

The present doctrine is, that the Indians were regarded as a sort of non-descript tenants at will, enjoying by permission some imperfect privilege of hunting on grounds which really belonged to the United States. But who ever heard of tenants at will being solemnly admitted to have the right of declaring war upon their landlords? These tenants were also strangely allowed to possess the right of punishing, according to their pleasure, any of their landlords, who should "attempt to settle" upon any lands, which, it is now contended, were then the absolute property of said landlords. But I shall have other occasions of bringing this interpretation to the test.

After the treaty of Hopewell, white settlers pushed forward into the wilderness in the neighbourhood of the Indians, difficulties arose; blood was shed; war was declared; the new settlements in that quarter were in a state of great alarm and anxiety.

In the mean time, the new constitution had gone into operation. The treaty-making power, which had been exercised by the Old Congress, was now confided to the President and Senate of the United States. General Washington, who always pursued a magnanimous policy towards the Indians, as well as towards other nations, took the proper measures to establish a peace. On the 2d of July, 1791, the treaty of Holston was made; and it was afterwards ratified by President Washington and the Senate. The title is in these words:

"A treaty of peace and friendship, made and concluded between the President of the United States of America, on the part and behalf of the said States, and the undersigned chiefs and warriors of the Cherokee nation, on the part and behalf of the said nation."

PRELIMINARY.

"The parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits, and making other necessary, just, and friendly arrangements:—the President of the United States, by William Blount, Governor of the territory of the United States south of the River Ohio, and superintendant of Indian affairs for the Southern District, who is vested with full powers for these purposes, by and with the advice and consent of the Senate of the United States; and the Cherokee nation, by the undersigned chiefs and warriors representing the said nation, have agreed to the following articles, namely:—"

I have thought it best to cite the whole title and preamble, that the reader may see in what manner the parties to this instrument saw fit to describe themselves; or, more properly, in what manner the plenipotentiary of the United States, with the President and Senate, saw fit to describe these parties: for it will not be pretended that the *Cherokees* reduced the treaty to writing. This is the second treaty, which was made with Indians, by the government of the United States, after the adoption of the Federal Constitution. The first was made with the Creek nation; and was executed at New York, August 7th, 1790, by Henry Knox, then Secretary of War, as the commissioner of the United States, and twenty-four Creek chiefs, in behalf of their nation. In comparing these two treaties, it is found, that the title and preamble of the Cherokee treaty are an exact transcript from the other, except that "Cherokee" is inserted instead of "Creek," and the word "kings," before "chiefs and warriors," is omitted.