the Cherokees were duly informed by the Secretary of War, Hon. J. C. Calhoun, who, on October 8, 1821, in reply to the demands of the Cherokees, that certain parties be removed from the outlet, said:

"It is to be always understood that in removing the white settlers from Loveley's purchase for the purpose of giving the outlet promised you to the west, you acquire thereby no rights to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country.

J. C. CALHOUN."

TEKE-E-TOKE,
JOHN JOLLY,
BLACK FOX,
W. WEBBER,
THOMAS GRAVES,
Chiefs of Arkansas Cherokees.

In an able opinion delivered by Judge Brewer in 1887, that distinguished jurist used this language:

"Manifestly Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence—but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guarantied, while patent was issued conveying this outlet, it was described and intended obviously as an outlet, and not as a home. (*U. S. v. Soule et al.*, 30 Fed. R., p. 918.) But be that as it may, it matters little in so far as the questions now under consideration are concerned, whether the Cherokees held said outlet by title in fee simple, or whether it was the common Indian title, or merely a road to the hunting ground, they have parted with their title whatever it was."