

Resolution of the original Cherokee Nation

Rattlesnake Springs, Tennessee August, 1,1838 (Cleveland Tenn.)

Whereas: the title of the Cherokee people to their lands is the most ancient, pure, and absolute, known to man; its date is beyond the reach of human record; its validity confirmed and illustrated by possession and enjoyment, antecedent to all pretense of claim by any other portion of the human race; and

Whereas: the free consent of the Cherokee people is indispensable to a valid transfer of the Cherokee title; and

Whereas: the said Cherokee people have, neither by themselves nor their representatives, given such consent;

It follows, that the original title and ownership of said lands still rest in the Cherokee Nation, unimpaired and absolute;

Resolved, therefore, by the Committee and Council of the Cherokee Nation in General Council assembled, **that the whole Cherokee territory, as described in the first article of the treaty of 1819 between the United States and the Cherokee Nation, and, also, in the constitution of the Cherokee Nation, still remains the rightful and undoubted property of the said Cherokee Nation;** and that all damages and losses, direct or indirect, resulting from the enforcement of the alleged stipulations of the pretended treaty of New Echota, are in justice and equity, chargeable to the account of the United States; and

Whereas: the Cherokee people have existed as a distinct national community, in the possession and exercise of the appropriate and essential attributes of sovereignty, for a period extending into antiquity beyond the dates and records and memory of man; and

Whereas: these attributes, with the rights and franchises which they involve, have never been relinquished by the Cherokee people, but are now in full force and virtue; and

Whereas: the natural, political, and moral relations subsisting among the citizens of the Cherokee Nation, toward each other and towards the body politic, cannot, in reason and justice, be dissolved by the expulsion of the nation from its own territory by the power of the United States Government;

Resolved, therefore, by the National Committee and Council and People of the Cherokee Nation in General Council assembled, that the inherent sovereignty of the Cherokee Nation, together with the constitution, laws, and usages, of the same, are, and, by the authority aforesaid, hereby declared to be in full force and virtue, and shall continue so to be in perpetuity, subject to such modifications as the general welfare may render expedient.

Resolved, further, that the Cherokee people, in consenting to an investigation of their individual claims, and receiving payment upon them, and for their improvements, **do not intend that it shall be so construed as yielding or giving sanction or approval to the pretended treaty of 1835; nor as compromising, in any manner, their just claim against the United States hereafter, for a full and satisfactory indemnification for their country and for all individual losses and injuries.**

Be it further resolved, the the principal chief be, and he is hereby, authorized to select and appoint such persons as he may deem necessary and suitable, for the purpose of collecting and registering all individual claims against the United States, with the proofs, and report to him their proceedings as they

progress.

RICHARD TAYLOR,
President of the National Committee.

GOING SNAKE,
Speaker of the Council.

General Council assembled,
Captain Broom, Katetah,
Toonowee, Richard Foreman,
Samuel Foreman, William,
Howester, Beaver Carrier,
Samuel Christy, Kotaquasker.

Signed by a committee in behalf of the whole people.
Aquohee Camp, August 1, 1838

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