

I now proceed to the examination of treaties, between the United States and the Cherokee nation. And here I would apprise the reader, that the case can never be fairly and fully understood, without a reference to every material article, in every treaty which has been made between these parties. Unless such a reference is had, no reader can be sure that he has a view of the whole ground; and a caviller might object, that there had been omissions, in order to conceal a weak part of the case. This is a subject, too, which the people of the United States must have patience to investigate. When measures are in progress, which have a bearing on the permanent rights and interests of *all* the Indians, it must not be thought tedious to read an abstract of the solemn engagements, by which we have become bound to *one* of these aboriginal nations.

In the revolutionary contest, the Cherokees took part with the king of Great Britain, under whose protection they then considered themselves, just as they now consider themselves under the protection of the United States. After the peace of 1783, it does not appear that any definite arrangement was made with this tribe till the year 1785. In the course of that year, the old Congress appointed four commissioners plenipotentiary, men of distinction at the south, to meet the head men and warriors of the Cherokees, and negotiate a treaty of peace.

The parties met at Hopewell, now in Pendleton District, S. C.; and, on the 28th of November, executed an instrument, which is usually cited as the treaty of Hopewell. The abstract of this instrument, with some remarks upon it, will be given in my next number.

No. III.

First compact between the United States and the Cherokees; viz. the treaty of Hopewell—Abstract of this treaty—Reasons for thinking it still in force—The Old Congress had the power to make treaties—Argument of the Secretary of War—Meaning of the phrases *to give peace*, and *to allot*.

The title of the treaty to which I referred in my last number, is in these words:

"Articles concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh, commissioners plenipotentiary of the United States of America, of the one part, and the head men and warriors of all the Cherokees, of the other."

The preface to the articles is thus expressed:

"The commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favour and protection of the United States of America, on the following conditions:"

Before I proceed to make an abstract of the articles, it is proper to say, that in regard to this and all subsequent treaties, I shall be as brief as appears to be consistent with putting the reader in full possession of the case. The more material parts of treaties I shall cite literally; and these will be distinguished by double inverted commas. Other parts