

relinquished and ceded by this treaty," until settlements shall make such hunting improper.

ART. 8. Due notice to be given of the payment of the annual stipend, and the United States to furnish provisions for a reasonable number of Cherokees, who shall assemble on these occasions.

ART. 9. Horses stolen from Cherokees by whites, to be paid for by the United States; and horses stolen from whites by Cherokees, to be paid for by a deduction from the annuity.

ART. 10. The Agent of the United States residing among the Cherokees to have a sufficient piece of ground allotted "for his temporary use."

Lastly: this treaty to "be carried into effect on both sides with all good faith." The treaty was ratified soon after, by President Adams, and the Senate of the United States.

A few remarks on this treaty may not be improper.

The words *cede*, *nation*, and *guaranty*, are used in the same senses here, as in the treaty of Holston, seven years before. During the interval, the government of the United States had been frequently employed in making treaties with various tribes of Indians; and it is safe to say, that in no period of our national history, was the meaning of public documents more thoroughly weighed, or the tendency and ultimate effect of public measures more seriously considered; and the world may be challenged to produce an example of the administration of a government over an extensive territory, and over a people in new, various, and complicated relations, in which fewer mistakes, either theoretical or practical, were made, than during the administration of General Washington.

The parties were so careful of the inviolability and integrity of the Cherokee territory, that the use of a short road, in the northern extremity of that territory, (now in the State of Kentucky,) at a great distance from the actual residence of the Cherokees generally, was made the ground of a solemn treaty stipulation, and an equivalent was given for it. Nay more, the Agent of the United States, residing among the Cherokees to distribute the annual payments, to encourage the natives in agriculture and manufactures, and to execute the treaties in other respects, could not claim even the *temporary use* of land for a garden, or a cow pasture, till this small convenience was allowed him by treaty.

The United States not only acknowledge former treaties, and declare them to be in full force; but "the *construction and usage* under their respective articles" are acknowledged, ratified, and declared to be the rule of future usage and construction. This is a very remarkable provision; and was doubtless adopted to quiet the Cherokees in regard to encroachments feared from the United States. The construction and usage, under the previous treaties, can be proved at this day, by living witnesses, and by public archives, to have tended invariably to this one point—that the Cherokees were to retain the unimpaired sovereignty of their country; and that to enable them to do this permanently, and in the most effectual manner, they were to be taught all the common arts of civilized life. To this course they were urged, in the most affectionate manner, by letters written with General Washington's own hand. This was pressed upon them at every council, and habitually in private, by the Agent of the United States, in pursuance of written and verbal instructions from the head of the War Department. No historical facts can be proved with more absolute certainty than these; and there is not, it is believed, even the pretence of any evidence to the contrary.