-blood Sequoyah (George Guess) in 1821, and with substantial numbers of the population literate in English, the Cherokee took up the pen to fight for their traditional homelands. In 1828, the Cherokee Buck Watie, who had taken the name of Elias Boudinot, founded and edited *The Cherokee Phoenix*, which, according to the Cherokee scholar Rennard Strickland, "contain[ed] the most articulate presentation of the Cherokee position" against removal. Editorials in the *Phoenix* were reprinted in newspapers in New Orleans, New York, Philadelphia, and Baltimore in the fight against passage of the Removal Act.

The Cherokee also engaged directly with the courts, the Congress, and the various officers of the federal government, sending letters, briefs, and petitions. In addition, they presented to Congress "memorials," documents that, in the nineteenth century, had approximately the status of a petition. Bills for the removal of the Cherokee had been introduced into both houses of Congress early in 1830, and debate on the Removal Bill had begun in the House on February 24. On March 15, the Cherokee Council, led by Principal Chief John Ross, aided by Clerk of Council John Ridge and Delegate Lewis Ross, offered an official document, along with twelve other memorials from "the native citizens of the nation themselves."

The official document of the council, probably authored mainly by Ridge, opens with what must be an intentional, although unstated, reference to the Declaration of Independence. Where the Declaration made known the "long train of abuses and usurpations" for which the British king George III was responsible, the Cherokee memorial establishes the wrongs done by his namesake state, Georgia, petitioning the Congress of the United States, the same body that had adopted the Declaration, for redress of grievances. But where the colonists had found it necessary to *declare* their independence, the Cherokee find themselves compelled, instead, to *affirm* their independence. The writers of the memorial exploit the irony that the Declaration of Independence, the document that had proclaimed the sovereignty of the United States of America, should now be used (as President Jackson and members of his cabinet had done) to undermine the sovereignty of an indigenous nation. Acknowledging that Georgia and the president have the power to force them to unfamiliar lands west of the Mississippi, the Cherokee Council insists that the use of such power would lead to a sorry end. The memorial of the council imagines for the Cherokee a happier fate than forced removal. In the florid language of the period, the Cherokee Council offers a vision of the further advancement of the Cherokee people "in civilized life . . . science and Christian knowledge," on the lands which they have for long occupied.

The memorial of the Cherokee citizens is less formal than that of the Cherokee Council. Its rhetorical strategies invoke, in some degree, traditional Cherokee oratorical practices. For example, in the third paragraph, the Cherokee citizens employ a language of kinship: "Brothers—we address you according to usage adopted by our forefathers." This form of familial address, "brother to brother" rather than child to father, returns to the habits of *eighteenth*-century Indian oratory, when indigenous people and settlers treated one another more nearly as equals ("brother to brother")

rather than as inferior to superior ("red *children* to their white *fathers*"). Neither the rhetorical sophistication of the official memorial's textual references nor the more oral mode of the citizens' memorial kept the Cherokee from being driven from their homelands.

After passage of the Removal Act, the government continued to exert pressure on the Cherokee *voluntarily* to remove. In 1835, Elias Boudinot, his uncle Major Ridge, and cousin John Ridge, along with other Cherokee who had reluctantly concluded that further resistance was futile, signed the Treaty of New Echota, agreeing to the cession of Cherokee lands in the east in exchange for lands west of the Mississippi. But a majority of the Cherokee nation still did not wish to go. Finally, in the winter of 1838–39, federal troops under the command of General Winfield Scott were sent to enforce the treaty. Some twelve thousand Cherokee people were driven westward on the infamous Trail of Tears. One-third, fully four thousand people, died en route before the survivors reached Indian Country in what would eventually become Oklahoma.

All the selections printed here are from the 21st Congress, 1st session, report 311.

[Note on the Accompanying Memorials,
February 15, 1830]

Brown's Hotel, Washington City

Hon. Speaker of the House of Representatives:

Sir: The accompanying memorials you will please lay before the House over which you preside; the one from the late General Council of our nation, and signed by all the members of that body, and principal chief, in behalf of the Cherokee nation, relative to the present unpleasant state of affairs¹ in consequence of certain causes therein stated; the others, twelve in number, are from the native citizens of the nation themselves, and adopted throughout the country, and to which are appended upwards of three thousand names. They have been forwarded to us by mail, to be laid before Congress. Their object, as will appear, is to prove to that honorable body, that the many reports of late circulated by officers of the Government, that a greater portion of the Cherokees are favorably disposed to a removal Westward, and are only restrained by the threats and tyranny of their chiefs, are erroneous, and entirely unfounded. They wish to speak of their wishes and determination in that respect themselves, and to be heard by the representatives of the United States; they wish them to be convinced, that, to know their feelings and interests, is to know that they ardently desire to remain in peace and quietude upon their ancient territory, and to enjoy the comforts and advantages of civilization; that the great mass of our citizens are opposed to removal, (as has been plainly demonstrated by the offers and inducements lately held out to them) and that it is not the fear of chiefs that has forced upon them their determination to remain; but that it has been produced by causes no less than convincing evidence, that their only and best hopes of

1. Refers to the introduction of the Removal Bill into the House and Senate and to Georgia's passage of legislation that would bring any Cherokee

who remained in Georgia under Georgia's laws, a situation that would effectively destroy Cherokee sovereignty as a nation.

1054 THE CHEROKEE

preservation and advancement in moral and civil improvement is to remain where their Great Father alone placed them. There they wish to pursue agriculture, and to educate their sons and daughters in the sciences and knowledge of things which pertain to their future happiness. With these remarks, we submit the memorials for the consideration of Congress, humbly hoping that the grievances of our nation will be heard, and duly considered.

[Memorial of the Cherokee Council, November 5, 1829]

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, the representatives of the people of the Cherokee nation, in general council convened, compelled by a sense of duty we owe to ourselves and nation, and confiding in the justice of your honorable bodies, address and make known to you the grievances which disturb the quiet repose and harmony of our citizens, and the dangers by which we are surrounded. Extraordinary as this course may appear to you, the circumstances that have imposed upon us this duty we deem sufficient to justify the measure; and our safety as individuals, and as a nation, require that we should be heard by the immediate representatives of the people of the United States, whose humanity and magnanimity, by permission and will of Heaven, may yet preserve us from ruin and extinction.

The authorities of Georgia have recently and unexpectedly assumed a doctrine, horrid in its aspect, and fatal in its consequences to us, and utterly at variance with the laws of nations, of the United States, and the subsisting treaties between us, and the known history of said State, of this nation, and of the United States. She claims the exercise of sovereignty over this nation; and has threatened and decreed the extension of her jurisdictional limits over our people. The Executive of the United States, through the Secretary of War,¹ in a letter to our delegation of the 18th April last, has recognised this right to be abiding in, and possessed by, the State of Georgia; by the Declaration of Independence, and the treaty of peace concluded between the United States and Great Britain in 1783; and which it is urged vested in her all the rights of sovereignty pertaining to Great Britain, and which, in time previously, she claimed and exercised, within the limits of what constituted the "thirteen United States." It is a subject of vast importance to know whether the power of self-government abided in the Cherokee nation at the discovery of America, three hundred and thirty-seven years ago; and whether it was in any manner affected or destroyed by the charters of European potentates. It is evident from facts deducible from known history, that the Indians were found here by the white man, in the enjoyment of plenty and peace, and all the rights of soil and domain, inherited from their ancestors from time immemorial, well furnished with kings, chiefs, and warriors, the bulwarks of liberty, and the pride of their race. Great Britain established with them relationships of friendship and alliance, and at no time did she treat

them as subjects, and as tenants at will, to her power. In war she fought them as a separate people, and they resisted her as a nation. In peace, she spoke the language of friendship, and they replied in the voice of independence, and frequently assisted her as allies, at their choice to fight her enemies in their own way and discipline, subject to the control of their own chiefs, and unaccountable to European officers and military law. Such was the connexion of this nation to Great Britain, to wit, that of friendship, and not allegiance, to the period of the declaration of Independence by the United States, and during the Revolutionary contest, down to the treaty of peace between the United States and Great Britain, forty-six years ago, when she abandoned all hopes of conquest, and at the same time abandoned her Cherokee allies to the difficulties in which they had been involved, either to continue the war, or procure peace on the best terms they could, and close the scenes of carnage and blood, that had so long been witnessed and experienced by both parties. Peace was at last concluded at Hopewell, in '85, under the administration of Washington, by "the Commissioners, Plenipotentiaries of the United States in Congress assembled"; and the Cherokees were received "into the favor and protection of the United States of America." It remains to be proved, under a view of all these circumstances, and the knowledge we have of history, how our right to self-government was affected and destroyed by the Declaration of Independence, which never noticed the subject of Cherokee sovereignty; and the treaty of peace, in '83, between Great Britain and the United States, to which the Cherokees were not a party; but maintained hostilities on their part to the treaty of Hopewell, afterwards concluded. If, as it is stated by the Hon. Secretary of War, that the Cherokees were mere tenants at will,² and only permitted to enjoy possession of the soil to pursue game; and if the States of North Carolina and Georgia were sovereigns in truth and in right over us; why did President Washington send "Commissioners Plenipotentiaries" to treat with the subjects of those States? Why did they permit the chiefs and warriors to enter into treaty, when, if they were subjects, they had grossly rebelled and revolted from their allegiance? And why did not those sovereigns make their lives pay the forfeit of their guilt, agreeably to the laws of said States? The answer must be plain—they were not subjects, but a distinct nation, and in that light viewed by Washington, and by all the people of the Union, at that period. In the first and second articles of the Hopewell treaty, and the third article of the Holston treaty,³ the United States and the Cherokee nation were bound to a mutual exchange of prisoners taken during the war; which incontrovertibly proves the possession of sovereignty by *both* contracting

2. I.e., the will of the states and the federal government "to allow" the Cherokee to live on their own ancestral lands. These lands came into the possession of the United States as a result of the Declaration of Independence and victory in the Revolutionary War. The Treaty of Hopewell, signed November 28, 1785, was the first treaty between the Cherokee and the United States enacted after the Revolutionary War. It established the boundaries of Cherokee lands and was negotiated as an agreement between two sovereign nations. The Cherokee refer to the treaty to show that they were formerly recognized as an independent nation and should still be treated as such.

This argument remains in force today.

3. Signed July 2, 1791, this treaty gave the federal government (not the states) exclusive right to regulate all citizens' trade with the Cherokee and redrew the boundaries, much encroached on by the settlers, of Cherokee lands. It also affirmed "Perpetual peace between the United States and the Cherokee Nation," and forbade non-Cherokee persons from hunting on or traversing Cherokee lands without a passport issued by the federal government. The Cherokee cite this as further evidence of their having been treated as a sovereign nation in the past.

1. I.e., John Eaton. President Andrew Jackson (the "Executive of the United States") believed that treating the Indians as sovereign nations was a mistake and that Indian occupancy of lands within the

United States was simply owing to the generosity and goodwill of the federal government and the states in question.

parties. It ought to be remembered too, in the conclusions of the treaties to which we have referred, and most of the treaties subsisting between the United States and this nation, that the phraseology, composition, etc. was always written by the Commissioners, on the part of the United States, for obvious reasons: as the Cherokees were unacquainted with letters. Again, in the Holston treaty, eleventh article, the following remarkable evidence is contained that our nation is not under the jurisdiction of any State: "If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into 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 peaceable 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 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." The power of a State may put our national existence under its feet, and coerce us into her jurisdiction; but it would be contrary to legal right, and the plighted faith of the United States' Government. It is said by Georgia and the Honorable Secretary of War, that one sovereignty cannot exist within another, and, therefore, we must yield to the stronger power; but is not this doctrine favorable to our Government, which does not interfere with that of any other? Our sovereignty and right of enforcing legal enactments, extend no further than our territorial limits, and that of Georgia is, and has always terminated at, her limits. The constitution of the United States (article 6) contains 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, any thing in the laws or constitution of any State to the contrary notwithstanding." The sacredness of treaties, made under the authority of the United States, is paramount and supreme, stronger than the laws and constitution of any State. The jurisdiction, then, of our nation over its soil is settled by the laws, treaties, and constitution of the United States, and has been exercised from time out of memory.

Georgia has objected to the adoption, on our part, of a constitutional form of government, and which has in no wise violated the intercourse and connexion which bind us to the United States, its constitution, and the treaties thereupon founded, and in existence between us. As a distinct nation, notwithstanding any unpleasant feelings it might have created to a neighboring State, we had a right to improve our Government, suitable to the moral, civil, and intellectual advancement of our people; and had we anticipated any notice of it, it was the voice of encouragement by an approving world. We would, also, while on this subject, refer your attention to the memorial and protest submitted before your honorable bodies, during the last session of Congress, by our delegation then at Washington.

Permit us, also, to make known to you the aggrieved and unpleasant situation under which we are placed by the claim which Georgia has set up to a large portion of our territory, under the treaty of the Indian Springs con-

cluded with the late General M'Intosh⁴ and his party; and which was declared void, and of no effect, by a subsequent treaty between the Creek Nation and the United States, at Washington City. The President of the United States, through the Secretary of War, assured our delegation, that, so far as he understood the Cherokees had rights, protection should be afforded; and, respecting the intrusions on our lands, he had been advised, "and instructions had been forwarded to the agent of the Cherokees, directing him to cause their removal; and earnestly hoped, that, on this matter, all cause for future complaint would cease, and the order prove effectual." In consequence of the agent's neglecting to comply with the instructions, and a suspension of the order made by the Secretary afterwards, our border citizens are at this time placed under the most unfortunate circumstances, by the intrusions of citizens of the United States, and which are almost daily increasing, in consequence of the suspension of the once contemplated "effectual order." Many of our people are experiencing all the evils of personal insult, and, in some instances, expulsion from their homes, and loss of property, from the unrestrained intruders let loose upon us, and the encouragement they are allowed to enjoy, under the last order to the agent for this nation, which amounts to a suspension of the force of treaties, and the wholesome operation of the intercourse laws⁵ of the United States. The reason alleged by the War Department for this suspension is, that it had been requested so to do, until the claim the State of Georgia has made to a portion of the Cherokee country be determined; and the intruders are to remain unmolested within the border limits of this nation. We beg leave to protest against this unprecedented procedure. If the State of Georgia has a claim to any portion of our lands, and is entitled by law and justice to them, let her seek through a legal channel to establish it; and we do hope that the United States will not suffer her to take possession of them forcibly, and investigate her claim afterwards.

Arguments to effect the emigration of our people, and to escape the troubles and disquietudes incident to a residence contiguous to the whites, have been urged upon us, and the arm of protection has been withheld, that we may experience still deeper and ampler proofs of the correctness of the doctrine; but we still adhere to what is right and agreeable to ourselves; and our attachment to the soil of our ancestors is too strong to be shaken. We have been invited to a retrospective view of the past history of Indians, who have melted away before the light of civilization, and the mountains of difficulties that have opposed our race in their advancement in civilized life. We have done so; and, while we deplore the fate of thousands of our complexion and kind, we rejoice that our nation stands and grows a lasting monument of God's mercy, and a durable contradiction to the misconceived opinion that the aborigines are incapable of civilization. The opposing mountains, that cast fearful shadows in the road of Cherokee improvement, have dispersed into vernal clouds; and our people stand adorned with the flowers of

4. General William McIntosh was a Creek Indian leader who signed the Treaty of Indian Springs on February 12, 1785. The treaty ceded Creek lands to the state of Georgia and agreed to the removal of the Creek to west of the Mississippi. But the Creek had earlier denied McIntosh's right to act

on their behalf and did not honor the treaty. McIntosh was assassinated, and John Ridge and David Vann were engaged to negotiate a new treaty, the "subsequent treaty" referred to below.

5. Laws regulating trade.

achievement flourishing around them, and are encouraged to secure the attainment of all that is useful in science and Christian knowledge.

Under the fostering care of the United States we have thus prospered; and shall we expect approbation, or shall we sink under the displeasure and rebukes of our enemies?

We now look with earnest expectation to your honorable bodies for redress, and that our national existence may not be extinguished before a prompt and effectual interposition is afforded in our behalf. The faith of your Government is solemnly pledged for our protection against all illegal oppressions, so long as we remain firm to our treaties; and that we have, for a long series of years, proved to be true and loyal friends, the known history of past events abundantly proves. Your Chief Magistrate himself⁶ has borne testimony of our devotedness in supporting the cause of the United States, during their late conflict with a foreign foe. It is with reluctant and painful feelings that circumstances have at length compelled us to seek from you the promised protection, for the preservation of our rights and privileges. This resort to us is a last one, and nothing short of the threatening evils and dangers that beset us could have forced it upon the nation but it is a right we surely have, and in which we cannot be mistaken—that of appealing for justice and humanity to the United States, under whose kind and fostering care we have been led to the present degree of civilization, and the enjoyment of its consequent blessings. Having said thus much, with patience we shall await the final issue of your wise deliberations.

[Memorial of the Cherokee Citizens, December 18, 1829]

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled.

The undersigned memorialists humbly make known to your honorable bodies, that they are free citizens of the Cherokee nation. Circumstances of late occurrence have troubled our hearts, and induced us at this time to appeal to you, knowing that you are generous and just. As weak and poor children are accustomed to look to their guardians and patrons for protection, so we would come and make our grievances known. Will you listen to us? Will you have pity upon us? You are great and renowned—the nation which you represent is like a mighty man who stands in his strength. But we are small—our name is not renowned. You are wealthy, and have need of nothing; but we are poor in life, and have not the arm and power of the rich.

By the will of our Father in Heaven, the Governor of the whole world, the red man of America has become small, and the white man great and renowned. When the ancestors of the people of these United States first came to the shores of America, they found the red man strong—though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man

has become weakness. As his neighbors increased in numbers, his power became less and less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen—a few whom a sweeping pestilence¹ has left. The Northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America. Shall we, who are remnants, share the same fate?

Brothers—we address you according to usage adopted by our forefathers, and the great and good men who have successfully directed the Councils of the nation you represent. We now make known to you our grievances. We are troubled by some of your own people. Our neighbor, the State of Georgia, is pressing hard upon us, and urging us to relinquish our possessions for her benefit. We are told, if we do not leave the country which we dearly love, and betake ourselves to the Western wilds, the laws of the State will be extended over us, and the time, 1st of June, 1830, is appointed for the execution of the edict. When we first heard of this, we were grieved, and appealed to our father the President, and begged that protection might be extended over us. But we were doubly grieved when we understood from a letter of the Secretary of War to our Delegation, dated March of the present year, that our father the President had refused us protection, and that he had decided in favor of the extension of the laws of the State over us. This decision induces us to appeal to the immediate Representatives of the American people. We love, we dearly love our country, and it is due to your honorable bodies, as well as to us, to make known why we think the country is ours, and why we wish to remain in peace where we are.

The land on which we stand we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common Father in Heaven. We have already said, that, when the white man came to the shores of America, our ancestors were found in peaceable possession of this very land. They bequeathed it to us as their children, and we have sacredly kept it, as containing the remains of our beloved men. This right of inheritance we have *never ceded*, nor ever *forfeited*. Permit us to ask, what better right can the people have to a country, than the right of *inheritance* and *immemorial peaceable possession*? We know it is said of late by the State of Georgia, and by the Executive of the United States, that we have forfeited this right—but we think this is said gratuitously. At what time have we made the forfeit? What great crime have we committed, whereby we must forever be divested of our country and rights? Was it when we were hostile to the United States, and took part with the King of Great Britain, during the struggle for Independence? If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men? Why was not such an article as the following inserted in the treaty: "The United States give peace to the Cherokees, but, for the part they took in the late war, declare them to be but tenants at will, to be removed, when the convenience of the States within whose chartered limits they live, shall require it." That was the proper time to assume such a possession. But it was not thought of, nor would our forefathers have agreed to any treaty, whose tendency was to

1. This pestilence is both literal and figurative. Native populations were severely diminished by exposure to diseases to which the Europeans had developed immunities. The figurative reference is

to the equally devastating effects of conflict with settlers who persistently ventured onto Indian lands, taking the law into their own hands, and rarely answering to any governmental authority.

6. John Marshall, chief justice of the Supreme Court.