

which notice will be taken, at the proper time. After the peace of 1783, and before the adoption of the federal constitution, the Congress made treaties with the Indians, in precisely the same manner as with European nations. If the power to do this was doubted, or denied, the doubt or denial, has never come to my knowledge. The treaty of Hopewell was negotiated by commissioners, all of whom, if I mistake not, resided at the south; and I have never heard that any remonstrance was offered by either of the states in the neighbourhood of the Cherokees, on the ground, that the Old Congress had *no power* to agree upon a line of demarkation with the Indians. A line was fixed, in the 4th article, securing to the Indians the undisturbed possession of a territory, which appeared on the map to be a part of Virginia, the two Carolinas, and Georgia; the States of Kentucky, Tennessee, Alabama, and Mississippi, not having then been formed. If this treaty now stood alone, and the relations of the parties had not been changed by subsequent events, no white man could have "*attempted* to settle on any of the lands within the Cherokee boundary," even down to the present day, however he might have been sustained in his attempt by the constituted authorities of any or all of the states, situated in the neighbourhood of the Cherokees. Against such an attempt, the Indians would have been protected by the faith of the Confederated Republic. This remark is made, simply for the sake of drawing the attention of the reader to the inviolability of the Indian territory, as strongly implied in the fifth article.

From the phraseology adopted in two or three passages of the treaty, the conclusion seems to be drawn by the present Secretary of War, that treaties with the Cherokees are not binding upon the whites; at least, not to the extent of their literal and proper meaning. The argument stands in this form. The Cherokees fought on the side of the British, in the war of independence. The British were beaten; and therefore the Cherokees were a conquered people. To a conquered people the United States *gave peace*; and therefore the United States are not bound by the very articles which they dictated. They *allotted a boundary* to the Cherokees; and therefore the United States are not under obligation to respect the boundary, which they themselves allotted. To refute such conclusions, established by such a process of reasoning, is unnecessary. The very statement of the argument is enough.

It is true, that the commissioners of the United States, in several treaties made about the same time, express themselves rather haughtily, when they declare that they *give peace* to the Indians. The fact is well known, however, that the whites were much more desirous of peace than the Cherokees were. The inhabitants of our frontier settlements were in constant dread of incursions from the natives of the forest. Impoverished as our country was by a seven years' war, it would have been impossible to have scoured the vast wilderness, from the settled country to the Mississippi. Any force which could then have been sent, would have fared worse than the army of St. Clair did, in a far less dangerous field, nine years afterwards.

The Cherokees could not have set up for nice verbal critics of the English language, as they did not understand a word of it. It is questionable, whether one Indian interpreter in ten would make any differ-