

THE PRESIDENT AND THE INDIANS.

The message of the President takes even a stronger ground than we anticipated against the poor Indians, and annihilates the very remnant of their hopes so far as depends on the Supreme Executive. Waiving further comments for the present, we will just examine the argument which he attempts to draw from the constitution of the United States.

The President reduces the main question within narrow limits. He asserts, that "a portion of the southern tribes have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the U. States for protection." The General Government have no right to sustain them in their pretensions, because it would be an unconstitutional act. "The constitution declares that 'no new state shall be formed or erected within the jurisdiction of any other State,' without the consent of its Legislature." Therefore the President has informed those Indians, that the Executive cannot sustain them in their attempt to establish an independent government, & advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Now, in the first place, the clause in the constitution referred to has nothing to do with the Indian question. It relates to the admission of new States into the Union, formed out of new territory, or out of the territory of older States. Missouri and Louisiana as examples of the former, Maine and Kentucky of the latter. It is in these words: "New States may be admitted by the Congress into this Union but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of the States, without the consent of the Legislatures of the States concerned, as well as of the Congress." Maine could not have been formed and admitted to the Union without the consent of the Legislature of Massachusetts. Congress, without State Legislatures, could not connect New Hampshire and Vermont into one State, nor dismember Rhode Island and annex its parts to Massachusetts and Connecticut. And possibly the clause, in the spirit of it, would forbid a colony of French or Russians settling in any State and there erecting a monarchy independent of the State government, and being admitted by Congress to the Union. But the case of the Indians is altogether a different thing, anomalies in its character, by no means embraced in either the letter of the spirit of the clause referred to. In the next place, it is not true that the Indians have "lately attempted to erect an independent government within the limits of Georgia and Alabama." What could tempt the Executive thus to outrage all historical facts" These tribes were independent and had a regular government of their own; long before Georgia had either name or existence, either as a State or a province, and before the white man placed his proud foot upon her soil. The Indians have never surrendered their sovereignty; or been in bondage to any man, since that time. Neither Georgia nor the U. States have ever claimed the sovereignty over them. They have remained in their own way. It is true they have "lately" changed the form of their

government, from monarchical to the republican; but "an independent government" had been "erected" long before that of the U. States was framed, and has been in uninterrupted operation till now. The states of Maine and New York, of which the President speaks, never dream of exercising sovereignty over the Indians within their bounds. These tribes have to this day, their laws and their chiefs. So it is in the other States and Territories. Even the President himself shows, that the extension of a State Government over Indians has been but "lately" made; and with admirable inconsistency he adduces this act of Georgia and Alabama as subsequent to the late attempt of the Indians to erect an independent government, and as done in consequence of it. Whereas, to give the least force to his argument, Georgia should have "extended her laws over the Indians," and have placed her yoke upon their necks at least before the adoption of the federal constitution.

Again, Georgia and every other State which embraces a tribe of Indians, has consented to their separate and independent national existence within her territory. The Provinces made treaties with them, and in various ways recognized their independence. The General Government only has now the treaty making power, and she has recognized their sovereignty. These independent governments have existed in those States, to say the least, and the States have not driven them out; therefore the States have acknowledged their sovereignty by silent practice, even if they had never done it by formal stipulation.

Finally, if the United States had made the precise provision in their constitution which the President assumes, it would have been absolutely null and void. It would have been done by States, which then had large independent tribes or nations within the limits which they called their own. But those nations lived on lands which they had never sold to the whites, but which in many instances they had expressly reserved to themselves by solemn treaties. They had a government of their own which had never become tributary to the States or the Union. They had a national existence, long before Alabama, or Georgia, or our famed Columbia saw the light. The grave act of the 13 States pledging their united strength to pull down every Indian establishment within their present or future limits, and finally drive the fugitives beyond the Mississippi, would have been decided by the Indians and contemned by all who understand and value equity and justice. It would have been as preposterous, as a treaty between the Emperor of all the Russians, and the King of Great Britain, by which they assume a sovereignty over the United States and divide our territory between them. Such an encroachment would be resisted, even unto blood. But the Indian nations are feeble and prostrate, and what rights can they possess?

Bos. Rec.