

line of distinguished statesmen, have made incautious admissions; and if, in this way, we have made a bargain which bears hard upon ourselves—still, our hands and seals testify against us. We must be more cautious the next time. "He that sweareth to his own hurt, and changeth not," is declared in Holy Writ to give *one* proof that he is an upright man, and will receive the approbation of God. In a word, if Washington and Knox, Hamilton and Jefferson, compromised the interests of this country, by indiscreet and thoughtless stipulations, we must gain wisdom by experience, and appoint more faithful and more considerate public agents hereafter.

Having inquired into the meaning of the title and preamble of the treaty of Holston, let me now direct the attention of the reader to its provisions:

"ART. 1. There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians."

If the "peace and friendship" were to be "perpetual," the future continuance of the "Cherokee nation of Indians" for an indefinite period, was taken to be a matter beyond all question. It appears from this article, as well as from the preamble, that "Indians" may constitute a "nation." The word *tribe*, when used to denote a *community, living under its own laws*, is of equal force with the word *nation*; and in this sense it is to be taken, wherever it occurs, in the course of my remarks. But the Cherokee nation had been divided, from time immemorial, into seven *clans*, sometimes called *tribes*, and the Choctaw nation into two such tribes. This fact occasioned some of the peculiar phraseology in the treaty of Hopewell. As the seven clans, or tribes, of the Cherokees were united under one government, they were all comprehended under the phrase of "*the whole Cherokee nation of Indians*;" and the word *tribe* is not found in the treaty of Holston. The word *nation* is applied to the Cherokees, in this single instrument, no less than twenty-seven times; and always in its large and proper sense.

"ART. 2. The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves and the said Cherokee nation, to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate, that the said Cherokee nation will not hold any treaty with any foreign power, individual State, or with individuals of any State."

I remarked upon the treaty of Hopewell, that it has always been a common thing for weak states to rely upon the protection of stronger ones. When a weak state acknowledges a superior, it is bound in good faith, to act in accordance with that acknowledgment; but it is, in all other respects, independent of the superior. In other words, it retains all the rights, which it has not surrendered. This is the dictate of common sense, and is decisively stated by Vattel.

What is to be understood by the Cherokees being under the protection of the United States, will very fully appear in the course of this investigation. In the very article just quoted, the Cherokees bind them-