

Second, To apply to Congress, at their next Session, for a confirmation of Our Title or,

Thirdly, To settle the Land if practicable, and submit Our Title to a Judicial Decission before the Court of the United States, wherever it may be questioned, by future Grantees under their authority.

To apply to the Executive of the United States will not, I fear, be attended with any good consequences. The President, may with propriety answer, That as it appertains to the Courts of Law to construe the Treaty, no British Subject need apprehend any Injury from an Act of Congress derogatory to that Instrument, which is the Supreme Law of the Land and which Our Courts are bound to observe as such.

Besides I do not think the British Minister will think it his duty to make the application, Judging the Affair to be altogether of Judicial cognizance And that the Act, in its present form which relates only to offences committed within Our Territories, is no breach of the Treaty Should this be His opinion, It may effect Our Title, at least in the public estimation.

An application to Congress, will I am convinced, prove ineffectual. They will never recognise a Right in the Indian Tribes, to make a good Title, to Lands within the limits assigned by the Treaty of peace, without their concurrence. They will consider the peace & interest of the United States, opposed to such an acknowledgment.

The third mode, is attended with some risque to the Settlers, but perhaps, is the only one which ought to be pursued. I think Congress have no right to say, that the Indians shall grant no Lands without their permission. They have acknowledged them as Independent Nations. They make Treaties, and settle Boundary Lines with them, as such; It is therefore, interfering with their Sovereignty to declare, that they shall not grant their own Lands. We must meet this question in some shape or other, & perhaps the sooner the better, and our Courts & they alone, must decide it.

Upon the whole, my opinion is, that We either settle part of the Land without delay, or if that be impracticable, that