

by the United States in their confederated character, was executed at Fort Pitt, on the 17th of September, 1778. It contains the following very remarkable article :

"ART. 6. Whereas the enemies of the United States have endeavoured, by every artifice in their power, to possess the Indians in general with the opinion that it is the design of the States aforesaid to extirpate the Indians, and take possession of their country;—to obviate such false suggestion, the United States do engage to guaranty to the aforesaid nation of Delawares and their heirs, *all their territorial rights* in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they, the said Delaware nation, shall abide by, and hold fast, the chain of friendship now entered into. And it is further agreed on, between the contracting parties (should it for the futuro be found conducive to the mutual interest of both parties) to invite any other tribes, who have been friends to the interest of the United States, to join the present confederation, and to form a State, whereof *the Delaware nation shall be the head* and have a *representation in Congress*; provided nothing contained in this article to be considered as conclusive, until it meets with the approbation of Congress." [That it did meet with the approbation of Congress is manifest; because it is now part of a national treaty.]

The bare suggestion that the United States designed to *take possession of the Indian country* was treated as a slander and a calumny. The *territorial rights* of the Indians were to be respected, and the Indian tribes generally were encouraged with the proposal that they might be represented in Congress. The natural implication of this last proposal must have been, that the Indians not only had territorial rights, but might expect to retain them *permanently*, in the same manner as the State of Virginia, or Connecticut, and the other confederated republics, expected to retain *their* territorial rights.

Let it be remembered, that this treaty was made when the United States were struggling for independence against the whole force of the British empire, and when every accession of strength to the American cause, and every subtraction from the power of the enemy, was a matter of great importance. Nor should it be forgotten, that other treaties formed with the Indians, after the peace of Great Britain were extremely desirable to the United States; that the exhausted treasury of the nation could ill afford the expense of Indian wars; that the Indians had the undisputed possession of boundless forests, on all our frontiers; that many of them had endured public and private injuries, which were unavenged and uncompensated; that the Indian tribes were strong, compared with their subsequent decline and their present total want of power; and that the United States were weak, compared with their present gigantic strength.

Though the treaties were formed in such circumstances, not a single article bore hardly, or oppressively, on the United States, or on the new settlers. The Indians claimed nothing unjust or unreasonable. The early negotiations wear the aspect of mutual benefit, and appear to have been concluded with a desire to secure permanent peace to the parties, founded on the acknowledgment of their mutual rights.

Are the people of the United States unwilling to give a fair, candid, and natural construction to a treaty thus made? I might say, Are they unwilling to give it the *only* construction of which it is capable? Are they unwilling to admit a meaning which stands out prominently upon the very face of the transaction, and which no ingenuity can distort, pervert, or evade? Will they refuse to be bound by the plainest and