

# Lesson 7 Lecture: The Treaty System, Marshall Court, and The Trust Doctrine

## A.) The Treaty System

- Although treaties with sovereign Indian nations, like Indian people themselves, are often considered a thing of the past, it is of fundamental importance to understand that in no way does the passage of time make a treaty any less relevant.
- Additionally, it is important to understand that during the era of treaty making, which lasted for a period of more than two hundred years until 1871 when Congress abolished the practice, Indian nations were recognized as sovereign entities; that is to say, these

treaties with foreign nations would have been completed.

- The treaty was seen as the easiest and most practical way to conduct land transactions or settlement agreements between Europeans and Indians. It is popular that these treaties were always made under the threat of force. In the early days, colonists were greatly outnumbered and undersupplied and the treaty was heavily relied upon to avoid bloodshed. This is an irony not lost to history, for as we will see it has been the case that when accords intended to avoid conflict were breached, the worst violence occurred (Treaty of Horse Creek)
- Even before the ratification of the Constitution in 1789, more than one hundred treaties had been conducted with various

Indian nations by colonizing European nations such as Spain, England, France and Denmark.

- In 1785, one of the first major treaties to be signed after the American Revolution was between the U.S. and a confederation of Cherokee, Choctaw, and Chickasaw representatives. The intent of the treaty was to like the Royal Proclamation Act of 1763, define a western boundary over which European settlement would be prohibited and to establish trade parameters between sovereign nations.
- Several other treaties followed the American Revolution, as the U.S. was now free to diplomatically expand their territory. They were exercising their sovereign right, or their preemptive right, to conduct affairs with the Indian nations.