GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, GA.
Milledgeville, Nov. 8, 1831.

In obedience to official duty, I proceed to lay before you an account of the transactions of the Executive branch of the Government, during the past year, and to recommend for your consideration, such measures as are deemed beneficial to the State.

The resolutions which were passed immediately previous to the adjournment of your last session, upon the subject of the citation of the Chief Justice of the United States, were carried into effect. The Indian Tassels paid the forfeit of his life according to the demand of the law, which he had violated. A writ of error to stay the proceedings of the Superior Court in that case had been sanctioned by the Chief Justice, and like the citation to the Governor, sent through the Post Office to the officer, whose conduct it was intended to control, thereby evincing the disposition not only to disregard the highest powers of the State, but to trifle with its officers, by attempting to deter them from the discharge of what was necessarily a very responsible and painful duty.

Within a few days after the execution of Tassels, a letter was received from John Ross in which he states, that the Cherokees were about to apply to the Supreme Court of the United States, for an injunction to restrain the State from exercising jurisdiction over them. This letter was accompanied by a printed paper without signature, purporting to be a bill in equity brought by the Cherokee nation against the State of Georgia.

In a previous message to the Legislature, I had expressed the opinion that the State could not consistently with a proper respect for its own sovereign rights, become a party before any court for the determination of the question, whether it had the power of subjecting the people who reside within its acknowledged limits, to the operation of its laws. That opinion having remained unchanged, no official notice was taken of this proceeding. The Supreme Court, however, took jurisdiction of the case, but finally dismissed it upon the ground that the Cherokees were not a foreign nation.

In making this decision, the court thought proper to depart from the discussion of the particular point before it, to express opinions exceedingly disrespectful to this State, injurious to its rights, calculated to thwart the policy of the General Government, and to keep alive the excitement which has arisen out of the conduct of our Indian affairs.

The court affirms, that no case could be better calculated to excite its sympathy, than the conduct of Georgia to the Cherokees; that they have been continually deprived of their lands, until they at present retain no more than is necessary for their comfortable subsistence; that they form a State capable of governing themselves; that the acts of the government recognize them to be a State; and that the courts are bound by those acts, that they have the unquestionable and hitherto unquestioned right to the lands which they occupy, and intimate to them that it will redress their wrongs when the application is made in proper form.

Permit me to call your attention briefly to these several statements of the court.

And what wrong has Georgia done to its Indian people, to call for this extraordinary sympathy of the court? They are in the peaceable possession of their occupant rights. Intruders have been removed from among them by severe penal laws. None of the burdens of Government have been imposed upon them. Instead of being reduced to a remnant of land, not more than sufficient for their comfortable subsistence, they are in the possession of near five millions of acres in this State alone, of which the aborigines do not cultivate more than five thousand. They are indeed becoming more and more destitute. Not however, from want of land, but because their situation is unsuitable for the improvement and happiness of an Indian people.

Is it true that the Cherokees have an unquestionable and hitherto unquestioned right to the land which they occupy! These lands form portions of the territory of the States of North Carolina, Tennessee, Alabama, and Georgia. That portion which is in Tennessee was ceded by North Carolina to the United States, upon the express condition, that it should form a common fund for the benefit of the Union, and be applied to the payment of the public debt. That portion which is in Alabama, was sold to the United States by this State, for a valuable consideration, and before any attempt had been made to extinguish the title of the Indians, or to exercise jurisdiction over them. In consequence of which sale it was made a condition of the admission of the State of Alabama into the Union, that it should disclaim all title to the Indian lands within its limits, the United States declaring by law that it had the sole and exclusive power to dispose of them. The United States has acknowledged that this State has both the right of soil and jurisdiction over that portion which is within its limits.

It is difficult to conceive of any proposition tending to more absurd consequences, than that laid down by the court, that any Indian tribe with which the United States forms contracts, to which the term treaty may be affixed, becomes a nation, capable of governing itself, and entitled to the recognition of the courts, as States. It would bring into being hundreds of States, utterly incapable of self defence, or exercising one attribute of National Sovereignty. If the opinion of the court be correct, then all the territory which was acquired by the original thirteen provincial governments of various Indian tribes, is yet the property of the aborigines, because the treaties by which it was obtained were invalid, not having been made by the King of Great Brit-