

It appears, moreover, in the preamble to this treaty of Tellico, that the "*misunderstandings*" had arisen, because white settlers had transgressed the Cherokee boundary, "contrary to the intention of previous treaties;" and that these intruders had been removed by the authority of the United States.

Again: this treaty was negotiated by George Walton, a citizen of Georgia, in whom that state reposed great confidence, and by Thomas Butler, commanding the troops of the United States, in the state of Tennessee; and it was executed, (to use its own language) "*on Cherokee ground.*"

Thus, the country of the Cherokees is called, as I have already shown, "their lands," their "territory," "their nation," and their "ground." These epithets are used, not by careless letter writers, nor in loose debate; but in the most solemn instruments, by which nations bind themselves to each other. And what is there on the other side? Is it said, or implied, that the Cherokees had a qualified title? a lease for a term of years? a right to hunt till Georgia should want the land for growing corn or cotton? the privilege of administering their own laws, till Georgia should exercise her rightful jurisdiction, as a sovereign and independent State? Is there any thing that looks this way? Not a word; not a syllable; not the most distant hint. While it is asserted in various forms, and implied more than a hundred times over, that the Cherokees were a nation, capable of treating with other nations; that they had a country, which was acknowledged to be indisputably their own; that they had a government to punish criminals and to deliver up renegadoes; and that they were to become a civilized people, permanently attached to the soil; there is not, in all these instruments, a single intimation, or ground of plausible argument to the contrary.

Lastly, this treaty not only adopts the word "*guaranty*" from the treaty of Holston, but interprets it, (as every civilian in Europe and America would have done,) to be applicable to "*the remainder of their country FOREVER*;" that is, (for the meaning can be no less,) the Cherokees were to retain the clear title and unincumbered possession of the *remainder* of their country, which they previously had of the *whole*; and such title and possession were guaranteed to them forever, by the power and good faith of the United States.

#### No. IX.

Guaranty to the Delawares, in 1778—Ingratitude of not giving a fair construction to these treaties—Sixth compact with the Cherokees, 1803—Caution in the preservation of their rights—Use of the word *Father*—Second treaty of Tellico, or seventh compact, 1804—Third treaty of Tellico, or eighth compact, 1805.

The idea of a *guaranty*, and of a *country*, as a territory belonging to Indians, was not new, even at the period of the treaty of Holston.

The first treaty, which I have been able to find, made with Indians