

The Cherokee Question.—We take pleasure in being able this week to confirm the information contained in our postscript of the last, that "the application for an injunction, on the part of the Cherokee Nation, to stay certain proceedings of the State of Georgia," has been dismissed. The decision has not yet been published. Of its precise character there seems to be different opinions, even among those who heard it delivered. Although the application for an injunction was refused, it is thought by some that an intimation given by the Chief Justice, that there is a mode by which any infringement of the rights of individual Cherokees to the lands guaranteed to them, may be brought before the Supreme Court for adjudication, was a "trick," on the part of that Court, to induce the Indians to bring suit in another form; and that it was probable they would speedily take advantage of it, thereby causing us trouble a little longer, and adding to their unhappiness, by protracting the period of their departure, others, and those well informed, think differently. We are not aware that the *right of occupancy* of any Cherokee has been infringed—we do not believe it is contemplated—therefore, we have no anticipations that another suit will be instituted.

In the decision of the case, Judges Baldwin, Johnson and McLean agreed with the Chief Justice; Judges Story and Thompson were not present, but it is said they dissented on every point. Judge Duvall was absent during the whole of the trial.

The following letter was received in town a few days since from one of our delegation in Congress, and gives particulars as far as we have learned. With the sentiments it contains we heartily concur, and so, we believe, will most of the citizens of Georgia. Although firm and undeviating in enforcing our rights, it is to be hoped that no threats, or taunts, from whatever source they may come, will drive us into any hasty measures.

"HALL OF THE SUPREME COURT,
Washington, March 18, 1831. 6

"MY DEAR SIR,

"Chief Justice Marshall has just delivered the opinion of a majority of the Court, upon the application for an injunction in behalf of the Cherokees, declining jurisdiction, on the ground that the Indian tribes are not *foreign states*, within the true meaning of the Constitution, but *dependant domestic nations*, under the protection of and in a state of pupillage to the United States; and consequently, though the defendant, the State of Georgia, might be sued in that Court, the complainants could not sue.

"The Court likewise suggested that most of the points presented by the bill, were rather of a political than judicial character, and therefore for decision elsewhere; but a majority of the judges considering the other objection decisive, preferred putting the decision upon that. It was likewise intimated that the rights of individual Indians to their lands, or the general occupancy of the tribe as secured by treaty, might present a case of *interruptur* of which the Court would feel bound to take cognizance.

"I do not profess to give you the words of the decision, nor even its substance exactly, having merely heard it read; but I believe you have its spirit.

"There was much difference of opinion: Mr. Just. Story and Mr. Just. Thompson dissented. Mr. Just. Johnson and Mr. Justice Baldwin delivered separate opinions. The latter does not regard the Indian tribes as States or Nations at all.

"Permit me to express a hope that our countrymen will make a wise and moderate use of this victory. In a short time it is obvious that the mass of the tribe will emigrate, and in doing so I have no doubt they will consult their own happiness. Some whites and half breeds may remain on reservations, and our policy should be liberal in that respect.—They too, or their descendants, will either follow the rest, or become incorporated into the mass of our population.

"Any premature and violent attempt to precipitate matters by disturbing the occupancy of these people, without extinguishing their possessory title, must be attended with consequences which every patriot cannot but deplore. Most earnestly do I hope that all the influence of yourself and your friends, will be exerted in favor of moderate councils."