

selves not to hold any treaty "with any foreign power," nor with any "individual state." This was a very material relinquishment of their natural rights; but it was supposed to be counterbalanced by various advantages secured to them by the treaty, particularly by the solemn guaranty in the seventh article, which will be considered in its order.

It is now contended by the politicians of Georgia, that the United States had no power to make treaties with Indians "living," as they express it, "*within the limits of a sovereign and independent State.*" Thus, according to the present doctrine, General Washington and his advisers made a solemn compact, which they called a *treaty*, with certain Indians, whom they called *the Cherokee nation*. In this compact, the United States bound the Cherokees not to treat with Georgia. Forty years have elapsed without any complaint on the part of Georgia, in regard to this exercise of the treaty-making power; but it is now found that the Cherokees are tenants at will of Georgia; that Georgia is the only community on earth that could treat with the Cherokees; and that they must now be delivered over to her discretion. The United States, then, at the very commencement of our federal government, bound the Cherokees, hand and foot, and have held them bound nearly forty years, and have thus prevented their making terms with Georgia, which might doubtless have been easily done at the time of the treaty of Holston. Now it is discovered, forsooth, that the United States *had no power to bind them at all*.

If such an interpretation is to be endured by an enlightened people in the nineteenth century, and if, in consequence of it, the Cherokees are to be delivered over, bound and manacled; if this is to be done in the face of day, and before the eyes of all mankind, it must be expected that shouts and hisses of shame and opprobrium will be heard in every part of the civilized world. Pettifogging is no very honorable business, when practised in a twenty shilling court; but what sort of pettifogging would this be? The Cherokees have fully and honorably fulfilled their engagements. They have sold us, at a moderate price, three quarters of their country, comprising all the best parts of it. They have submitted to a qualified dependence. They have abstained from 'holding any treaty with any foreign power, or individual state.' And now, when the United States are called upon to fulfil *their* part of the contract, and defend the Cherokees from Georgia, it is gravely proposed to say to these oppressed Indians, "We have no power to defend you. It is true we promised to do it; and you confided in our promise; and, in that confidence, made valuable concessions to us. But, really, we never had the power to make such a promise."

Has fraud of this barefaced and most disgraceful character been perpetrated in the sanctuary of our dignified Senate, and by means of solemn treaties ratified in mockery? the effect of which is to dispossess a "nation" of its hereditary lands and government, and to drive the individuals of which it was composed, (who are called in the preamble already cited, "*the citizens and members thereof*")—To drive away these "*citizens*" as outcasts and vagabonds?

But such an interpretation, so insulting to the Cherokees and to the common sense of mankind, and so cruel in its operation, cannot be admitted. Washington was neither a usurper, nor an oppressor; nor were Ellsworth and his fellow senators, either novices or cheats.