

No. VI.

Treaty of Holston continued—Articles of boundary and session—The nature of a session—Grant of a road—Regulation of trade—Articles of guaranty—Importance of this article—Nature of a guaranty—Instance of Buonaparte and Switzerland.

I proceed in the consideration of the treaty of Holston. The third article provides, that "the Cherokee nation shall deliver" up "all persons who are now prisoners, captured by them from any part of the United States;" and "the United States shall restore to the Cherokees all prisoners now in captivity, whom the citizens of the United States have captured from them." A period of about nine months was allowed for a compliance with this article. Here the most entire reciprocity exists, precisely as it is found, usually, in treaties of peace between European powers.

"ART. 4. The boundary between the citizens of the United States and the Cherokee nation is and shall be as follows:" [Here the boundary is described, which is, in part, the same with that in the treaty of Hopewell; but the Cherokee country on the northeast is considerably curtailed. Here had been the seat of war during the interval between the two treaties. A tract, which is now the central part of Tennessee, and which probably contains a population of more than 200,000 souls, was still retained by the Cherokees.]

The article provides that the boundary shall be ascertained and marked, and then proceeds thus:

"And, in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described, beginning as aforesaid, at the Currahee mountain, it is hereby agreed that, in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods to be immediately delivered to the undersigned chiefs and warriors, for the use of their nation; and the said United States will also cause the sum of \$1,000 to be paid annually to the said Cherokee nation. And the undersigned chiefs and warriors do hereby, for themselves and the Cherokee nation, their heirs and descendants, for the consideration above mentioned, release, quit claim, relinquish, and cede all the land to the right of the line described, and beginning as aforesaid."

One object of the treaty was declared in the preamble to be to "ascertain the limits of the Cherokees." In the article just quoted, the limits are defined on the north and east; that is, on those sides where the white settlers were approaching the borders of the Cherokee country. On the south and west the Cherokees were limited by the country of their Creek and Chickasaw neighbors; so that there would have been no propriety in even mentioning the subject here.

At the close of the article, the Cherokee chiefs, "for themselves and the whole Cherokee nation, their heirs and descendants, release, quit claim, relinquish, and cede" a certain portion of their country; that very country which had been called "hunting grounds" in the treaty of Hopewell, and of which, as it is now pretended, the Cherokees were tenants at will. Was it ever before heard, that a tenant at will released and ceded land to the rightful owner?

The phraseology here used not only implies that the word *allotted*, in the previous treaty, meant no more than that the boundary of the Cherokee country was *fixed* or *defined*, by the article in which it was used: