

and, so far as this treaty could operate, the amicable relations, thus acknowledged to exist, were to continue through all future time.

Who are the parties to this "*treaty of peace and friendship*?" The President acts in behalf of one of the parties, and "the undersigned chiefs and warriors of the Cherokee Nation of Indians, *on the part and behalf of said Nation*." The Cherokees then are a *nation*; and the best definition of a nation is, that it is *a community living under its own laws*.

A nation may be a power of the first, second, third, or tenth rate. It may be very feeble, and totally incompetent to defend its own rights. But so long as it has distinct rights and interests, and manages its own concerns, it is a substantive power; and should be respected as such. Any other rule of interpretation would make force the only arbiter. St. Marino, in Italy, is described in our best gazetteers, as "a small but independent republic;" and yet it has not half so many people, nor the three hundredth part so much land, as the Cherokee nation now has.

It has been said, indeed, that the Indians, being an uncivilized people, are not to be ranked among nations. But this is said gratuitously, and without the least shadow of proof. How many treaties did Julius Cæsar make with savage tribes, who were greatly inferior, in every intellectual and moral respect, to the Cherokees of the present day? There is as little reason as truth in the objection. Has not God endowed every community with some rights? and are not these rights to be regarded by every honest man, and by every fair-minded and honourable ruler?

But, above all, the objection comes too late. The United States are, as a lawyer would say, *estopped*. General Washington, with his cabinet and the Senate, pronounced the Cherokees to be a nation. It does not appear, that a doubt ever crossed the mind of a single individual, for nearly forty years, whether this admission were not perfectly correct. Presidents Adams, (the elder,) Jefferson, Madison, and Monroe, all admitted the Cherokees to be a nation, and treated with them as such. The Secretary of War, (now Vice President of the United States,) negotiated the last treaty with the Cherokees, and affixed his signature to it. In this treaty, as in every preceding one, the Cherokees, are admitted to be a nation, and there is not a word in any of these solemn instruments, which has the most distant implication of the contrary. If the United States are not bound in this case, how is it possible that a party should ever be bound by its own admissions? The truth is, that if our country were bound to France, or England, by any stipulation, however mortifying to our pride, or disadvantageous to our interest, and the meaning of the obnoxious clause were supported by one fiftieth part of the evidence by which it can be proved that the United States have recognised the *national character of the Cherokees*, no lawyer, civilian, or politician even, would risk his reputation, by attempting to dispute or evade the meaning. We should be obliged to submit to inconveniences resulting from our own stipulations, till we could remove them by subsequent negotiations. If we have been overreached by the Cherokees, in so many successive treaties; if they have had the adroitness to get from us repeated acknowledgments of their possessing a character and rights, which they did not possess; if General Washington, and a long