

*The Cherokee Nation, vs. The State of Georgia.*—The argument in this case, commenced on Saturday last, by Mr. Sergeant, on the part of the Cherokee Nation, was followed up this day by Mr. Wirt.

Mr. Wirt in the commencement of his argument, stated the nature of the present motion, which he said was addressed to the original jurisdiction of the Supreme Court in the name of the Cherokee Nation of Indians, praying for process of subpoena against the State of Georgia, and for an injunction against that State, her officers, and agents, to restrain them from exercising the laws of Georgia within the Cherokee Territory, on the ground that the specific laws which go to introduce the civil and criminal code of Georgia into the Indian Territory, are null and void, as being repugnant to the Constitution, laws, and Treaties of the United States.

He next proceeded to argue that the Court possessed jurisdiction of the subject—that this jurisdiction depended solely on the Constitution of the United States, and did not proceed from Congress—that Congress could confer no new jurisdiction on the Supreme Court, nor could it take any from it which it possessed. The Constitution had established the Supreme Court, and had defined its jurisdiction, and in what cases that jurisdiction was original and exclusive. He then cited the 3d Art. of the Constitution, by the 1st section of which the whole Judicial power of the U. States is deposited in one Supreme Court, and such Inferior courts as Congress shall from time to time establish; and the 2d sec. which describes the Judicial power of the Court—as relates to the subject matter of controversy over which its jurisdiction is to extend, and the character of the suits that may come before it. And from that part of the same which declares, that the Judicial power shall extend to all cases in law and equity, arising under the Constitution—the laws of the United States, and treaties made, or which shall be made under their authority, he contended that the present was a case which plainly came under the cognizance of the Court.

Mr. Wirt then went on to show that the Cherokee Nation was a foreign State, neither owing allegiance to the United States, to Georgia, to any State in the Union, or to any other power. That from time immemorial the Cherokees had been a sovereign and independent people—that they had been acknowledged as such from the time of the first settlers under the charter of George II. in 1732, to the present day, by the various treaties that had been made with them at different periods; and that as such the State of Georgia could have no jurisdiction within their territory. That although within what was called the limits of Georgia, they were a foreign State, and in proof of this, he instanced the towns and provinces at one period possessed by England in the heart of France. But that in the case of the Cherokees, they were not only a foreign nation, but an independent one—the sole and exclusive masters of all the soil within their territory, which they had not ceded by their own free will, and could be governed, of right, by

no other laws but such as they themselves thought proper to ordain. Mr. Wirt in the course of his argument quoted the several treaties—cited various cases and decisions in point, and after addressing the Court on the subject from eleven o'clock till half past two, concluded his highly forcible and eloquent appeal, in a peroration of deep feeling and pathos, and in which the sympathies of his auditory were completely enlisted, by expressing his confidence that the Court would grant the injunction required, as the last stay and hope of an unfortunate and much injured people.

The court was considerably crowded throughout the day; some of the Cherokee delegation were present—one of whom, of very intelligent and respectable appearance, shed tears copiously during Mr. Wirt's address. No one when we left, had appeared on the part of Georgia.—*National Journal.*