
This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

Google™ books

<https://books.google.com>





3 3433 09074304 2



U.S. Congress

LAWS

J. Campbell

THE UNITED STATES OF AMERICA,

FROM

THE 4th OF MARCH, 1789, TO THE 4th OF MARCH, 1815,

INCLUDING

**THE CONSTITUTION OF THE UNITED STATES, THE OLD ACT OF
CONFEDERATION, TREATIES,**

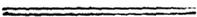
AND MANY OTHER VALUABLE ORDINANCES AND DOCUMENTS;

WITH

COPIOUS NOTES AND REFERENCES.



ARRANGED AND PUBLISHED UNDER THE AUTHORITY OF AN ACT OF CONGRESS.



IN FIVE VOLUMES.

NO. 1.
VOE I.

ASTOR LIBRARY
NEW YORK

PUBLISHED BY

**JOHN BIOREN AND W. JOHN DUANE, PHILADELPHIA, AND
R. C. WEIGHTMAN, WASHINGTON CITY.**

1815.

DISTRICT OF COLUMBIA, TO WIT:

BE IT REMEMBERED, That on this twenty-third day of October, in the year of our Lord eighteen hundred and fifteen, and of the independence of the United States the fortieth, John Bioren and W. John Duane of Philadelphia, and R. C. Weightman of Washington City, have deposited in the clerk's office of the United States' district court for the District of Columbia, the title of a book, the right whereof they claim as proprietors and publishers, and more especially the right to the manner in which the work is arranged, the marginal notes, references, and illustrations, the indices to each volume, and the general digested index to the whole, to wit: "Laws of the United States of America, from the fourth of March, seventeen hundred and eighty-nine, to the fourth of March, eighteen hundred and fifteen, including the constitution of the United States, the old act of confederation, treaties, and many other valuable ordinances and documents; with copious notes and references. Arranged and published under the authority of an act of congress. In five volumes." In conformity to the act of the congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned:" and also to an act, entitled "An act supplementary to an act, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

In testimony whereof, I, George Deneale, clerk of the said court,
[SEAL.] have hereto set my hand and affixed the seal of my office, the date above mentioned.

G. DENEALE, *Clk. of the Dis. Court.*

NOV 23 1815
U.S. DISTRICT COURT
WASHINGTON

**PLAN OF A NEW EDITION OF THE LAWS OF THE UNITED STATES:
IN A LETTER FROM THE ATTORNEY GENERAL TO THE SE-
CRETARY OF STATE.**

WASHINGTON, JUNE 10, 1814.

SIR,

THE act of congress of the 18th of April, 1814; having made it the joint duty of the secretary of state and attorney general to prescribe the plan and manner in which the new edition of the laws of the United States shall be published, I will beg leave, in this mode, respectfully to suggest for your consideration such ideas as have occurred to me connected with the execution of this trust.

1. No law passed since the adoption of the federal constitution to be omitted from a publication at large in the work. This rule to extend to all laws, although at present repealed, expired, or obsolete; and to embrace, not only such as were of a general nature, or in any degree affected national objects, at the time of their passage, but also all others of whatever description, and even private acts. The fact of their being repealed, expired, or obsolete, to be noted in the margin; and the law or laws by which they have been repealed, or are supplied, to be also distinctly stated, with a reference to the volume and chapter where they may be found. So, where a particular section or sections only stand repealed, expired, or obsolete, such section or sections to be inserted with the rest of the act, with a similar notice and reference in the margin. The rule to be invariable, except as to the occasional laws for fixing the meetings of congress, and these to be published by their titles only. All laws relating to the District of Columbia, and which comprehend no other subject, to be, in conformity with the injunctions of the act of the 18th of April, excluded from the work.

The want of a complete and full edition of the laws of congress, has long been felt. To render such a work, extensively and permanently useful, the above plan of republishing at large the old laws, in like manner with those in force, has appeared to me, on the best reflection I can bestow upon the subject, to be indispensable. It is well known, to all persons conversant with the proceedings of courts, or who have been in any other capacity called upon to pursue the examination of our statute law, that great embarrassment is not unfrequently experienced from the difficulty, or it may be the total want, of access to acts of the legislature which have once been in operation. A law once in full force, is apt to draw after it a sort of perpetuity in its effects, not capable of being wholly expunged, even if desired or aimed at, by the formal repeal of its provisions. Titles or rights accrue under it, not susceptible of annihilation, and which look back to it always as to a source. A benefit is to be claimed, a penalty exacted, a punishment inflicted, under its sanctions. Subsequent acts may, and often do, refer back again to those formerly in existence, perhaps to regulate a point of practice in the courts which the repealed act itself had originally established; perhaps to reassert some rule of more general tendency which has lain dormant, liable, in this mode, to be again legislated into activity, glancing as it were at former statutory provisions, of which the chain once formed is so difficult to be broken. Laws

passed in *pari materia*, reflect light upon each other. The phraseology of the repealed law, contrasted with that of the existing one, is often the best key to the defects of the former as well as to the reason and motive of the latter. The authoritative judicial expositions which may have been put upon the words of the one, may be made to apply also to the other; in which case it is desirable that the entire body and language of the repealed law should be present to the mind. At a future day, he who would suggest or who would frame a new act of congress upon any subject-matter that had ever before been incorporated in an old one, could scarcely fail to find his path made clearer, if in nothing else perhaps by the shunning of errors, from an attentive and cautious perusal of the ancient and dormant provisions of the old law. The advantages of the plan recommended may thus be considered as reaching the legislator not less than the judge, the jurist, and the citizen. Independent of these benefits, which seem substantial and obvious, the very preservation in the volume of the national laws, of the history and progress of our legislation, as seen in all the acts that have once had a place there, seems to me an object not to be lost sight of in laying down the plan of a work designed to be permanent. It is at least matter of useful curiosity to that portion of the public who are not in situations to have access to the manuscript depository of the laws.

It may, perhaps, be thought that the insertion of private acts, relating solely to individuals, is unnecessary. But I cannot help viewing it differently. I take their republication, also, to be connected with the plan of giving completeness and perfection to the work. Such acts are generally short, and occupy but little room upon the page. They concern, in some degree, the citizens at large; for, by pointing out upon what occasions special acts have been passed, in behalf of particular individuals, they serve as guides to other individuals who may be found to stand in similar or analogous predicaments, and who, in their turn, may deem it of equal propriety to ask for legislative interposition and relief. The precise terms and limitations under which they are enacted, may also prove of service to the tribunals of the country, in marking the legislative sense of the limits of the pre-existing law, or showing the point at which its ordinary powers stop, since this must always, or usually, be supposed to be the case, where the legislature is invoked to exercise its equitable functions in relief of individual hardship and advancement of individual justice. Nor, under a more general view, would it seem quite consistent in dignity, that the same subject, be it private or public, which has been deemed at any time worthy to engage the attention of the legislature, and has drawn forth an act of legislative power (always of solemnity) should not also be thought of sufficient importance, at all times, to claim its place in the printed volume of the laws. Another reason in favor of printing the private acts, is this: that in the annual volume of the laws of congress, issuing from the press, it has ever been customary to insert them, and will probably continue to be customary. Their exclusion, therefore, from the work now contemplated, would take from it that character of uniformity with which it would be most desirable that all its volumes, early as well as late, should be stamped.

A single objection only is perceived to so general an insertion of acts not in force. That is, the room they will take up in the statute book. To whatever consideration this may be thought entitled, it is conceived to be overbalanced by the superior advantages which the plan presents. The additional space and labor which, in the beginning, it will call for, is an inconvenience not to be matched, in any view I can take of it, against the durable benefits which the community at large will be likely to derive from an edition so full.

As regards the annual appropriation acts, I would have these republished like the rest, except as to such clauses in them, relating to salaries and other points,

as are seen to be exact and literal repetitions of those of preceding years. Such parts to be omitted, with a notice in the margin that they are exact repetitions. All other parts of these acts will at least serve as valuable, authentic mementos of the varying and progressive disbursements of the public treasure, a branch of legislative history not less curious than instructive, and which cannot be preserved in shapes too conspicuous and accessible. Under this plan it will, of course, be found necessary to insert at large all the appropriation laws of the first congress, as well as such subsequent ones as are original.

2. Every act published, of whatever description, to be carefully collated with the original roll deposited in the department of state.

This will be a measure of obvious propriety towards ensuring an accurate execution of the work, as well as to justify its being held up as such. It is known that inaccuracies have, here and there, crept into the present printed copy of the laws, which would render it an unsafe guide for the one to be now prepared.

3. The name and official description of the president, vice president, and speaker of the house of representatives, not to be subjoined to each individual act as heretofore, but the fact to be merely noticed at the commencement of the laws of each separate congress, during whose incumbency it was of each of these offices that they were passed. The fact to be also noticed, of such presidents pro tempore of the senate, as may have put their signatures to a law. The date of every law to be stated at the foot.

The invariable repetition of the names, with the descriptions of office, that give the formal stamp to each act, cannot be necessary, and has been advantageously dispensed with, in editions which I have seen of laws of some of the states. The substitute proposed will be adequate to every useful end. It will serve the purpose too, and not inconsiderably, of affording more room for the general insertion which is recommended of old laws, should you concur in the propriety of such insertion.

4. The journals of the old congress to be examined, and all such acts, ordinances, or resolutions, prior to the year 1789, there found, as are in any degree in operation, or affect real property at the present day, or as relate to the government of the territories of the United States, or as may serve to connect, by a short and chronological series, the early official acts of the government, with the formation of the present constitution, to be inserted.

The utility of such insertion must be admitted, if the reasons stated under the first head for the publication of old laws have any weight. And perhaps they are the more applicable under this head, as the printed journals of the old congress are in the hands of so few, and are daily becoming more scarce.

5. Such acts, ordinances, or resolutions, to be inserted in the first volume. Here also the declaration of independence, the articles of confederation, and the federal constitution, will find a suitable place. All treaties, whether existing or expired, to be classed according to the countries to which they relate, with a reference also to dates, and published in the same volume; my design being that all these national documents should stand in a volume by themselves, distinct from the ordinary laws. Treaties with the Indians to be thrown together in a body, and separated from the rest. By this plan treaties made in future, when they may grow to sufficient number, can also be published by themselves, so as to keep the volume which contains them, at all times distinct from those which contain the acts of home legislation, with neither the subject matter of which (any more than their formal appearance upon the page) do the former appear to have any orderly or regular connexion.

6. Distinct, amended, marginal notes, as copious as practicable, to be made to all the laws; to the constitution; to the articles of confederation; to the treaties;

and to all the other documents susceptible of this species of abridgement. Those of every act, to refer to all other acts repealing, amending, modifying, or restricting, the same, with the time when passed, their sections and chapters. The common figure to be used upon all occasions where numbers or dates are to be expressed, in preference to the Roman letter, the latter being more removed from common use, and therefore seeming to me not so proper, at this day, for the heads of chapters, or other places in a code of statute law.

7. Each volume to contain a general index to all heads and titles. The last volume to contain a complete, digested, and very full index, to be accurately prepared anew, for the whole work. A late edition of the laws of Pennsylvania, prepared by Charles Smith, esq. under a resolution of the legislature of that state, which work will be found in the library of the department of state, may be usefully consulted as, in part, a guide under this head. The example of a good index, presenting a methodical and perspicuous abridgment of the whole body of the statute law of the United States, will be of signal utility in the execution of the work, and cannot, I would take the liberty of suggesting, be too much pressed upon the individual whom you may think fit to select for the important task of its superintendence. The late plans upon which indices to the reporters have been formed, may also supply useful hints towards the successful execution of this branch of duty. The index, like the marginal notes, to be applicable to the treaties, constitution, and all other documents comprised in the work. It would be better to put the same thing down more than once under different heads in the index, than indulge too freely the practice of referring from one head to another.

8. That the present edition of the laws may be rendered as complete as practicable, I have seen it suggested, from respectable sources, that it would be an improvement of the plan, to subjoin, throughout the work, notes of such legal adjudications as have taken place in the courts of the United States upon various acts of congress, as well perhaps as a short digest of such parts of the general law as may be drawn into view by the particular subject of a statute, in the manner of Smith's edition of the laws of Pennsylvania. To this plan, as applicable to the statute law of the Union, objections strike me which produce an unwillingness to recommend its adoption.

In the first place, there is room for a doubt how far the act of the 18th of April contemplates or would authorize such a course.

The words of it will be found different from those of the act of the Pennsylvania legislature, directing a publication of the laws of that state, under which a similar course was pursued. But, admitting the scruple in this respect to be overcome, there seem to be reasons of a more general nature against incorporating such superadditions upon the national statute book. The decisions of the courts, and the general law of the land, should be sought for rather in the books of reports, and other repositories of our jurisprudence, than in an edition of the laws; the text alone of which will announce with most simplicity, and most authoritatively, its title to universal regard. The admission of notes might in time open a door for voluminous, perhaps embarrassing, comments, running the hazard of encumbering the work with matter voluntary, extrinsic, or misleading. With whatever skill they might be drawn up, still it should be borne in mind that they would present to the public but the labors of an individual, which, as it appears to me, might be made useful in some sphere more appropriate, than by binding them up with the authentic volume of the national laws—reminding us of the *responsa prudentum* of the civilians of old. Besides, will such notes be kept up in the annual volume which will probably continue to be published henceforth? Will they be executed always by the same hand, and therefore with uniformity? always by an

accurate hand? Considerations such as these, lead me to a strong distrust of the safety and value of the plan.

Upon the whole, I think, that a full, fair, and correct, publication of the integral text, to comprehend the repealed, expired, and obsolete, laws, always keeping in mind that the insertion of many of these which to a first view may appear useless, will, in the end, be better than the omission of any one, or a part of any one, that may prove useful—with a copious index, and good marginal notes, are the leading requisites most likely to render the work of permanent use to the nation.

RICHARD RUSH, *attorney general.*

To the hon. James Monroe, secretary of state.

Department of State, June 11, 1814.

Sir,

I have read and considered the plan proposed in your letter of the tenth of this month, for publishing a new edition of the laws of the United States, in compliance with an act of congress of the 18th of April last, and concur with you in the same.

JAMES MONROE.

*To Richard Rush, esquire,
attorney general of the United States.*

Department of State, June 13, 1814.

Sir,

In compliance with the authority vested in me by an act of congress of the 18th of April last, entitled "An act authorizing a subscription for the laws of the United States, and for the distribution thereof," empowering me to appoint a competent person to prepare and superintend an edition of the same, I hereby confer that appointment on you.

You will herewith receive instructions for the execution of the trust committed to you, which you will strictly observe. In the progress of the work it is expected that you will communicate with the attorney general and me, who will give every aid in our power in carrying the object of the law into full effect.

I remain, respectfully, sir,

Your obedient servant,

JAMES MONROE.

John B. Colvin, esquire.

EXPLANATORY OBSERVATIONS.

THE preceding plan of the present edition of the laws of the United States will sufficiently illustrate the general scope and design of the undertaking; but there are some points, in the execution of the plan, which it may be useful to particularize.

First. With respect to the obsolescence of any acts or resolutions of congress, great caution has been observed; and where the least doubt has existed, the rule has been, not to note the act or resolution as obsolete. Where one act has been revived and continued for a limited time, by another act, and the act revived has expired, been repealed, or continued by a subsequent act, the reviving and continuing act has been considered as obsolete, on the ground that, having performed its function, it ceased to exist. Acts granting donations, or authorizing sales, of land to individuals, notwithstanding their objects may have been completely fulfilled, have not been regarded as obsolete, from the consideration that they are the evidence of the titles of the possessors, and liable, at a future day, to be sought for. Some acts of a mixed character—such, for example, as those making appropriations of money, and authorizing, in the same law, and in general terms, the president of the United States to accomplish certain objects, have not been noted as obsolete, although they may, in a great degree, be out of use. Private acts, releasing public debtors from imprisonment and further personal responsibility to the government, but with a proviso that any future estate of the debtor shall be liable to be taken in execution, have not been designated as obsolete, on account of the possible prospective effect of such laws upon the property of the debtors to whom they relate. Acts reciting the names, and fixing the rates, of invalid pensions, are inserted as still in existence, even where some of the parties may be dead, because the acts furnish the only authority under which the officers of government make payment to the surviving persons interested. Resolutions passed by congress in honor of distinguished merit, have not been noted as obsolete, the intention of the legislature obviously being, that they should remain, to all times and to all generations, a testimony of the lively sensibility of the nation to deeds of humanity, patriotism, or valor.

Secondly. No act has been designated as expired, unless it contains within its own provisions, or in the provisions of some act continuing it, a specific limitation, the period of which has expired.

Thirdly. In the case of acts repealed, where, by accident, there has been an omission of reference to any acts supplying them, the repealing act, always referred to, will be found to be the act supplying the one repealed. But it will be seen by those who consult these volumes, that there are many acts, so intermingled in their provisions, and connected in so indirect a way with each other, that it would be difficult, with the space allotted on the margin, to specify, with the necessary degree of precision and clearness, the nature of the alterations that may have taken place in the law: Where this difficulty has occurred, references have been made to prior or subsequent acts, so as to form an intelligible connexion between provisions of law bearing on the same subject, and to admonish the reader that that part of the act is affected by something that precedes or follows it. Thus, although in some instances the precise state of the whole law will not appear on the same page, by marginal illustration, yet, pursuing the references, the reader will

be sufficiently guarded against erroneous impressions. Indeed, had the margin been more capacious, it would have been almost impossible to have compressed into it, at the proper place, all the successive alterations and modifications of, and additions to, several of the acts of congress. Such are the judiciary act, of the 24th of September, 1789, and the act for the regulation and collection of duties on imports and tonnage, of the 2d of March, 1799; and in these, and some other instances, it has been thought better to add, at the end of each act, a brief notice of all other acts affecting its provisions; thus bringing into view, as it were in one act, all the acts relating to the subject of the original act. This may appear to be, in a great degree, supererogation, and superfluous, upon the reflection that the general index, composing the fifth volume, is a digest of the whole body of the law, and will, therefore, cure any defects that may be perceived in the notes to the acts at large; but the method pursued, it is confidently believed, will be found to have its conveniences.

Fourthly. A distinction has been taken concerning the laws relating to the District of Columbia, which, it is hoped, will be found consonant to the provision of the act of the 18th of April, 1814, and to the spirit of the plan. All laws referring to the foundation of the city of Washington, and to *national* objects, such as the building or repairing of the capitol or of the president's house, or appropriating money from the public treasury for objects within the District, have been retained; whilst the local judiciary acts, and all acts confiding power to corporate bodies in the District of Columbia, or which have been otherwise passed by congress in their character of legislature for the District, have been excluded.

Fifthly. The phraseology of the injunction, "that the annual appropriation acts should be republished, like the rest, except as to such clauses in them, relating to salaries and other points, as are seen to be *exact* and *literal* repetitions of those of preceding years," rendered the execution of the plan, in that particular, so critical, that it has been deemed the safer course to obey the spirit, rather than the letter, of the instruction, which, in effect, is, in a considerable degree, superseded by the consideration that, from the varying circumstances and subjects of legislation, there are few clauses of the annual appropriation acts which are exact and literal repetitions of those of preceding years. In the general index will be found, under the proper heads, the specific and total amount of appropriation for each particular object of government, from the 4th of March, 1789, to the 4th of March, 1815.

Sixthly. Every act has been, in the first instance, compared with the printed copy, and then "carefully collated with the original roll deposited in the department of state." This remark also applies to the declaration of independence, the act of confederation, and to the constitution of the United States.

Seventhly. There has been some difficulty in ascertaining whether the amendment proposed, which is stated as the thirteenth, (see page 74, post.) has, or has not, been adopted by a sufficient number of the state legislatures to authorize its insertion as a part of the constitution? The secretary of state very readily lent every suitable aid to produce full information on the question; but the evidence to be found in the office of that department is still defective. It has been considered best, however, to publish the proposed amendment in its proper place, as if it had been adopted, with this explanation, to prevent misconception. The chief motives that led to this course, were, 1. The proposition had been adopted by twelve states, to wit: New Hampshire, Massachusetts, Vermont, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Tennessee, Georgia, Kentucky, and Ohio, and it was doubtful whether it had not been adopted by more. 2. There is no time limited by the constitution for the adoption of an amendment proposed by congress: And, 3. In one instance, that of the eleventh amendment to the consti-

tion of the United States, congress appear, by a resolution of the 2d of March, 1797, to have given countenance to the opinion that amendments thus proposed might be adopted by different states at different, and distant, periods of time, and that the constitutional vote of three-fourths of the state legislatures, thus obtained, are sufficient to establish an amendment of the constitution, without any formal renewal of the proposition by congress. The limit, and that can only be inferred, seems to be, that the state legislatures must have definitively acted upon it. See the resolution, referred to, of the 2d of March, 1797; page 600, vol. 2.

Seventhly. In the examination of the journals of the old congress, the injunctions of the plan of the present edition of the laws of the United States, have been construed liberally. It has been regarded as useful, if not important, to present to the general view, in a national work of this kind, a distinct outline of the constitutional legislation of the United States of America, from the period of its commencement to the present time. This has been briefly done in the three first chapters, where the reader may mark the beginning and progress of that legislation, from the 5th of September, 1774, to the 2d of March, 1781, when the act of confederation was finally ratified; which forms the first epoch of a national and independent constitution in America. From the 2d of March, 1781, to the 13th of September, 1788, may be traced the gradual approach to the existing constitution, in the proceedings of congress, in those of the general assembly of Virginia, of the legislatures of other states, and in the report of the proceedings of the commissioners assembled at Annapolis, until the adoption of the constitution by the convention at Philadelphia, and the final and solemn ratification thereof by the several states; which forms the second epoch in the constitutional legislation of the United States.

In the investigation of the acts of congress, preparatory for the press, numerous references were found, in different sections of the laws, to various ordinances and resolutions, the insertion of which appeared indispensable to a clear understanding of the subject. Obeying, in this respect, the injunctions of the plan, perhaps too freely, recourse was had to the journals of the old congress, and whatever has been requisite to elucidate the acts of congress, strictly so called, has been extracted and inserted in the first volume. If, in the first instance, any thing relevant has been overlooked, it has been afterwards collected, and placed, by way of note, at the bottom of the pages of the acts themselves. To these have been added, also in the first volume of the present edition, such extracts from the journals of the old congress, which was an executive as well as a legislative body, as would seem to explain more at large the origin and nature of the department of state, the treasury department, the department of war, Indian affairs, the general post office, &c. &c. And occasion has been taken, by inserting an ordinance, &c. relative to a Bank of the United States, to the Mint, to the Flag of the Union, &c. which passed under the powers granted to congress by the old act of confederation, to show, in addition, the comparative effects of the two great constitutional acts of the United States of America, upon various topics of legislation.

Eighthly. In arranging the treaties, the injunctions of the plan prescribed have been scrupulously pursued, as far as it was possible. The work was in a course of publication during the late war, and the treaty of Ghent, and two Indian treaties, were not concluded and ratified time enough to be inserted in the proper place. They have been added, in the first volume, in supplementary chapters. Circumstances, not necessary to particularize here, precluded a reference to authentic records or documents, in order to ascertain, with certainty, the dates of the ratifications of the several treaties, whilst that part of the work was in the press. It was, therefore, concluded to be the better way, to appropriate a separate chapter for the dates of ratifications of all the treaties; which has accordingly been

done: and in that chapter will be found designated the place where the treaties were framed, the objects of those treaties, the names of the negotiators, the dates of the treaties, the dates of ratification, and the fact of any of them being obsolete or having expired. A knowledge of the dates of ratifications may sometimes be useful in courts of justice, as well as elsewhere; as may, also, a knowledge of the periods at which certain acts of congress have expired, which have been limited to the end of a particular session of congress; and this, although the date of expiration is affixed to each act requiring it, has induced the insertion of the particular date of commencement and termination of every session of congress, from the 4th of March, 1789, up to the 4th of March, 1815. All which have been obtained from the most authentic sources.

Ninthly. The large space which the public lands occupy in the volumes of the laws of the United States, renders them a subject of too much importance not to be particularly attended to. Accordingly, copious extracts from the journals of the old congress have been inserted on that head; and the introductory observations contained in the volume of *Land Laws*, of which Albert Gallatin, late secretary of the treasury, is understood to be the author, have been transferred into the first volume of the present edition, together with such other explanatory matter therefrom, enlarged and added to, as might be useful to the public. The volume of *Land Laws* having been published in virtue of a special act of congress, (of the 27th of April, 1810,) and under the eye, and with the aid, of a gentleman in every point of view so familiar with the subject, the lights which it affords have been considered too valuable to be omitted.

Tenthly. There will be found in the first volume an attempt to bring into view, in a brief way, the evidence of title in the United States, and of jurisdictional rights ceded by the different states, to lots of land, &c. procured by purchase or otherwise, for lighthouses, navy yards, fortifications, &c. &c. These memoranda will be of advantage, by leading to a more perfect understanding in relation to the ultimate effects of certain acts of congress.

Finally. A principal object throughout this edition of the laws has been to include in it whatever would serve to explain or illustrate their provisions, so that those who resort to the laws for information might have as little occasion as possible to seek elsewhere for any matter connected with them. With this view, various proclamations, issued at different times by the president of the United States, and emanating from particular acts of congress, or from other constitutional sources of executive authority, have been inserted, at full length, at the end of the fifth volume, which contains the general index.

For the purpose of preserving, in some degree, existing modes of legal knowledge, derived from the former edition of the laws, the *chapters* of the old volumes have been annexed to those of the new ones. It is doubtful, however, whether much benefit will accrue from retaining them, inasmuch as they are anomalous in their arrangement, and not always accurate, in the old volumes, and have not been, perhaps, very generally relied on, or referred to, by reporters or law compilers. Further to assist the design, whatever may be its utility, it may be well to remark, that the old volumes are, in the present edition, arranged in the following manner:

Present edition.

Old volumes.

Vol. 2, from the 4th March, 1789, to 4th March, 1797, embraces 1, 2, 3

3, from the 15th May, 1797, to the 3d March, 1805, embraces 4, 5, 6, 7

4, from the 2d Dec. 1805, to the 4th March, 1815, embraces 8, 9, 10, 11, 12, 13

The new chapters are the ones referred to throughout the work.

Whatever errors may be detected, will be found noted, in the usual form, at the end of each volume.

J. B. COLVIN.

Washington City, District of Columbia, October, 1815.

CHAPTER 1.

DECLARATION OF INDEPENDENCE.

[In order to mark the gradual approaches which the thirteen United States, when colonies, made to independence, it is deemed useful to prefix to the declaration of that event, a brief summary of the principal measures taken by the delegates in congress to effect it. These have been selected and stated from the journals published by the proper authority, and indicate the progress of free American legislation, prior to the 4th of July, 1776.]

[The first congress of delegates, chosen and appointed by the several colonies and provinces in North America, to take into consideration the actual situation of the same, and the differences subsisting between them and Great Britain, was held at Carpenter's Hall, in the city of Philadelphia, on the 5th of September, 1774. On that occasion, delegates attended from New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, from the city and county of New York, and other counties in the province of New York, New Jersey, Pennsylvania, New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, and from South Carolina. Peyton Randolph was unanimously elected president of the congress, and Charles Thomson unanimously chosen secretary. On the 6th of September, congress adopted rules in debating and determining questions. According to these, 1. Each colony or province had one vote. 2. No person could speak more than twice on the same point, without leave. 3. No question could be determined the day on which it was agitated and debated, if any one of the colonies desired the determination to be postponed to another day. 4. The door was to be kept shut during the time of business, and the members to consider themselves under the strongest obligations of honor to keep the proceedings secret until the majority should direct them to be made public. At the same time a committee was appointed to state the rights of the colonies in general, the several instances in which those rights had been violated or infringed, and the means most proper to be pursued for obtaining a restoration of them. A committee was also appointed to examine and report the several statutes which affected the trade and manufactures of the colonies. The congress was opened by prayer, a reverential formality that was subsequently observed; and by an order of the directors of the Library Company of Philadelphia, of the 31st of August preceding, the delegates were allowed the use of such of the books of that institution as they might have occasion for, during their sitting. On the 14th of September, delegates from North Carolina, took their seats. On the 19th of September, it was unanimously resolved, that the congress request the merchants and others in the several colonies, not to send to Great Britain any orders for goods, and to direct the execution of all orders already sent, to be delayed or suspended, until the sense of the congress, on the means to be taken for the preservation of the liberties of America, should be made public. On the 24th of September, congress resolved that the delegates would confine themselves to the consideration of such rights as had been infringed by acts of the British parliament, after the year 1763, postponing the further consideration of the general state of American rights to a future day. On the 27th of September, the congress unanimously resolved, that from and after the 1st of December, 1774, there should be no importation into British America, from Great Britain or Ireland, of any goods, wares, or merchandise, exported therefrom; and that they should not be used or purchased if imported after that day. On the 30th of September, it was further resolved, that from and after the 10th of September, 1775, the exportation of all merchandise, and every commodity whatsoever, to Great Britain, Ireland, and the West Indies, ought to cease, unless the grievances of America should be redressed before that time. On the 6th of October, it was resolved to exclude from importation, after the 1st of December following, molasses, coffee, or pimento, from the British plantations, or from Dominica; wines from Madeira, and the Western Islands, and foreign indigo. In consequence of a letter received from the committee of correspondence at Boston, on the 6th of October, congress, on the 7th, resolved to appoint a committee to prepare a letter to general Gage, representing that the town of Boston, and province of Massachusetts Bay, were considered by all America as suffering in the common cause, for their noble and spirited opposition to oppressive acts of parliament, calculated to deprive the American people of their most sacred rights and privileges, &c. On the 8th of October, it was resolved,

September,
1774.

October.

October,
1774.

that the congress approve the opposition of the inhabitants of the Massachusetts Bay, to the execution of the obnoxious acts of parliament; and if the same should be attempted to be carried into execution by force, in such case, all America ought to support them in their opposition; and on the 11th of October, the letter of remonstrance to general Gage, ordered on the 7th, was brought in and signed by the president. On the 11th, likewise, a memorial to the people of British America, stating the necessity of adhering to the measures of congress, and an address to the people of Great Britain, were unanimously resolved on. On the 14th of October, congress made a declaration, and framed resolves relative to the rights and grievances of the colonies. On the 20th of October, the non-importation, non-consumption, and non-exportation agreement, was adopted and signed by the congress. This agreement contained a clause to discontinue the slave trade, and a provision not to import East India tea from any part of the world. In the article respecting non-exportations, the sending of rice to Europe was excepted. In general, the association expressed a determination to suppress luxury, encourage frugality, and promote domestic manufactures. The agreement was dated the 24th of October. On the 21st, the address to the people of Great Britain was approved, as was the memorial to the inhabitants of the British colonies on the same day. Both these state papers contain a representation of the grievances, and a justification of the conduct, of the colonies. It was determined that an address should be prepared to the people of Quebec, in like manner, and letters be sent to the colonies of St John's, Nova Scotia, Georgia, and East and West Florida. On the 22d of October, Peyton Randolph being unable to attend, on account of indisposition, Henry Middleton was chosen to supply his place as president of congress. On the same day a letter to the colonies of St. John's, &c was reported, approved, and signed. It recommended an immediate adoption of the measures pursued by the congress. On the 25th of October, a petition to the king was adopted, and was ordered to be enclosed in a letter to the several colony agents, in order that the same might be by them presented to his majesty, which letter was approved and signed by the president on the day following. This petition recited the grievances of the colonies, and asked for a redress of them. On the 26th of October, the address to the inhabitants of Quebec was adopted and signed. It set forth the rights of the British colonists, breathed a spirit of sympathy in suffering, and invited a spirit of union in resistance. The congress was then dissolved, having, on the 22d of October, passed a resolution recommending delegates to meet again at Philadelphia, on the 10th of May, 1775.

May,
1775.

On the 10th of May, 1775, according to the recommendation of the preceding congress, the delegates from the same several colonies, with the exception of Rhode Island, assembled at the state house, in Philadelphia; when Peyton Randolph was, a second time, unanimously elected president, and Charles Thomson unanimously chosen secretary. On the 13th of May, Lyman Hall was admitted to a seat in congress, as a delegate from the parish of St. John's, in the colony of Georgia; but not considering himself as the representative of that colony, he declined voting, except on occasions when the congress did not vote by colonies. On the 15th of May, Lemuel Ward, a delegate from Rhode Island, appeared and took his seat. On the 16th of May, congress resolved itself into a committee of the whole, on the state of America. On the 17th of May, it was unanimously resolved, that all exportations to Quebec, Nova Scotia, the island of St. John's, Newfoundland, Georgia, except the parish of St. John's, and to East and West Florida, immediately cease, and that no provision of any kind, or other necessities, be furnished to the British fisheries on the American coasts, until it be otherwise determined by the congress. On the 24th of May, Peyton Randolph, then president of congress, being under a necessity of returning home, the chair became vacant, and John Hancock was unanimously elected president. On the 26th of May, congress resolved, that the colonies be immediately put in a state of defence; that a fresh petition to the king, with a view to reconcile differences, be prepared; and that a letter to the people of Canada be reported. This letter was approved the day following, and ordered to be signed by the president. It solicits the friendship of the Canadians, calls upon them to assert their rights, and exhorts them against hostilities. On the 29th of May, a committee was appointed to consider the best means of establishing posts for conveying letters and intelligence through the continent. On the 2d of June, congress resolved, that no bill exchange, draught, or order, of any officers in the British army or navy, their agents, or contractors, be received or negotiated, or any money supplied to them by any person in America: that no provisions, or necessities of any kind, be furnished or supplied, to or for the use of the British army or navy, in the colony of Massachusetts Bay; and that no vessel employed in transporting British troops to America, or from one part of North America to another, or warlike stores, or provi-

June,

June,
1775.

sions for said troops, be freighted or furnished with provisions or other necessaries, until further orders from the congress. On the 3d of June, committees were appointed to draw a petition to the king, and to prepare addresses to the inhabitants of Great Britain, to the people of Ireland, to bring in the draught of a letter to the inhabitants of Jamaica, and to bring in an estimate of the money necessary to be raised by the colonies. On the 7th of June, it was resolved, that the 20th day of July following, should be observed throughout the twelve united colonies, as a day of humiliation, fasting, and prayer. On the 9th of June, in consequence of a letter from the convention of Massachusetts Bay, which had been previously under consideration, congress resolved, that the governor and lieutenant-governor of that colony were to be considered as absent, and their offices vacant; and it was recommended to the provincial convention to write letters to the inhabitants of the several places which were entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, should elect counsellors, and that such assembly or council should exercise the powers of government, until a governor of his majesty's appointment would consent to govern the colony according to its charter. On the 10th of June, several resolutions were passed for the collection of saltpetre and sulphur, and the manufacture of gunpowder. On the 14th of June, congress resolved to raise several companies of riflemen, by enlistment, for one year, to serve in the American continental army, established the pay of the officers and privates, and appointed a committee to prepare rules and regulations for the government of the army. On the 15th of June, it was resolved that a general should be appointed to command all the continental forces, raised or to be raised for the defence of American liberty; and, proceeding to the choice of a general by ballot, George Washington was unanimously elected. On the preceding day it was resolved to appoint major generals, brigadier generals, and other officers necessary for the organization of a regular army. These warlike measures were the result of continued deliberations on the state of America, and the consequence of the military proceedings of the British at Lexington, in the province of Massachusetts Bay, on the 19th of April preceding, of the burning of Charlestown, near Boston, and of the various indications on the part of Great Britain of an intention to compel the colonies to submit by force of arms. Several military steps had been previously taken by the colonists, among which were the occupation of the posts of Crownpoint and Ticonderoga. A commission for George Washington was made out and signed by the president of congress, on the 19th of June; in the following words: "In congress. The delegates of the united colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, To George Washington, esquire: We, reposing especial trust and confidence in your patriotism, conduct, and fidelity, do, by these presents, constitute and appoint you to be general and commander in chief of the army of the united colonies, and of all the forces raised or to be raised by them, and of all others who shall voluntarily offer their service and join the said army for the defence of American liberty, and for repelling every hostile invasion thereof: and you are hereby vested with full power and authority to act as you shall think for the good and welfare of the service. And we do hereby strictly charge and require all officers and soldiers under your command, to be obedient to your orders, and diligent in the exercise of their several duties. And we do also enjoin and require you, to be careful in executing the great trust reposed in you, by causing strict discipline and order to be observed in the army; and that the soldiers are duly exercised, and provided with all convenient necessaries. And you are to regulate your conduct in every respect by the rules and discipline of war, (as herewith given you,) and punctually to observe and follow such orders and directions from time to time, as you shall receive from this or a future congress of the said united colonies, or a committee of congress, for that purpose appointed. This commission to continue in force until revoked by this or a future congress. By order of the congress, John Hancock, president. Dated Philadelphia, June 19, 1775. Attested, Charles Thomson, secretary." The original of this commission has been preserved in the department of state, at Washington city. Congress at the same time resolved, that they would maintain, assist, and adhere to George Washington, with their lives and fortunes, in the same cause. On the 22d of June, it was resolved to emit a sum not exceeding two millions of Spanish milled dollars, in bills of credit, for the redemption of which the twelve confederated colonies were pledged. On the 24th of June, a resolution was entered into for devising ways and means to put the militia of America in a proper state for defence. On the 30th of June, congress adopted rules and regulations for the government of the army. On the same day, the committee for Indian affairs was directed to prepare proper talks to the several tribes,

July,
1775.

for engaging the continuance of their friendship and neutrality. On the 6th of July, a committee, previously appointed for that purpose, brought in a declaration by the representatives of the united colonies of North America, setting forth the causes and necessity of their taking up arms, which was to be published by general Washington, upon his arrival at the camp before Boston. On the 8th of July, a petition to the king was signed by the members of congress present, stating the merits of their claims, and soliciting the royal interposition for an accommodation of differences on just principles. An address to the inhabitants of Great Britain was at this time framed, justifying the measures which had been taken by the colonists, and invoking the sympathy and forbearance of their British brethren. A letter was also prepared and signed by the president, to the lord mayor, aldermen, and livery of London, thanking them for the friendly disposition they had shown to the rights of America. On the 20th of July, congress was informed by a letter from the convention of Georgia, that that colony had acceded to the general association, and had appointed delegates to attend the congress. On the 25th of July, an address to the assembly of Jamaica was agreed to, generally stating the grievances of the colonies, and thanking the assembly for its good intentions. An additional sum, to the value of one million of Spanish milled dollars, was, on the same day, ordered to be struck in bills. On the 26th of July, congress authorized the appointment of a postmaster general for the united colonies, to hold his office at Philadelphia, with power to appoint as many deputies as he might deem proper and necessary; and, under his direction, a line of posts was ordered from Falmouth in New England, to Savannah in Georgia, with as many cross posts as the postmaster general should think fit. Benjamin Franklin was, by a unanimous vote, appointed to the office. On the 28th of July, an address to the people of Ireland was adopted, setting forth the motives and object of the colonists. On the 31st of July, congress agreed to a report, which declared a resolution of the British house of commons, of February-20, 1775, commonly called lord North's motion, inadmissible as the basis of reconciliation. The resolution referred to, proposed to transfer the right of taxing the colonies, under certain restrictions, to the colonial assemblies. The terms it offered were rejected, among other reasons, because, in the opinion of the congress, the proposition imported only a suspension of the mode, and not a renunciation of the pretended right to tax the colonies. At the same time it was made the duty of a committee, in the recess of congress, to inquire into the cheapest and easiest methods of making salt in the country, and to make inquiry after virgin lead and leaden ore, &c. On the 1st of August, congress adjourned to the 5th of September, 1775, having first passed a resolution declaring the non-exportation and non-importation association, to comprise the islands of Jersey, Guernsey, Sark, Alderney, and Man, and every European island and settlement within the British dominions, as well as all the West India islands, British and foreign, to whatever state, power, or prince belonging, or by whomsoever governed; and also Somers' islands, Bahama islands, Berbicia, and Surinam, on the Main, and every island and settlement within the latitude of the southern line of Georgia and the equator.

August.

September.

On the 5th of September, 1775, agreeably to adjournment, congress again convened, but did not form a quorum to do business until the 13th, when delegates from Georgia appeared, produced their credentials, and took their seats. On the 25th September, congress appointed a committee of accounts, or claims, consisting of one member from each of the united colonies, to whom all accounts against the continent were to be referred, and who were to examine and report the same for payment. On the 6th of October, a resolution was passed, recommending to the several provincial assemblies or conventions, and councils or committees of safety, to arrest and secure every person in their respective colonies, whose going at large might, in their opinion, endanger the safety of the colony, or the liberties of America. On the 13th of October, congress ordered two armed vessels to be fitted out. On the 26th of October, congress, having had under consideration the state of the trade of the united colonies, resolved that it should be recommended to the several provincial assemblies, conventions, or councils of safety, to export to the foreign West Indies, on account and risk of their respective colonies, as much provisions or other produce, except horned cattle, sheep, hogs, and poultry, as they might deem necessary for the importation of arms, ammunition, sulphur, and saltpetre. On the 30th of October, two more armed vessels were directed to be fitted for sea. On the 1st of November, the exportation of rice was prohibited to Great Britain, Ireland, or the islands of Jersey, Guernsey, Sark, Alderney, or Man, or any other European island or settlement within the British dominions. On the 3d of November, congress resolved, that it should be recommended to the provincial convention of New Hampshire, which had applied for advice, to call a full and free representation of the people, and to estab-

October.

November.

lished for advice, to call a full and free representation of the people, and to estab-

November,
1775.

lish such a form of government as would best promote the happiness of the people, &c during the continuance of the dispute between Great Britain and the colonies. A similar resolution was entered into in relation to South Carolina. On the 8th of November, a draught of instructions was agreed to for R. R. Livingston, Robert Treat Paine, and J. Langdon, who were appointed to proceed to Ticonderoga, to consult with general Schuyler on the necessary operations in that quarter, and to exert their utmost endeavors to induce the Canadians to accede to a union with the colonies, to form, from their several parishes, a provincial convention, and to send delegates to congress. At this time, likewise, all letters to and from the delegates of the united colonies, during the sessions of congress, were authorised to pass and be carried free of postage, the members having engaged upon honor not to frank or endorse any letters but their own. On the 10th of November a similar privilege, without exception, was extended to all letters to and from the commander in chief of the continental army, or the chief commander in the army, in the northern military department. On the same day it was resolved to raise two battalions of marines. On the 11th of November a resolution was entered into authorising the repair of the fortifications, &c. of Quebec, in case it should be taken from the British. On the 16th of November, it was resolved that no member of congress should absent himself from that body without leave; and a rule was adopted, that every member should remain in his seat whilst any paper was reading or question was putting. On the 23d of November, congress authorised the consideration of a plan for carrying on a trade with the Indians. On the 25th of November, resolutions were passed, directing seizures, and the capture, under commissions obtained from the congress, together with the condemnation of British vessels employed in a hostile manner against the colonies; the mode of trial and of condemnation was pointed out, and the shares of the prizes were apportioned. On the 28th of November, congress adopted rules for the regulation of the navy of the united colonies. On the 29th of November, congress was informed of general Montgomery's having, with the continental troops, taken possession of Montreal on the 12th of that month. The same day an emission of bills of credit was resolved on, to the amount of three millions of dollars. On the 2d of December, an exchange of prisoners was declared to be proper. On the 4th of December, it was recommended to the convention of Virginia, if found necessary, to establish a liberal form of government in that colony, during the continuance of the dispute between Great Britain and the colonies, having first called a full and free representation of the people to determine upon it. This recommendation was occasioned by lord Dunmore's proclamation, declaring his intention to execute martial law in that province. On the 6th of December, congress expressed a determination to retaliate for any undue severities exercised towards persons favoring, aiding, or abetting the cause of American liberty. This was produced by a proclamation of rebellion, issued from the court of St. James on the 23d day of August, 1775. On the 13th of December, a report was sanctioned for fitting out a naval armament, to consist, in the whole, of thirteen ships, five of thirty-two guns. On the 22d of December, officers were appointed to command the armed vessels, other legislative provisions, respecting pay, &c. having been previously made. On the 6th of January, 1776, a regulation was adopted relative to the division of prizes and prize money, taken by armed vessels, among officers and men. On the 9th of January, it was resolved that no postage should be paid for any letters to or from private soldiers, while engaged in actual service in the defence of the united colonies, and that they should be franked by some person authorised for that purpose. On the 11th of January, congress ordained that persons refusing to receive the continental bills of credit in payment, or who should obstruct and discourage the currency or circulation thereof, should, on conviction, be deemed, published, and treated as an enemy of the country, and be precluded from all trade or intercourse with the inhabitants of the colonies. On the 27th of January, resolutions were entered into for carrying on trade with the Indians, and for procuring the necessary supply of goods for that purpose. On the 30th of January, it was resolved that no apprentice should be enlisted within the colonies of New Jersey, Pennsylvania, the counties on Delaware, or Maryland, as a soldier in the army or navy of the united colonies, without the previous consent of his master or mistress, in writing; all those enlisted in a contrary manner were ordered to be discharged, on application and a reimbursement of expenses incurred for enlistment; and every person under the age of twenty-one years, who had enlisted in the army or navy, was, within twenty-four hours thereafter, entitled to his discharge on refunding the amount of money and articles with which he had been supplied. It was, at the same time, recommended to creditors, who had claims against persons in the army or navy, for less than thirty-five dollars, not to arrest the debtors until their terms of service had expired. On the 17th of

December.

January,
1776.

February,
1776.

February, a standing committee of five was appointed for superintending the treasury, and congress directed the emission of the farther sum of four millions of dollars in bills of credit. On the 27th of February, the middle and southern colonies were divided into two military departments, in the following manner: New York, New Jersey, Pennsylvania, the lower counties on Delaware, and Maryland, to constitute one; Virginia, North Carolina, South Carolina, and Georgia, to constitute another; the former to be put under the command of a major general, two brigadier generals, and a proper staff; the latter under a major general, three brigadier generals, with a suitable staff. On the 9th of March, it was resolved,

March.

that no oath, by way of test, should be exacted of the inhabitants of the colonies by military officers. On the 14th of March, a resolution was passed recommending a general disarming of disaffected persons throughout the colonies. On the 16th of March, the 17th of May following was appointed a day of general humiliation, fasting, and prayer. On the 21st of March, congress recommended to the several provincial assemblies to exert their utmost endeavors to promote the culture of hemp, flax, and cotton, and the growth of wool in the united colonies; to take the earliest measures for erecting and establishing, in each colony, a society for the improvement of agriculture, arts, manufactures, and commerce; and forthwith to consider of the ways and means of introducing and improving the manufactures of duck, sail cloth, and steel. On the 23d of March, resolutions were adopted authorising the fitting out of private armed vessels, to cruise against the enemies of the united colonies. On the 1st of April, a resolution was passed for the institution and establishment of a treasury office of accounts, to be kept in the place where congress might hold its sessions, and to be under the direction and superintendence of the standing committee for the treasury. It was resolved, moreover, that an auditor general, and a competent number of assistants and clerks, should be appointed, for stating, arranging, and keeping the public accounts. On the 2d of April, the form of a commission for private armed vessels was agreed upon. On the 3d of April instructions to the commanders of private armed vessels were considered and adopted. They authorised the capture of all ships and other vessels belonging to the inhabitants of Great Britain on the high seas, or between high water and low water marks, except vessels bringing persons who intended to settle and reside in the united colonies, or conveying arms, ammunition, and warlike stores, for the use of such inhabitants of America as were friendly to the cause of liberty. On the 6th of April, several resolutions of a commercial nature were agreed to, authorising exportations and importations, with certain exceptions, of the merchandise and products, from and to countries, other than such as were subject to the king of Great Britain, and it was recommended to the assemblies of the different colonies that officers should be appointed to superintend the execution of such regulations as might be made concerning trade. On this occasion the importation of slaves was expressly prohibited. On the 16th of April, it was recommended to the council of safety, of Maryland, to cause the person and papers of governor Eden to be seized and secured, in consequence of a belief that he had been carrying on a correspondence with the British ministry highly dangerous to the liberties of America. On the 17th of April, a bounty of eight dollars was allowed to the owner of every vessel for each able seaman imported and discharged in American ports, over and above the ship's company. On the 19th of April, letters directed to any general in the continental service, commanding in a separate department, were allowed to be carried free of postage. On the 6th of May, it was resolved, that ten millions of dollars should be raised for the purpose of carrying on the war, for the year 1776; and measures were taken for treating with the Indians. On the 9th of May, a resolution passed for the emission of five millions of dollars in bills of credit, in part of the ten millions voted for the service of the year 1776. On the 10th of May, it was resolved to recommend to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs had been established, to adopt such a government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general. A preamble to this resolution, agreed to on the 15th of May, stated the intention to be totally to suppress the exercise of every kind of authority under the British crown. On the 7th of June, certain resolutions respecting independency were moved and seconded. On the 10th of June, it was resolved, that a committee should be appointed to prepare a declaration to the following effect: "That the united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain, is, and ought to be, totally dissolved." On the preceding day it was determined that the committee for preparing the declara-

April.

May.

June.

tion should consist of five; and they were chosen accordingly, in the following order: Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, and Mr. R. Livingston. On the 11th of June, a resolution was passed to appoint a committee to prepare and digest the form of a confederation to be entered into between the colonies, and another committee to prepare a plan of treaties to be proposed to foreign powers. On the 12th of June, it was resolved, that a committee of congress should be appointed by the name of a board of war and ordnance, to consist of five members. On the 25th of June, a declaration of the deputies of Pennsylvania, met in provincial conference, expressing their willingness to concur in a vote declaring the united colonies free and independent states, was laid before congress and read. On the 28th of June, the committee appointed to prepare a declaration of independence, brought in a draft, which was read, and ordered to lie on the table. On the 1st of July, a resolution of the convention of Maryland, passed the 28th of June, authorising the deputies of that colony to concur in declaring the united colonies free and independent states, was laid before congress and read. On the same day congress resolved itself into a committee of the whole, to take into consideration the resolution respecting independency. On the 2d of July, a resolution declaring the colonies free and independent states, was adopted. A declaration to that effect, was, on the same and the following days, taken into further consideration. Finally, on the 4th of July, the declaration of independence was agreed to, signed, and directed to be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops, and to be proclaimed in each of the United States, and at the head of the army.]

June,
1776.

July.

In Congress, July 4, 1776.

Declaration of
independence.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Propriety of
the declaration.

We hold these truths to be self-evident—that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain, is a his-

Unalienable
rights of the
people, &c.

Absolute ty-
ranny the ob-
ject of the
king of Great
Britain.

Recitation of
injuries and
usurpations on
the part of the
British crown.

tory of repeated injuries and usurpations, all having in direct ob-
ject the establishment of an absolute tyranny over these states.
To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and ne-
cessary for the public good.

He has forbidden his governors to pass laws of immediate
and pressing importance, unless suspended in their operation, till
his assent should be obtained; and when so suspended, he has
utterly neglected to attend to them. He has refused to pass other
laws for the accommodation of large districts of people, un-
less those people would relinquish the right of representation in
the legislature—a right inestimable to them, and formidable
to tyrants only.

He has called together legislative bodies at places unusual, un-
comfortable, and distant from the repository of their public re-
cords, for the sole purpose of fatiguing them into compliance with
his measures.

He has dissolved representative houses repeatedly, for oppos-
ing, with manly firmness, his invasions on the rights of the peo-
ple.

He has refused for a long time after such dissolutions, to cause
others to be elected; whereby the legislative powers, incapable of
annihilation, have returned to the people at large, for their ex-
ercise, the state remaining, in the mean time, exposed to all the
dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states;
for that purpose obstructing the laws for naturalization of foreign-
ers; refusing to pass others to encourage their migration hither,
and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing
his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure
of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither
swarms of officers, to harass our people, and eat out their sub-
stance.

He has kept among us, in times of peace, standing armies,
without the consent of our legislatures.

He has affected to render the military independent of, and
superior to, the civil power.

He has combined with others to subject us to a jurisdiction
foreign to our constitution, and unacknowledged by our laws;
giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for
any murders which they should commit on the inhabitants of
these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by
jury:

For transporting us beyond seas to be tried for pretended
offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies: Recitation of injuries and usurpations on the part of the British crown.

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people. Petitions for redress unavailing, &c.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace friends. Appeal to the British people fruitless, &c.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain, is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude Declaration of independence.
The colonies absolved from their allegiance, &c.

Mutual pledge
of fidelity.

peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of congress, engrossed, and signed by the following members:

JOHN HANCOCK,

NEW HAMPSHIRE.
Josiah Bartlett,
William Whipple,
Matthew Thornton.

MASSACHUSETTS BAY.
Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

RHODE ISLAND, &c.
Stephen Hopkins,
William Ellery.

CONNECTICUT.
Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

NEW YORK.
William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.
Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.
Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,

James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.
Cesar Rodney,
George Read,
Thomas McKean.

MARYLAND.
Samuel Chase,
William Paca,
Thomas Stone,
Charles Carroll, of Carrollton.

VIRGINIA.
George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jr.
Francis Lightfoot Lee,
Carter Braxton.

NORTH CAROLINA.
William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.
Edward Rutledge,
Thomas Heyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

GEORGIA.
Button Gwinnett,
Lyman Hall,
George Walton.

[NOTE. It would seem that congress was, from the beginning, attentive to the commemoration of the declaration of independence. It appears by the journals, that, in the year 1777, a respectful adjournment took place from Thursday, the 3d of July, to Saturday, the 5th, in that year. And, on the 24th of June, 1778, congress having determined to adjourn from York Town, in Pennsylvania, to meet at Philadelphia on the 2d day of July following, passed the subjoined resolution; in addition to which it was farther resolved, that congress would, in a body, attend divine worship on Sunday, the 5th day of July, to return thanks for the divine mercy, in supporting the independence of the states, and that the chaplains should be notified to officiate and preach sermons suited to the occasion:

Resolved, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of independence at Philadelphia, on the 4th day of July next; and that they be authorised and directed to invite the president and council, and speaker of the assembly of the commonwealth of Pennsylvania, and such other gentlemen and strangers of distinction, as they shall deem proper.]

CHAPTER 2.

ACT OF CONFEDERATION.

Occurrences
incident to the
act of confeder-
ation, from
June, 1776, to
March, 1781.

[During the time that the declaration of independence was under consideration, congress took the necessary measures for the formation of a constitutional plan of union. On the 11th of June, 1776, it was resolved, that a committee should be appointed to prepare and digest the form of a confederation to be entered into between the colonies; and on the day following, after it had been determined that the committee should consist of a member from each colony, the following persons were appointed to perform that duty, to wit: Mr. Bartlett,

Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Occurrences Dickinson, Mr. McKean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rut- incident to the ledge, and Mr. Gwinnet. Upon the report of this committee, the subject was, act of confede- from time to time, debated, until the 15th of November, 1777, when a copy of ration, from the confederation being made out, and sundry amendments made in the diction, June, 1776, to without altering the sense, the same was finally agreed to. Congress, at the March, 1781. same time, directed that the articles should be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they were advised to authorise their delegates to ratify the same in the congress of the United States; which being done, the same should become conclusive. Three hundred copies of the articles of confederation were ordered to be printed for the use of congress; and on the 17th of November, the form of a circular letter to accompany them, was brought in by a committee appointed to prepare it, and being agreed to, thirteen copies of it were ordered to be made out, to be signed by the president and forwarded to the several states, with copies of the confederation. On the 29th of November ensuing, a committee of three was appointed, to procure a translation of the articles to be made into the French language, and to report an address to the inhabitants of Canada, &c. On the 26th of June, 1778, the form of a ratification of the articles of confederation was adopted, and it was ordered that the whole should be engrossed on parchment, with a view that the same should be signed by the delegates, in virtue of the powers furnished by the several states. On the 20th of June, 1778, congress resolved, that the delegates of the states, beginning with New Hampshire, should be called upon for the report of their constituents upon the confederation, and the powers committed to them; and that no amendments should be proposed but such as came from a state. Upon subsequent examination, it appeared that New Hampshire, New York, Virginia, and North Carolina, accepted the articles as they stood, with a proviso on the part of New York, that the same should not be binding on the state until all the other states in the union should ratify the same. Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, and South Carolina, proposed alterations, additions, or amendments, which, upon their being considered by the congress, were all rejected. The delegate from Georgia, when called on, stated, that he had not received any instructions from his constituents respecting the articles of confederation, but that his state having shown so much readiness to ratify them, even in an imperfect form, and it being so much for their interest that the confederation should be ratified, he had no doubt of their agreeing to the articles as they stood. Delaware and North Carolina having no delegates present in congress, no report was received from them; but North Carolina had signified her unanimous accession, by a letter from governor Caswell, of the 26th of April, 1778. On the 9th of July, of that year, the ratification of the articles of confederation having been engrossed on a roll of parchment, was examined, the blanks filled up, and it was signed on the part and in behalf of their respective states; by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, agreeably to the powers vested in them. The delegates of the states of New Jersey, Delaware, and Maryland, informed congress that they had not yet received powers to ratify and sign. North Carolina and Georgia were not at that time represented in congress. A committee was appointed to prepare a circular letter to such states as had not authorised their delegates to ratify the confederation, which was brought in and adopted as follows:

SIR,

Congress, intent upon the present and future security of these United States, has never ceased to consider a confederacy as the great principle of union, which can alone establish the liberty of America, and exclude forever the hopes of its enemies. Influenced by considerations so powerful, and duly weighing the difficulties which oppose the expectation of any plan being formed, that can exactly meet the wishes and obtain the approbation of so many states, differing essentially in various points, congress have, after mature deliberation, agreed to adopt, without amendments, the confederation transmitted to the several states for their approbation. The states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, North Carolina, and South Carolina, have ratified the same, and it remains only for your state, with those of——to conclude the glorious compact, which, by uniting the wealth, strength, and councils of the whole, may bid defiance to external violence and internal dissensions, whilst it secures the public credit both at

Occurrences home and abroad. Congress is willing to hope that the patriotism and good sense incident to the act of confederation, from June, 1776, to March, 1781. of your state will be influenced by motives so important, and they request, sir, that you will be pleased to lay this letter before the legislature of ——— in order that, if they judge it proper, their delegates may be instructed to ratify the confederation with all convenient despatch; trusting to future deliberations to make such alterations and amendments as experience may show to be expedient and just.

I have the honor to be, &c.

On the 21st of July, 1778, the delegates of North Carolina, being then empowered, signed the ratification: those of Georgia, being also authorised, signed it on the 24th of the same month. The delegates of New Jersey, in virtue of full powers, affixed their signatures on the 26th of November following. On the 5th of May, 1779, Mr. Dickinson and Mr. Van Dyke, signed the articles of confederation in behalf of the state of Delaware, Mr. M'Kean having previously signed them in February, at which time he produced a power to that effect. Maryland did not ratify until the year 1781. She had instructed her delegates, on the 15th of December, 1778, not to agree to the confederation, until matters respecting the western lands should be settled on principles of equity and sound policy; but, on the 30th of January, 1781, finding that the enemies of the country took advantage of the circumstance to disseminate opinions of an ultimate dissolution of the Union, the legislature of the state passed an act to empower their delegates to subscribe and ratify the articles, which was accordingly done by Mr. Hanson and Mr. Carroll, on the 1st of March of that year, which completed the ratifications of the act; and congress assembled on the 2d of March under the new powers.]

In congress, York Town, November 17, 1777.

Circular letter sent with the act of confederation, to each of the states.

Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

This business, equally intricate and important, has, in its progress, been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.

Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked, that after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all; and as that alone which affords any tolerable prospect of general ratification.

Permit us then earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties: let them be examined with a liberality becoming brethren and fellow citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble; and, finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are

capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general confederacy. Circular letter sent with the act of confederation, to each of the states.

We have reason to regret the time which has elapsed in preparing this plan for consideration: with additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home and to our treaties abroad.

In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty, and safety—blessings, which from the justice of our cause, and the favor of our Almighty Creator, visibly manifested in our protection, we have reason to expect, if, in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any state shall not be assembled, congress recommend to the executive authority to convene it without delay: and to each respective legislature it is recommended to invest its delegates with competent powers ultimately in the name and behalf of the state to subscribe articles of confederation and perpetual union of the United States; and to attend congress for that purpose on or before the tenth day of March next.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

We, the undersigned, delegates of the states affixed to our names, send greeting:

Articles of confederation.

Whereas, the delegates of the United States of America in congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.:

Articles of confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE 1. The style of this confederacy shall be, "The United States of America." Style of the confederacy.

ART. 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in congress assembled. Rights retained by the states

Objects of the confederacy.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Mutual privileges of the free inhabitants of the several states.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States or either of them.

Persons guilty of crimes to be given up.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

Faith to be given to the acts of each state.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

Delegates to be annually appointed, &c.

ART. 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

Each state may recall its delegates, &c.

Number and capacity of delegates.

No state shall be represented in congress by less than two nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each state to maintain its own delegates.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

Each state to have one vote.

In determining questions in the United States in congress assembled, each state shall have one vote.

Privileges of members of congress.

Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress; and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on congress, except for treason, felony, or breach of the peace.

ART. 6. No state, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

No state to negotiate with foreign powers.

Persons holding offices not to accept presents.

Congress not to grant titles of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

Treaties between two or more states prohibited.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No state to lay interfering imposts or duties.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

Regulations respecting naval and military establishments, the militia, &c.

No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

No state, except in certain cases, to engage in war; nor grant commissions to armed vessels, &c.

ART. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

Officers of the land force, under the rank of colonel, to be appointed by the states respectively.

All charges of war, &c. to be defrayed out of a common treasury. **ART. 8.** All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each

The treasury to be supplied by contributions of the states. state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall from time to time direct and appoint.

Taxes to be laid and levied by the states respectively. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in congress assembled.

Powers of the congress. **ART. 9.** The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances; provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided, that no member of congress shall be appointed a judge of any of the said courts.

Members of congress not to be judges of admiralty courts. **Congress the last resort for deciding disputes between states.** The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following:

Mode in which congress shall exercise its authority for deciding disputes between states. whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally de-

Judges to be appointed by lot.

termine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence, and other proceedings, being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "*well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward.*" provided also, that no state shall be deprived of territory for the benefit of the United States.

Opinions of a majority of judges to prevail, &c.

Judgment to be final and conclusive.

Sentence and proceedings to be lodged among the acts of congress.

Oath to be taken by the judges. Proviso.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdiction as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

Congress also to determine controversies concerning private rights of soil.

The United states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States. excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

Further powers of congress.

The United States in congress assembled shall have authority to appoint a committee to sit in the recess of congress. to be designated "a committee of the states;" and to consist of one

Congress to appoint a committee of the states.

Additional powers of congress enumerated.

delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years—to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled: but if the United States in congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped, in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same; in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

Congress not to exercise the powers enumerated unless by the votes of nine states; nor to determine any question, except for adjournment from day to day, without the sanction of a majority of the states.

The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

Regulations concerning the adjournment, and other proceedings, of congress.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each

state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the United States assembled is requisite.

Committee of the states may be vested with certain powers.

ART. 11. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this union: but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

Canada may be admitted into the confederacy.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Payment of debts assumed.

ART. 13. Every state shall abide by the determination of the United States in congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislature of every state.

Obligations imposed by the confederation.

Union perpetual, &c.

And whereas it has pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of and to authorise us to ratify the said articles of confederation and perpetual union: **KNOW YE**, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions which, by the said confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual.

Ratification.

In witness whereof, we have hereunto set our hands, in congress. Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

Signatures to
the act of con-
federation.

On the part and behalf of the state of New Hampshire.
Josiah Bartlett, John Wentworth, jun. August 8, 1778.

On the part and behalf of the state of Massachusetts Bay.
John Hancock, Francis Dana,
Samuel Adams, James Lovell,
Elbridge Gerry, Samuel Holten.

On the part and in behalf of the state of Rhode Island and Providence Plantations.
William Ellery, John Collins.
Henry Marchant,

On the part and behalf of the state of Connecticut.
Roger Sherman, Titus Hosmer,
Samuel Huntington, Andrew Adams.
Oliver Wolcott,

On the part and behalf of the state of New York.
Jas. Duane, Wm. Duer,
Fra. Lewis, Gov. Morris.

On the part and in behalf of the state of New Jersey.
Jno. Witherspoon, Nath. Scudder, Nov. 26, 1778.

On the part and behalf of the state of Pennsylvania.
Robt. Morris, William Clingan,
Daniel Roberdeau, Joseph Reed, 22d July, 1778.
Jona. Bayard Smith,

On the part and behalf of the state of Delaware.
Thos. M'Kean, Feb. 13, 1779. Nicholas Van Dyke.
John Dickinson, May 5th, 1779.

On the part and behalf of the state of Maryland.
John Hanson, March 1, 1781. Daniel Carroll, do.

On the part and behalf of the state of Virginia.
Richard Henry Lee, Jno. Harvie,
John Banister, Francis Lightfoot Lee.
Thomas Adams,

On the part and behalf of the state of North Carolina.
John Penn, July 21st, 1778. Jno. Williams.
Cornis. Harnett,

On the part and behalf of the state of South Carolina.
Henry Laurens, Richard Hutson,
William Henry Drayton, Thos. Heyward, jun.
Jno. Mathews,

On the part and behalf of the state of Georgia.
Jno. Walton, 24th July, 1778. Edwd. Langworthy.
Edwd. Telfair.

[NOTE.—From the circumstance of delegates from the same state having signed the articles of confederation at different times, as appears by the dates, it is probable they affixed their names as they happened to be present in congress, after they had been authorised by their constituents.]

Proceedings
incident to the
ratification of
the act of con-
federation.

Abstract of proceedings in congress, on certain proposed alterations, amendments, or additions, proposed by certain states to the articles of confederation.

MONDAY, JUNE 22, 1778.

Objections of
Maryland.

That the objections from the state of Maryland to the confederation be immediately taken up and considered by congress, that the delegates from Maryland may transmit to that state, with all possible despatch, the determination of congress on those objections:

Question put,
Resolved in the affirmative.

A motion was then made in behalf of Maryland.

In article 4, strike out the word "paupers;" and after the words, "or either of them," insert, "that one state shall not be

burdened with the maintenance of the poor who may remove in- Proceedings
to it from any of the others in the union:" incident to the
ratification of
the act of con-
federation.

Question put,

Passed in the negative, one state only answering ay.

Another amendment was moved in behalf of Maryland:

Article 8, after the words "granted to or surveyed for," in- Objections of
sert, "or which shall hereafter be granted to or surveyed for any Maryland.
person:"

Question put,

Passed in the negative, 4 ayes, 8 noes.

A third amendment was moved in behalf of Maryland:

Article 9, after the words "shall be deprived of territory for
the benefit of the United States," insert, "the United States in
congress assembled, shall have the power to appoint commission-
ers, who shall be fully authorised and empowered to ascertain and
restrict the boundaries of such of the confederated states which
claim to extend to the river Mississippi or South Sea:" after de-
bate,

Resolved, That the consideration thereof be postponed till to-
morrow.

TUESDAY, JUNE 23, 1778.

Congress proceeded to consider the amendment of the articles
of confederation moved in behalf of Maryland:

And it passed in the negative.

The delegates of Massachusetts Bay being called on, read sun- Objections of
dry objections, transmitted to them by their constituents, to the Massachusetts
articles of confederation, and thereupon moved in behalf of their
state,

1st. That the eighth article be reconsidered, so far as relates
to the criterion fixed on for settling the proportion of taxes to be
paid by each state, that an amendment may be made, so that the
rule of apportionment may be varied from time to time by con-
gress, until experience shall have showed what rule of apportion-
ment will be most equal, and, consequently, most just:

Question put, passed in the negative, 2 ayes, 8 noes.

2d. That the 5th section of the 9th article be reconsidered, so
far as relates to the rule of apportioning the number of forces to
be raised by each state on the requisition of congress:

Question put,

Passed in the negative, 3 ayes, 7 noes.

3d. That the 6th section of the 9th article be reconsidered, so
far as it makes the assent of nine states necessary to exercise the
powers with which congress are thereby invested:

Question put,

Passed in the negative.

The delegates from Rhode Island being called on, produced Objections of
instructions from their constituents, and thereupon moved the Rhode Island.
following amendments:

1st. In the 5th article, after the word "two," insert "mem-
bers, unless by sickness, death, or any other unavoidable acci-
dent, but one of the members of a state can attend congress, in
which case such state may be represented in congress by one
member for the space of ——— months:"

Proceedings
incident to the
ratification of
the act of con-
federation.

Objections of
Rhode Island.

Question put,

Passed in the negative, 1 ay, 9 noes.

2d. In the 8th article, after the word "appoint," add, "such estimate to be taken and made once in every five years:"

Question put,

Passed in the negative, 4 ayes, 6 noes.

3d. In the 9th article, at the end of the second paragraph, after the words "for the benefit of the United States," add, "provided nevertheless, that all lands within these states, the property of which, before the present war, was vested in the crown of Great Britain, or out of which revenues from quit-rents arise, payable to the said-crown, shall be deemed, taken, and considered as the property of these United States, and be disposed of and appropriated by congress for the benefit of the whole confederacy, reserving, however, to the states, within whose limits such crown lands may be, the entire and complete jurisdiction thereof."

Question put,

Passed in the negative, 1 ay, 9 noes.

Objections of
Connecticut.

The delegates from Connecticut being called on, produced instructions, and thereupon moved the following amendments:

1st. In the 8th article, after the words "in proportion to," strike out what follows, to the end of the sentence, and in lieu thereof, insert "the number of inhabitants in each state:"

Question put,

Passed in the negative, 3 ayes, 9 noes.

2d. In the 9th article, at the end of the 5th paragraph, add the words following, "provided that no land army shall be kept up by the United States in time of peace; nor any officers or pensioners kept in pay by them, who are not in actual service, except such as are or may be rendered unable to support themselves, by wounds received in battle, in the service of the said states, agreeably to the provisions already made by a resolution of congress:"

Question put,

Passed in the negative, 1 ay, 11 noes.

THURSDAY, JUNE 25, 1778.

Objections of
New Jersey.

Congress took into consideration the representation from New Jersey, on the articles of confederation, which was read as follows:

"To the United States in congress assembled, the representation of the legislative council and general assembly of the state of New Jersey, sheweth:

"That the articles of confederation and perpetual union, between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, proposed by the honorable congress of the said states, severally, for their consideration, have been by us fully and attentively considered, on which we beg leave to remark as follows:

1st. In the 5th article, where, among other things, the qualifications of the delegates from the several states are described,

there is no mention of any oath, test, or declaration, to be taken or made by them previous to their admission to seats in congress. It is indeed to be presumed the respective states will be careful that the delegates they send to assist in managing the general interests of the union, take the oaths to the government from which they derive their authority; but as the United States, collectively considered, have interests as well as each particular state, we are of opinion that some test or obligation, binding upon each delegate, while he continues in the trust, to consult and pursue the former as well as the latter, and particularly to assent to no vote or proceeding which may violate the general confederation, is necessary. The laws and usages of all civilized nations evince the propriety of an oath on such occasions, and the more solemn and important the deposit, the more strong and explicit ought the obligation to be.

Proceedings
incident to the
ratification of
the act of con-
federation.

Objections of
New Jersey.

2d. By the sixth and ninth articles, the regulation of trade seems to be committed to the several states within their separate jurisdiction, in such a degree as may involve many difficulties and embarrassments, and be attended with injustice to some states in the union: we are of opinion that the sole and exclusive power of regulating the trade of the United States with foreign nations, ought to be clearly vested in the congress, and that the revenue arising from all duties and customs imposed thereon, ought to be appropriated to the building, equipping, and manning a navy, for the protection of the trade and defence of the coasts, and to such other public and general purposes as to the congress shall seem proper, and for the common benefit of the states. This principle appears to us to be just, and it may be added that a great security will, by this means, be derived to the union from the establishment of a common and mutual interest.

3d. It is wisely provided in the sixth article, that no body of forces shall be kept up by any state in time of peace, except such number only, as in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such states: we think it ought also to be provided and clearly expressed, that no body of troops be kept up by the United States in time of peace, except such number only, as shall be allowed by the assent of nine states. A standing army, a military establishment, and every appendage thereof, in time of peace, is totally abhorrent from the ideas and principles of this state. In the memorable act of congress, declaring the united colonies free and independent states, it is emphatically mentioned, as one of the causes of separation from Great Britain, that the sovereign thereof had kept up among us, in time of peace, standing armies without the consent of the legislatures. It is to be wished the liberties and happiness of the people may, by the confederation, be carefully and explicitly guarded in this respect.

4th. On the eighth article we observe, that as frequent settlements of the quotas for supplies and aids, to be furnished by the several states, in support of the general treasury, will be requisite, so they ought to be secured. It cannot be thought improper or unnecessary to have them struck once at least in every five

Proceedings
incident to the
ratification of
the act of con-
federation.

Objections of
New Jersey.

years, and oftener if circumstances will allow. The quantity or value of real property in some states, may increase much more rapidly than in others, and therefore the quota, which is at one time just, will, at another, be disproportionate.

5th. The boundaries and limits of each state ought to be fully and finally fixed and made known: this, we apprehend, would be attended with very salutary effects, by preventing jealousies as well as controversies, and promoting harmony and confidence among the states. If the circumstances of the times would not admit of this, previous to the proposal of the confederation to the several states, the establishment of the principles upon which and the rule and mode by which the determination might be conducted, at a time more convenient and favorable for despatching the same, at an early period, not exceeding five years from the final ratification of the confederation, would be satisfactory.

6th. The ninth article provides, that no state shall be deprived of territory for the benefit of the United States: whether we are to understand, that by territory is intended any land, the property of which was heretofore vested in the crown of Great Britain; or, that no mention of such land is made in the confederation, we are constrained to observe, that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States. It was ever the confident expectation of this state, that the benefits derived from a successful contest, were to be general and proportionate; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering the congress to dispose of such property, but especially the vacant and impanted lands, commonly called the crown lands, for defraying the expenses of the war, and for such other public and general purposes. The jurisdiction ought, in every instance, to belong to the respective states within the charter or determined limits of which such lands may be seated; but reason and justice must decide, that the property which existed in the crown of Great Britain, previous to the present revolution, ought now to belong to the congress, in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such states as are shut out by situation from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole confederacy?

7th. The ninth article also provides, that the requisition for the land forces to be furnished by the several states, shall be proportioned to the number of *white* inhabitants in each. In the act of independence we find the following declaration: "We hold these truths to be self-evident, that all men are created equal; that they are endued by their Creator with certain un-

alienable rights, among which are life, liberty, and the pursuit of happiness:" of this doctrine it is not a very remote consequence, that all the inhabitants of every society, be the color of their complexion what it may, are bound to promote the interest thereof, according to their respective abilities. They ought, therefore, to be brought into the account on this occasion. But admitting necessity or expediency to justify the refusal of liberty, in certain circumstances, to persons of a particular color, we think it unequal to reckon upon such in this case. Should it be improper, for special local reasons, to admit them in arms for the defence of the nation, yet we conceive the proportion of forces to be embodied ought to be fixed according to the whole number of inhabitants in the state, from whatever class they may be raised. If the whole number of inhabitants in a state, whose inhabitants are all whites, both those who are called into the field and those who remain to till the ground and labor in mechanical arts and otherwise, are reckoned in the estimate for striking the proportion of forces to be furnished by that state, ought, even a part of the latter description, to be left out in another? As it is of indispensable necessity in every war, that a part of the inhabitants be employed for the uses of husbandry and otherwise at home, while others are called into the field, there must be the same propriety that owners of a different color, who are employed for this purpose in one state, while *whites* are employed for the same purpose in another, be reckoned in the account of the inhabitants in the present instance.

Proceedings incident to the ratification of the act of confederation.

Objections of New Jersey.

8th. In order that the quota of troops to be furnished in each state, on occasion of a war, may be equitably ascertained, we are of opinion, that the inhabitants of the several states ought to be numbered as frequently as the nature of the case will admit, and once at least every five years. The disproportioned increase in the population of different states may render such provision absolutely necessary.

9th. It is provided in the ninth article, that the assent of nine states out of the thirteen, shall be necessary to determine in sundry cases of the highest concern. If this proportion be proper and just, it ought to be kept up, should the states increase in number, and a declaration thereof be made for the satisfaction of the union.

That we think it our indispensable duty to solicit the attention of congress to these considerations and remarks, and to request that the purport and meaning of them be adopted as part of the general confederation; by which means we apprehend the mutual interests of all the states will be better secured and promoted, and that the legislature of this state will then be justified in ratifying the same."

Whereupon, it was moved that the several articles in the confederation, referred to in the foregoing representation, be so far reconsidered as to admit the purport and meaning of the additions, alterations, and amendments, proposed in the said representation:

Question put,

Passed in the negative, 3 ayes, 6 noes, 1 divided.

Proceedings
incident to the
ratification of
the act of con-
federation.
Objections of
Pennsylvania.

The delegates of Pennsylvania being called on, moved the following amendments, in behalf of their state:

1st. In the first paragraph of the fifth article, dele the words, "for the remainder of the year:"

Question put,

Passed in the negative, 2 ayes, 8 noes, 1 divided.

2d. That such part of the 9th article as respects the post office, be altered or amended, so as that congress be obliged to lay the accounts annually before the legislatures of the several states:

Question put,

Passed in the negative, 2 ayes, 9 noes.

3d. In the fifth paragraph of the 9th article, expunge the word "white:"

Question put,

Passed in the negative, 3 ayes, 7 noes, 1 divided.

4th. In the last section of the 9th article, after the word "delegates," add "respectively:"

Question put,

Passed in the negative, 1 ay, 10 noes.

Objections of
South Carolina.

The delegates from South Carolina being called on, moved the following amendments, in behalf of their state:

1st. In article 4, between the words, "free inhabitants," insert "white:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

2d. In the next line, after the words, "these states," insert, "those who refuse to take up arms in defence of the confederacy:"

Passed in the negative, 3 ayes, 8 noes.

3d. After the words, "the several states," insert, "according to the law of such states respectively for the government of their own free white inhabitants:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

4th. After the words, "of which the owner is an inhabitant," insert, "except in cases of embargo:"

Passed in the negative, 2 ayes, 9 noes.

5th. In the first paragraph of the 5th article, strike out "first Monday in November," and insert "nineteenth day of April:"

Passed in the negative, 1 ay, 9 noes, 1 divided.

6th. In the second paragraph of the 5th article, substitute "three" in the place of "two," and "two" in the place of "three," and "four" in the place of "six:"

Passed in the negative, 2 ayes, 9 noes.

7th. In the third paragraph, for "committee," read "grand council:"

Passed in the negative, 1 ay, 9 noes, 1 divided.

8th. In the first paragraph of the 6th article, for "prince or state," read "prince or foreign state, except the same be upon the subject of commerce, nor then so as to interfere with any treaty or alliance of the United States made or treaty proposed by congress:"

Passed in the negative, 2 ayes, 9 noes.

9th. In the second paragraph of the 6th article, strike out "by

some nation of Indians," and after the words, "to invade such state," insert, "or upon requisition to assist a sister state actually invaded or threatened with an invasion:"

Proceedings incident to the ratification of the act of confederation.

Passed in the negative, 3 ayes, 8 noes.

10th. In the first paragraph of the 7th article, strike out "of or under the rank of colonel," and after "shall be appointed," insert "and commissioned:"

Objections of South Carolina.

Passed in the negative, 2 ayes, 8 noes, 1 divided.

11th. At the end of the 7th article, add,

"The troops to be raised shall be deemed the troops of that state by which they are raised. The congress, or grand council of the states, may, when they think proper, make requisition to any state for two-thirds of the troops to be raised; which requisition shall be binding upon the said states respectively; but the remaining third shall not be liable to be drawn out of the state in which they are raised, without the consent of the executive authority of the same. When any forces are raised, they shall be under the command of the executive authority of the state in which they are so raised, unless they be joined by troops from any other state, in which the congress, or grand council of the states, may appoint a general officer to take the command of the whole: and until the same can be done, the command shall be in the senior officer present, who shall be amenable for his conduct to the executive authority of the state in which the troops are, and shall be liable to be suspended thereby. The expenses of the troops so to be raised, shall be defrayed by the state to which they belong; but when called into service by the United States, they shall be fed and paid at the expense of the United States:"

Passed in the negative, 2 ayes, 9 noes.

12th. In the first line of the 8th article, strike out "charges of war and all other:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

13th. In the same article strike out, "according to such mode as the United States in congress assembled, shall from time to time direct and appoint;" and instead of "and improvements thereon shall be estimated," read "and improvements thereon shall, by periods of years not exceeding ten, as often as may be required by congress, be generally estimated by persons to be appointed by the legislatures of the respective states to value the same upon oath:"

Passed in the negative, 2 ayes, 9 noes.

14th. In the first paragraph of article the 9th, strike out "appointing courts for the trial of piracies and felonies committed on the high seas," and in lieu thereof insert, "declaring what acts committed on the high seas shall be deemed piracies or felonies:"

Passed in the negative, 2 ayes, 9 noes.

15th. In the second paragraph of the 9th article, for "be the last resort on appeal," read "decide and determine," and strike out "all that relates to the mode of settling differences between states and controversies concerning private right of soil:"

Passed in the negative, 2 ayes, 9 noes.

Proceedings incident to the ratification of the act of confederation.

Objections of South Carolina.

16th. In the fifth paragraph of the 9th article, after the words "in any term of," strike out "three," and insert "two:"

Passed in the negative, 3 ayes, 7 noes, 1 divided.

17th. In the sixth paragraph of the 9th article, for "unless nine states," read "unless eleven states:"

Passed in the negative, 2 ayes, 9 noes.

18th. At the end of the same paragraph, strike out the words "in congress assembled:"

Passed in the negative, 1 ay, 10 noes.

19th. In the last paragraph of the 9th article, after the words "and the yeas and nays of the delegates of each state on," for "any" read "every," and strike out the words "when it is desired by any delegate:"

Passed in the negative, 2 ayes, 9 noes.

20th. In the same sentence strike out "a state or," and also "at his or their request," and after the words "and the," insert "respective states or the," and after "shall," insert "upon requisition:"

Passed in the negative, 1 ay, 10 noes.

21st. Amend the last clause of the 13th article, so as to read "unless such alteration be agreed to by eleven of the United States in congress assembled, and be afterwards confirmed by the legislatures of eleven of the United States:"

Passed in the negative, 3 ayes, 6 noes, 2 divided.

CHAPTER 3.

Proceedings which led to the adoption of the constitution of the United States.

PROCEEDINGS WHICH LED TO THE ADOPTION OF THE CONSTITUTION OF THE UNITED STATES.

[The congress, upon trial, soon found that the powers derived from the act of confederation were inadequate to the legitimate objects of an effective national government. Defects were more particularly manifest, whenever it became necessary to legislate upon the subject of commerce and that of taxes; and it was at length deemed indispensably necessary to amend the articles in such a way as to give authority and force to the national will in matters of trade and revenue. This was from time to time attempted, until the present constitution of the United States was produced and ratified. The following documents, extracted from the journals of congress, or obtained from the archives of the department of state, afford a correct view of the progress of American constitutional legislation, up to the 13th of September, 1788.]

SATURDAY, FEBRUARY 3, 1781.

[* Being a report concerning the laying a duty of 5 per cent.]

The order of the day* was called for, when a motion was made by Mr. Witherspoon, seconded by Mr. Burke;

Motion of Mr. Witherspoon, of New Jersey, to invest congress with the right to regulate commerce, to lay duties, &c.

That it is indispensably necessary that the United States in congress assembled, should be vested with a right of superintending the commercial regulations of every state, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the exclusive right of laying duties upon all imported articles, no restriction to be valid, and no such duty to be laid but with the consent of nine states: provided, that all duties and imposts laid by the United States in congress assembled, shall always be a certain proportion of the value of the article or articles on which the same

shall be laid; and the same articles shall bear the same duty and impost throughout the said states without exemption: and provided, that all such duties and imposts shall be for the perfecting of certain specified purposes, which purposes being perfected, the said duties and imposts so appropriated, shall cease: provided also, that the United States in congress assembled, shall not be empowered to appropriate any duties or imposts for perpetual annuities, or other perpetual or indefinite interests, or for annuities for more than three lives at the same time in being, or for a longer term than — years.

Mr. Wither-
spoon's mo-
tion, &c.

On the question to agree to this; the yeas and nays being required by Mr. Mathews,

It passed in the negative.

Negatived.

Congress resumed the consideration of the report of the committee of the whole, (for laying a duty of five per cent.;

And on the question, to insert the words* moved to be inserted, the yeas and nays were required:

[* These words transferred the power to lay the duty from the states to the congress.]

And it was resolved in the affirmative.

The report of the committee of the whole, being amended, was agreed to as follows:

Resolved, That it be recommended to the several states, as indispensably necessary, that they vest a power in congress to levy, for the use of the United States, a duty of five per cent. ad valorem, at the time and place of importation, upon all goods, wares, and merchandise, of foreign growth and manufactures, which may be imported into any of the said states from any foreign port, island, or plantation, after the first day of May, 1781; except arms, ammunition, clothing, and other articles imported on account of the United States, or any of them; and except wool cards and cotton cards, and wire for making them; and also, except salt, during the war.

Recommendation to the states to authorise congress to levy duties, &c.

Also, a like duty of five per cent. on all prizes and prize-goods, condemned in the court of admiralty of any of these states as lawful prize.

That the moneys arising from the said duties, be appropriated to the discharge of the principal and interest of the debts already contracted, or which may be contracted, on the faith of the United States, for supporting the present war.

That the said duties be continued until the said debts shall be fully and finally discharged.

FRIDAY, APRIL 18, 1783.

Congress proceeded in the consideration of the report, (concerning duties and revenues;) and, sundry amendments being made,

Resolved by nine states, That it be recommended to the several states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in congress assembled, with a power to levy, for the use of the United States, the following duties upon goods imported into the said states from any foreign port, island, or plantation:

Recommendation by nine states, to the several states, to empower congress to levy certain duties.

Upon all rum of Jamaica proof, per gallon, 4-90ths of a dollar.

Upon all other spirituous liquors, 3-90ths ditto.

Recommendation by nine states, to the several states, to empower congress to levy certain duties.

Upon Madeira wine,	12-90ths	of a dollar.
Upon all other wines,	6-90ths	ditto.
Upon common bohea tea, per lb.	6-90ths	ditto.
Upon all other teas,	24-90ths	ditto.
Upon pepper, per lb.	3-90ths	ditto.
Upon brown sugar, per lb.	$\frac{1}{8}$ -90th	ditto.
Upon loaf sugar,	$\frac{2}{8}$ -90ths	ditto.
Upon all other sugars,	1-90th	ditto.
Upon molasses, per gallon,	1-90th	ditto.
Upon cocoa and coffee, per lb.	1-90th	ditto.
Upon all other goods, a duty of five per cent. ad valorem at the time and place of importation:		

Provided, That none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States for supporting the war, agreeably to the resolution of the 16th day of December last, nor be continued for a longer term than twenty-five years; and provided, that the collectors of the said duties shall be appointed by the states within which their offices are to be respectively exercised; but when so appointed shall be amenable to, and removeable by, the United States in congress assembled alone; and in case any state shall not make such appointment, within one month after notice given for that purpose, the appointment may be made by the United States in congress assembled.

Further recommendation concerning revenue.

That it be further recommended to the several states, to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war, substantial and effectual revenues of such nature as they may judge most convenient, for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the aforementioned duties, which proportion shall be fixed and equalized from time to time, according to the rule which is or may be prescribed by the articles of confederation; and in case the revenues established by any state, shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it; and in case the revenues of any state shall be found to be deficient, the immediate deficiency shall be made up by such state with as little delay as possible, and a future deficiency guarded against by an enlargement of the revenues established: provided, that until the rule of the confederation can be carried into practice, the proportions of the said 1,500,000 dollars shall be as follows, viz.:

New Hampshire	52,708	Delaware	22,443
Massachusetts	224,427	Maryland	141,517
Rhode Island	32,318	Virginia	256,487
Connecticut	132,091	North Carolina	109,006
New York	128,243	South Carolina	96,183
New Jersey	83,358	Georgia	16,030
Pennsylvania	205,189		

The said last mentioned revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected.

That an annual account of the proceeds and application of all the aforementioned revenues, shall be made out and transmitted

to the several states, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each state, together with the allowances made to the several officers employed in the collection of the said revenues.

Recommendation by nine states, to the several states, concerning duties and revenues.

That none of the preceding resolutions shall take effect until all of them shall be acceded to by every state, after which unanimous accession, however, they shall be considered as forming a mutual compact among all the states, and shall be irrevocable by any one or more of them without the concurrence of the whole, or of a majority of the United States in congress assembled.

That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the articles of confederation and perpetual union, between these states, be and the same is hereby agreed to in congress; and the several states are advised to authorise their respective delegates to subscribe and ratify the same as part of the said instrument of union, in the words following, to wit:

Alteration in the articles of confederation proposed.

So much of the 8th of the articles of confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit:

“ All charges of war and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon, shall be estimated, according to such mode as the United States in congress assembled shall from time to time direct and appoint,” is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a congress of the United States, that all charges of war and all other expenses that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each state; which number shall be triennially taken and transmitted to the United States in congress assembled, in such mode as they shall direct and appoint.

Votes of the states on the act of April 18th, 1783, concerning duties, revenues, &c.

On the question to agree to the foregoing act, the yeas and nays being required by Mr. Arnold,

New Hampshire,	Mr. White	ay
Massachusetts,	Mr. Holten	ay
	Mr. Osgood	ay
	Mr. Gorham	ay
	Mr. Higgenson	no
Rhode Island,	Mr. Collins	no
	Mr. Arnold	no
Connecticut,	Mr. Ellsworth	ay
	Mr. Dyer	ay
New York,	Mr. Ployd	ay
	Mr. Hamilton	no
New Jersey,	Mr. Boudinot	ay
	Mr. Clarke	ay
	Mr. Condit	ay
Pennsylvania,	Mr. Fitzsimmons	ay
	Mr. Peters	ay
Delaware,	Mr. M ^c Comb	ay
	Mr. Bedford	ay
Maryland,	Mr. T. S. Lee	ay
	Mr. Carroll	ay
Virginia,	Mr. Jones	ay
	Mr. Madison	ay
	Mr. Bland	ay
	Mr. Mercier	ay
North Carolina,	Mr. Hawkins	ay
	Mr. Williamson	ay
South Carolina,	Mr. Rutledge	ay
	Mr. Izard	ay
	Mr. Gervais	ay

So it was resolved in the affirmative.

SATURDAY, APRIL 26, 1783.

Address of congress, to accompany the act of the 18th of April, 1783, on the state of the union.

The committee, consisting of Mr. Madison, Mr. Ellsworth, and Mr. Hamilton, appointed to prepare an address to the states, to accompany the act of the 18th of this month, reported a draught, which being read and amended, was agreed to as follows:

Address to the states, by the United States in congress assembled.

Duty of congress to provide for the public welfare, &c.

THE prospect which has for some time existed, and which is now happily realized, of a successful termination of the war, together with the critical exigencies of public affairs, have made it the duty of congress to review and provide for the debts which the war has left upon the United States, and to look forward to the means of obviating dangers which may interrupt the harmony and tranquillity of the confederacy. The result of their mature and solemn deliberations on these great objects, is contained in their several recommendations of the 18th instant, heretofore transmitted. Although these recommendations speak themselves the principles on which they are founded, as well as the ends which they propose, it will not be improper to enter into a few explanations and remarks, in order to place in a stronger view the necessity of complying with them.

Explanation of measures proposed to the states.

Provision for public debts, &c.

The first measure recommended is, effectual provision for the debts of the United States. The amount of these debts, as far as they can now be ascertained, is 42,000,375 dollars. To discharge the principal of this aggregate debt at once, or in any short period, is evidently not within the compass of our re-

sources; and even if it could be accomplished, the ease of the community would require that the debt itself should be left to a course of gradual extinguishment, and certain funds be provided for paying in the mean time the annual interest. The amount of the annual interest, is computed to be 2,415,956 dollars. Funds, therefore, which will certainly and punctually produce this annual sum at least, must be provided.

In devising these funds, congress did not overlook the mode of supplying the common treasury, provided by the articles of confederation; but after the most respectful consideration of that mode, they were constrained to regard it as inadequate and inapplicable to the form into which the public debt must be thrown. The delays and uncertainties incident to a revenue to be established and collected from time to time by thirteen independent authorities, is at first view irreconcilable with the punctuality essential in the discharge of the interest of a national debt. Our own experience, after making every allowance for transient impediments, has been a sufficient illustration of this truth. Some departure, therefore, in the recommendation of congress, from the federal constitution, was unavoidable; but it will be found to be as small as could be reconciled with the object in view, and to be supported besides by solid considerations of interest and sound policy.

The fund which first presented itself on this, as it did on a former occasion, was a tax on imports. The reasons which commended this branch of revenue, have heretofore been stated in an act, of which a copy, No. 2, is now forwarded, and need not be here repeated.* It will suffice to recapitulate, that taxes on consumption are always least burdensome, because they are least felt, and are borne too by those who are both willing and able to pay them; that, of all taxes on consumption, those on foreign commerce are most compatible with the genius and policy of free states; that from the relative positions of some of the more commercial states, it will be impossible to bring this essential resource into use without a concerted uniformity; that this uniformity cannot be concerted through any channel so properly as through congress, nor for any purpose so aptly as for paying the debts of a revolution, from which an unbounded freedom has accrued to commerce.

In renewing this proposition to the states, we have not been unmindful of the objections which heretofore frustrated the unanimous adoption of it. We have limited the duration of the revenue to the term of twenty-five years; and we have left to the states themselves the appointment of the officers who are to collect it. If the strict maxims of national credit alone were to be consulted, the revenue ought manifestly to be coexistent with the object of it, and the collection placed in every respect under that authority which is to dispense the former, and is responsible for the latter. These relaxations will, we trust, be regarded on one hand as the effect of a disposition in congress to attend at all times to the sentiments of those whom they serve, and on the other hand, as a proof of their anxious desire that provision

Provision for public debts, &c.

Inefficiency of the powers vested by the articles of confederation to supply the common treasury, &c.

Tax on imports, &c.

* See No. 2, annexed, page 37, post.]

Observations on revenue, &c. as adapted to the circumstances of the United States.

Observations
on revenue,
&c. as adapt-
ed to, the cir-
cumstances
of the United
States.

may be made in some way or other for an honorable and just fulfilment of the engagements which they have formed.

To render this fund as productive as possible, and at the same time to narrow the room for collusions and frauds, it has been judged an improvement of the plan, to recommend a liberal duty on such articles as are most susceptible of a tax according to their quantity, and are of most equal and general consumption; leaving all other articles, as heretofore proposed, to be taxed according to their value.

The amount of this fund is computed to be 915,956 dollars. Accuracy in the first essay on so complex and fluctuating a subject, is not to be expected. It is presumed to be as near the truth as the defect of proper materials would admit.

The residue of the computed interest is 1,500,000 dollars, and is referred to the states to be provided for by such funds as they may judge most convenient. Here again the strict maxims of public credit gave way to the desire of congress to conform to the sentiments of their constituents. It ought not to be omitted, however, with respect to this portion of the revenue, that the mode in which it is to be supplied, varies so little from that pointed out in the articles of confederation, and the variations are so conducive to the great object proposed, that a ready and unqualified compliance on the part of the states may be the more justly expected. In fixing the quotas of this sum, congress, as may be well imagined, were guided by very imperfect lights, and some inequalities may consequently have ensued. These, however, can be but temporary, and as far as they may exist at all, will be redressed by a retrospective adjustment, as soon as a constitutional rule can be applied.

The necessity of making the two foregoing provisions one indivisible and irrevocable act, is apparent. Without the first quality, partial provision only might be made where complete provision is essential; nay, as some states might prefer and adopt one of the funds only, and the other states the other fund only, it might happen that no provision at all would be made: without the second a single state out of the thirteen might at any time involve the nation in bankruptcy, the mere practicability of which would be a fatal bar to the establishment of national credit. Instead of enlarging on these topics, two observations are submitted to the justice and wisdom of the legislatures. First; the present creditors or rather the domestic part of them, having either made their loans for a period which has expired, or having become creditors in the first instance involuntarily, are entitled on the clear principles of justice and good faith, to demand the principal of their credits, instead of accepting the annual interest. It is necessary, therefore, as the principal cannot be paid to them on demand, that the interest should be so effectually and satisfactorily secured, as to enable them, if they incline, to transfer their stock at its full value. Secondly; if the funds be so firmly constituted as to inspire a thorough and universal confidence, may it not be hoped, that the capital of the domestic debt, which bears the high interest of six per cent. may be cancelled by other loans obtained at a more moderate interest? The saving by

such an operation, would be a clear one, and might be a considerable one.

Thus much for the interest of the national debt: for the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce, on requisitions to be made from time to time for that purpose, as circumstances may dictate, and on the prospect of vacant territory. If these resources should prove inadequate, it will be necessary, at the expiration of twenty-five years, to continue the funds now recommended, or to establish such others as may then be found more convenient.

Sources of future revenue, &c.

With a view to the resource last mentioned, as well as to obviate disagreeable controversies and confusions, congress have included in their present recommendations, a renewal of those of the 6th day of September, and of the 10th day of October, 1780. In both those respects, a liberal and final accommodation of all interfering claims of vacant territory, is an object which cannot be pressed with too much solicitude.

The last object recommended, is a constitutional change of the rule by which a partition of the common burdens is to be made. The expediency, and even necessity of such a change, has been sufficiently enforced by the local injustice and discontents which have proceeded from valuations of the soil in every state where the experiment has been made. But how infinitely must these evils be increased, on a comparison of such valuations among the states themselves! On whatever side, indeed, this rule be surveyed, the execution of it must be attended with the most serious difficulties. If the valuations be referred to the authorities of the several states, a general satisfaction is not to be hoped for. If they be executed by officers of the United States traversing the country for that purpose, besides the inequalities against which this mode would be no security, the expense would be both enormous and obnoxious. If the mode taken in the act of the 17th day of February last, which was deemed on the whole least objectionable, be adhered to, still the insufficiency of the data to the purpose to which they are to be applied, must greatly impair if not utterly destroy all confidence in the accuracy of the result; not to mention, that as far as the result can be at all a just one, it will be indebted for the advantage to the principle on which the rule proposed to be substituted is founded. This rule, although not free from objections, is liable to fewer than any other that could be devised. The only material difficulty which attended it in the deliberations of congress, was to fix the proper difference between the labor and industry of free inhabitants, and of all other inhabitants. The ratio ultimately agreed on, was the effect of mutual concessions; and if it should be supposed not to correspond precisely with the fact, no doubt ought to be entertained that an equal spirit of accommodation among the several legislatures, will prevail against little inequalities which may be calculated on one side or on the other. But notwithstanding the confidence of congress, as to the success of this proposition, it is their duty to recollect that the event may possibly disappoint them, and to request that measures may

Observations on the rule of partitioning the common burdens.

still be pursued for obtaining and transmitting the information called for in the act of the 17th of February last, which, in such event, will be essential.

Motives for adopting the measures proposed by congress.

The plan thus communicated and explained by congress must now receive its fate from their constituents. All the objects comprised in it are conceived to be of great importance to the happiness of this confederated republic, are necessary to render the fruits of the revolution a full reward for the blood, the toils, the cares, and the calamities which have purchased it. But the object, of which the necessity will be peculiarly felt, and which it is peculiarly the duty of congress to inculcate, is the provision recommended for the national debt. Although this debt is greater than could have been wished, it is still less on the whole than could have been expected, and when referred to the cause in which it has been incurred, and compared with the burdens which wars of ambition and of vain glory have entailed on other nations, ought to be borne not only with cheerfulness but with pride. But the magnitude of the debt makes no part of the question. It is sufficient that the debt has been fairly contracted, and that justice and good faith demand that it should be fully discharged. Congress had no option but between different modes of discharging it. The same option is the only one that can exist with the states. The mode which has, after long and elaborate discussion, been preferred, is, we are persuaded, the least objectionable of any that would have been equal to the purpose. Under this persuasion, we call upon the justice and plighted faith of the several states, to give it its proper effect, to reflect on the consequences of rejecting it, and to remember that congress will not be answerable for them.

Motives of justice and good faith.

Other motives of gratitude, &c.

If other motives than that of justice could be requisite on this occasion, no nation could ever feel stronger; for to whom are the debts to be paid?

To AN ALLY, in the first place, who, to the exertion of his arms in support of our cause, has added the succors of his treasure; who, to his important loans, has added liberal donations; and whose loans themselves carry the impression of his magnanimity and friendship.

To *individuals in a foreign country*, in the next place, who were the first to give so precious a token of their confidence in our justice, and of their friendship for our cause, and who are members of a republic which was second in espousing our rank among nations.

Another class of creditors is, *that illustrious and patriotic band of fellow citizens*, whose blood and whose bravery have defended the liberties of their country, who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them; and who, even now, ask for no more than such a portion of their dues as will enable them to retire from the field of victory and glory into the bosom of peace and private citizenship, and for such effectual security for the residue of their claims, as their country is now unquestionably able to provide.

The remaining class of creditors is composed partly of such of our fellow citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors, would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favor of some than of others, the voice of policy, no less than of justice, pleads in favor of all. A wise nation will never permit those who relieve the wants of their country, or who rely most on its faith, its firmness, and its resources, when either of them is distrusted, to suffer by the event.

Motives for adopting the measures proposed by congress.

Let it be remembered, finally, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessings of the author of these rights, on the means exerted for their defence, they have prevailed against all opposition, and form the basis of thirteen independent states. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view, the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude, and all the other qualities which ennoble the character of a nation, and fulfil the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favorable influence on the rights of mankind. If, on the other side, our governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment in favor of the rights of human nature will be turned against them, and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation.

Motives arising from liberal political considerations.

By order of the United States in congress assembled.

PAPER NO. II.

By the United States in congress assembled, December 16, 1782.

THE committee, consisting of Mr. Hamilton, Mr. Madison, and Mr. Fitzsimmons, to whom was referred the letter of 30th November, from the honorable William Bradford, speaker of the lower house of assembly of the state of Rhode Island, containing, under three heads, the reasons of that state for refusing their compliance with the recommendation of congress for a duty on imports and prize goods; report,

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods, referred to at page 33, ante.

That they flatter themselves the state, on a reconsideration of the objections they have offered, with a candid attention to the arguments which stand in opposition to them, will be induced to retract their dissent, convinced that the measure is supported

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

on the most solid grounds of equal justice, policy, and general utility. The following observations, contrasted with each head of the objections, successively, will furnish a satisfactory answer to the whole.

First objection. "That the proposed duty would be unequal in its operation, bearing hardest upon the most commercial states, and so would press peculiarly hard upon that state which draws its chief support from commerce."

The most common experience, joined to the concurrent opinions of the ablest commercial and political observers, have established beyond controversy this general principle, "that every duty on imports is incorporated with the price of the commodity, and ultimately paid by the consumer, with a profit on the duty itself, as a compensation to the merchant for the advance of his money."

The merchant considers the duty demanded by the state on the imported article, in the same light with freight, or any similar charge, and adding it to the original cost, calculates his profit on the aggregate sum. It may happen that at particular conjunctures, where the markets are overstocked, and there is a competition among the sellers, this may not be practicable; but in the general course of trade the demand for consumption preponderates, and the merchant can with ease indemnify himself, and even obtain a profit on the advance. As a consumer, he pays his share of the duty, but it is no further a burden upon him. The consequence of the principle laid down is, that every class of the community bears its share of the duty in proportion to its consumption, which last is regulated by the comparative wealth of the respective classes, in conjunction with their habits of expense or frugality. The rich and luxurious pay in proportion to their riches and luxury; the poor and parsimonious, in proportion to their poverty and parsimony. A chief excellence of this mode of revenue is, that it preserves a just measure to the abilities of individuals, promotes frugality, and taxes extravagance. The same reasoning in our situation applies to the intercourse between two states; if one imports and the other does not, the latter must be supplied by the former. The duty being transferred to the price of the commodity, is no more a charge on the importing state for what is consumed in the other, than it is a charge on the merchant for what is consumed by the farmer or artificer. Either state will only feel the burden in a ratio to its consumption, and this will be in a ratio to its population and wealth. What happens between the different classes of the same community, internally, happens between the two states; and as the merchant, in the first case, so far from losing the duty himself, has a profit on the money he advances for that purpose; so the importing state, which in the second case is the merchant with respect to the other, is not only reimbursed by the nonimporting state, but has a like benefit on the duty advanced. It is therefore the reverse of a just position; that the duty proposed will bear hardest on the most commercial states; it will, if any thing, have a contrary effect, though not in a sufficient degree to justify an objection on the part of the nonimport-

ing states. For it is as reasonable they should allow an advance on the duty paid as on the first cost, freight, or any incidental charge. They have also other advantages in the measure fully equivalent to this disadvantage. Over nice and minute calculations, in matters of this nature, are inconsistent with national measures, and in the imperfect state of human affairs, would stagnate all the operations of government. Absolute equality is not to be obtained: to aim at it, is pursuing a shadow at the expense of the substance, and in the event we should find ourselves wider of the mark, than if, in the first instance, we were content to approach it with moderation.

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

Second objection. "That the recommendation proposes to introduce into that and the other states, officers unknown and unaccountable to them, and so is against the constitution of the state."

It is not to be presumed that the constitution of any state could mean to define and fix the precise numbers and descriptions of all officers to be permitted in the state, excluding the creation of any new ones, whatever might be the necessity derived from that variety of circumstances incident to all political institutions. The legislature must always have a discretionary power of appointing officers, not expressly known to the constitution, and this power will include that of authorising the federal government to make the appointments in cases where the general welfare may require it. The denial of this would prove too much; to wit, that the power given by the confederation to congress, to appoint all officers in the post office, was illegal and unconstitutional.

The doctrine advanced by Rhode Island would perhaps prove also that the federal government ought to have the appointment of no internal officers whatever; a position that would defeat all the provisions of the confederation, and all the purposes of the union. The truth is, that no federal constitution can exist without powers that in their exercise affect the internal police of the component members. It is equally true, that no government can exist without a right to appoint officers for those purposes which proceed from, and concenter in itself; and therefore the confederation has expressly declared that congress shall have authority to appoint all such "civil officers as may be necessary for managing the general affairs of the United States under their direction." All that can be required is, that the federal government confine its appointments to such as it is empowered to make by the original act of union, or by the subsequent consent of the parties; unless there should be express words of exclusion in the constitution of a state, there can be no reason to doubt that it is within the compass of legislative discretion to communicate that authority.

The propriety of doing it upon the present occasion, is founded on substantial reasons.

The measure proposed is a measure of necessity. Repeated experiments have shown, that the revenues to be raised within these states is altogether inadequate to the public wants. The deficiency can only be supplied by loans. Our applications to

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

the foreign powers, on whose friendship we depend, have had a success far short of our necessities. The next resource is to borrow from individuals. These will neither be actuated by generosity nor reasons of state. 'Tis to their interest alone we must appeal. To conciliate this, we must not only stipulate a proper compensation for what they lend, but we must give security for the performance. We must pledge an ascertained fund; simple and productive in its nature; general in its principle, and at the disposal of a single will. There can be little confidence in a security under the constant revisal of thirteen different deliberatives. It must, once for all, be defined and established on the faith of the states solemnly pledged to each other, and not revocable by any without a breach of the general compact.

'Tis by such expedients that nations, whose resources are understood, whose reputations and governments are erected on the foundation of ages, are enabled to obtain a solid and extensive credit. Would it be reasonable in us to hope for more easy terms, who have so recently assumed our rank among the nations? Is it not to be expected, that individuals will be cautious in lending their money to a people in our circumstances, and that they will at least require the best security we can give?

We have an enemy vigilant, intriguing, well acquainted with our defects and embarrassments. We may expect that he will make every effort to instil diffidences into individuals, and in the present posture of our internal affairs, he will have too plausible ground on which to tread. Our necessities have obliged us to embrace measures with respect to our public credit, calculated to inspire distrust. The prepossessions on this article must naturally be against us, and it is therefore indispensable we should endeavor to remove them, by such means as will be the most obvious and striking.

It was with these views congress determined on a general fund; and the one they have recommended must, upon a thorough examination, appear to have fewer inconveniences than any other.

It has been remarked as an essential part of the plan, that the fund should depend on a single will. This will not be the case, unless the collection, as well as the appropriation, is under the control of the United States; for it is evident, that after the duty is agreed upon, it may, in a great measure, be defeated by an ineffectual mode of levying it. The United States have a common interest in an uniform and equally energetic collection; and not only policy, but justice to all the parts of the union, designates the utility of lodging the power of making it where the interest is common. Without this it might in reality operate as a very *unequal tax*.

Third objection. "That by granting to congress a power to collect moneys from the commerce of these states, indefinitely as to time and quantity, and for the expenditure of which they are not to be accountable to the states, they would become independent of their constituents, and so the proposed impost is repugnant to the liberty of the United States."

Admitting the principle of this objection to be true, still it

ought to have no weight in the present case, because there is no analogy between the principle and the fact.

First. The fund proposed is sufficiently definite as to time, because it is only co-extensive with the existence of the debt contracted and to be contracted in the course of the war. Congress are persuaded that it is as remote from the intention of their constituents to perpetuate that debt, as to extinguish it at once by a faithless neglect of providing the means to fulfil the public engagements. Their ability to discharge it in a moderate time, can as little be doubted as their inclination, and the moment that debt ceases, the duty, so far as respects the present provision, ceases with it.

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

The resolution recommending the duty, specifies the object of it to be the discharge of the principal and interest of the debts already contracted, or which may be contracted on the faith of the United States for supporting the present war.

Secondly. The rate per cent. is fixed, and it is not at the option of the United States to increase it. Though the product will vary according to the variations in trade; yet as there is this limitation of the rate, it cannot be properly said to be indefinite as to quantity.

By the confederation, congress have an absolute discretion in determining the quantum of revenue requisite for the national expenditure. When this is done, nothing remains for the states, separately, but the mode of raising. No state can dispute the obligation to pay the sum demanded without a breach of the confederation; and when the money comes into the treasury the appropriation is the exclusive province of the federal government. This provision of the confederation (without which it would be an empty form) comprehends in it the principle in its fullest latitude, which the objection under consideration treats as repugnant to the liberty of the United States, to wit, an indefinite power of prescribing the quantity of money to be raised, and of appropriating it when raised.

If it be said that the states individually, having the collection in their own hands, may refuse a compliance with exorbitant demands, the confederation will answer; that this is a point of which they have no constitutional liberty to judge. Such a refusal would be an exertion of power, not of right, and the same power which could disregard a requisition made on the authority of the confederation, might at any time arrest the collection of the duty.

The same kind of responsibility which exists with respect to the expenditure of the money furnished in the forms hitherto practised, would be equally applicable to the revenue from the imports.

The truth is, the security intended to the general liberty in the confederation, consists in the frequent election, and in the rotation of the members of congress, by which there is a constant and an effectual check upon them. This is the security which the people in every state enjoy against the usurpations of their internal governments, and it is the true source of security in a representative republic. The government, so constituted, ought to have

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

the means necessary to answer the end of its institution. By weakening its hands too much it may be rendered incapable of providing for the interior harmony, or the exterior defence of the state.

The measure in question, if not within the letter, is within the spirit of the confederation. Congress by that, are empowered to borrow money for the use of the United States, and by implication, to concert the means necessary to accomplish the end. But without insisting upon this argument, if the confederation has not made proper provision for the exigencies of the states, it will be at all times the duty of congress to suggest further provisions; and when their proposals are submitted to the unanimous consent of the states, they can never be charged with exceeding the bounds of their trust. Such a consent is the basis and sanction of the confederation, which expressly, in the 13th article, empowers congress to agree to and propose such additional provisions.

The remarks hitherto made, have had reference principally to the future prosecution of the war. There still remains an interesting light in which the subject ought to be viewed.

The United States have already contracted a debt in Europe, and in this country, for which their faith is pledged. The capital of this debt can only be discharged by degrees; but a fund for this purpose, and for paying the interest annually, on every principle of policy and justice, ought to be provided. The omission will be the deepest ingratitude and cruelty to a large number of meritorious individuals, who, in the most critical periods of the war, have adventured their fortunes in support of our independence. It would stamp the national character with indelible disgrace.

An annual provision for the purpose will be too precarious. If its continuance and application were certain, it would not afford complete relief. With many, the regular payment of interest, by occasional grants, would suffice, but with many more it would not. These want the use of the principal itself, and they have a right to it; but since it is not in our power to pay off the principal, the next expedient is to fund the debt and render the evidences of it negotiable.

Besides the advantage to individuals from this arrangement, the active stock of the nation would be increased by the whole amount of the domestic debt, and of course the abilities of the community to contribute to the public wants; the national credit would revive and stand hereafter on a secure basis.

This was another object of the proposed duty.

If it be conceded that a similar fund is necessary, it can hardly be disputed that the one recommended is the most eligible. It has been already shown that it affects all parts of the community in proportion to their consumption, and has therefore the best pretensions to equality. It is the most agreeable tax to the people that can be imposed, because it is paid insensibly and seems to be voluntary.

It may perhaps be imagined that it is unfavorable to commerce, but the contrary can easily be demonstrated. It has been

seen that it does not diminish the profit of the merchant, and, of course, can be no diminution of his inducements to trade. It is too moderate in its amount to discourage the consumption of imported goods, and cannot on that account abridge the extent of importations. If it even had this effect, it would be an advantage to commerce by lessening the proportion of our imports to our exports, and inclining the balance in favor of this country.

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

The principal thing to be consulted for the advancement of commerce, is to promote exports. All impediments to these, either by way of prohibition or by increasing the prices of native commodities, decreasing by that means their sale and consumption at foreign markets, are injurious. Duties on exports have this operation. For the same reason, taxes on possessions and the articles of our own growth or manufacture, whether in the form of a land tax, excise, or any other, are more hurtful to trade than impost duties. The tendency of all such taxes is to increase the prices of those articles which are the objects of exportation, and to enable others to undersell us abroad. The farmer, if he pays a heavy land tax, must endeavor to get more for the products of his farm: the mechanic and laborer, if they find the necessaries of life grow dearer by an excise, must endeavor to exact higher wages; and these causes will produce an increase of prices within, and operate against foreign commerce.

It is not, however, to be inferred that the whole revenue ought to be drawn from imports: all extremes are to be rejected. The chief thing to be attended to is, that the weight of the taxes fall not too heavily, in the first instance, upon particular parts of the community. A judicious distribution to all kinds of taxable property, is a first principle in taxation. The tendency of these observations is only to show, that taxes on possessions, on articles of our own growth and manufacture, are more prejudicial to trade than duties on imports.

The observations which conclude the letter on which these remarks are made, naturally lead to reflections that deserve the serious attention of every member of the union. There is a happy mean between too much confidence and excessive jealousy, in which the health and prosperity of a state consist. Either extreme is a dangerous vice; the first is a temptation to men in power to arrogate more than they have a right to; the latter enervates government, prevents system in the administration, defeats the most salutary measures, breeds confusion in the state, disgusts and discontents among the people, and may eventually prove as fatal to liberty as the opposite temper.

It is certainly pernicious to leave any government in a situation of responsibility disproportioned to its power.

The conduct of the war is intrusted to congress, and the public expectation turned upon them, without any competent means at their command to satisfy the important trust. After the most full and solemn deliberation, under a collective view of all the public difficulties, they recommend a measure which appears to them the corner stone of the public safety: they see this measure suspended for near two years—partially complied

Answer to the objections of Rhode Island, concerning a duty on imports and prize goods.

with by some of the states; rejected by one of them, and in danger on that account to be frustrated; the public embarrassments every day increasing; the dissatisfaction of the army growing more serious; the other creditors of the public clamoring for justice; both irritated by the delay of measures for their present relief or future security; the hopes of our enemies encouraged to protract the war; the zeal of our friends depressed by an appearance of remissness and want of exertion on our part; congress harassed; the national character suffering, and the national safety at the mercy of events.

This state of things cannot but be extremely painful to congress, and appear to your committee to make it their duty to be urgent to obviate the evils with which it is pregnant."

Resolved, That congress agree to the said report.

FRIDAY, APRIL 30, 1784.

Congress took into consideration the report of a committee, consisting of Mr. Gerry, Mr. Reed, Mr. Williamson, Mr. Chase, and Mr. Jefferson, to whom were referred sundry letters and papers relative to commercial matters; and the following paragraph being under debate:

Proposition to vest congress with power to restrain commerce, except in American vessels, &c.

That it be recommended to the legislatures of the several states to vest the United States in congress assembled, for the term of fifteen years, with a power to prohibit any goods, wares, or merchandise, from being imported into any of the states, except in vessels belonging to, and navigated by, citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of commerce.

A motion was made by Mr. Howell, seconded by Mr. Ellery, to postpone the consideration thereof, in order to take up the following:

Substitute of Mr. Howell, of Rhode Island, to recommend the states to exercise that power, &c.

That it be recommended to the legislatures of the several states, to restrain by imposts or prohibitions, any goods, wares, or merchandise, from being imported into them respectively, except in vessels belonging to, and navigated by, citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of commerce, or the subjects of such foreign powers as may admit of a reciprocity in their trade with the citizens of these states.—That it be recommended to the legislatures of the several states, to prohibit the subjects of any foreign state, kingdom, or empire, from importing into them respectively, any goods, wares, or merchandise, unless such as are the produce or manufacture of that state, kingdom, or empire, whose subjects they are.

And on the question to postpone, for the purpose abovementioned, the yeas and nays being required by Mr. Ellery:

New Hampshire,	Mr. Foster	no	}	no
	Mr. Blanchard	no		
Massachusetts,	Mr. Gerry	no	}	no
	Mr. Partridge	no		
Rhode Island,	Mr. Ellery	ay	}	ay
	Mr. Howell	ay		
Connecticut,	Mr. Sherman	no	}	divided
	Mr. Wadsworth	ay		
New York,	Mr. De Witt	no	}	no
	Mr. Paine	no		

New Jersey,	Mr. Beatty	no	} no
	Mr. Dick	no	
Pennsylvania,	Mr. Mifflin	no	} no
	Mr. Montgomery	no	
Maryland,	Mr. Stone	no	} no
	Mr. Chase	no	
	Mr. Mercer	no	
Virginia,	Mr. Monroe	no	} no
North Carolina,	Mr. Williamson	no	
	Mr. Spaight	no	} no
South Carolina,	Mr. Read	no	

Mr. Howell's substitute negatived.

So it passed in the negative.

The report being amended, was agreed to as follows:

The trust reposed in congress renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States. The situation of commerce at this time claims the attention of the several states, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the success thereof; for it is the constant source of wealth and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Reasons for vesting powers in congress to regulate commerce, &c.

Already has Great Britain adopted regulations destructive of our commerce with her West India islands. There was reason to expect that measures so unequal and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce; but their powers on this head are not explicit, and the propositions made by the legislatures of the several states, render it necessary to take the general sense of the union on this subject.

Unless the United States in congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without these, our foreign commerce must decline and eventually be annihilated. Hence it is necessary that the states should be explicit, and fix on some effectual mode by which foreign commerce not founded on principles of equality may be restrained.

That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it hereby is recommended to the legislatures of the several states to vest the United States in congress assembled, for the term of fifteen years, with power to prohibit any goods, wares, or merchandise, from being imported into or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of commerce.

Recommendation to the states to vest congress with power to restrain importations by foreigners, &c. with whose sovereign there is no treaty of commerce, &c.

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom, or empire, unless authorised by treaty, from importing into the United

States any goods, wares, or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Provided, That to all acts of the United States in congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary.

FRIDAY, MARCH 3, 1786.

The committee, consisting of Mr. Kean, Mr. Gorham, Mr. Pinckney, Mr. Smith, and Mr. Grayson, to whom were recommended sundry papers and documents relative to commerce, and the acts passed by the states in consequence of the recommendations of congress of the 30th April, 1784, report—

Report of the acts of the several states on the recommendations of congress concerning the regulation of commerce, &c.

That in examining the laws passed by the states, in consequence of the act of 30th April, 1784, they find that four states, namely, Massachusetts, New York, New Jersey, and Virginia, have enacted laws conformable to the recommendations contained in the act, but have restrained their operation, until the other states shall have substantially complied.

That three states, namely, Connecticut, Pennsylvania, and Maryland, have passed laws conforming to the same, but have determined the time from which they are to commence; the first from the time of passing their act in May, 1785; and the two latter from the 30th April, 1784.

That New Hampshire, by an act passed the 23d June, 1785, has granted full powers to regulate their trade, by restrictions or duties, for fifteen years, with a proviso that the law shall be suspended until the other states have substantially done the same.

That Rhode Island, by acts passed in February and October, 1785, has granted power for the term of twenty-five years, to regulate trade between the respective states, and of prohibiting, restraining, or regulating, the importation only of all foreign goods in any ships or vessels other than those owned by citizens of the United-States, and navigated by a certain proportion of citizens; and also with a proviso restrictive of its operation until the other states shall have substantially complied.

That North Carolina, by an act passed the 2d June, 1784, has granted powers similar to those granted by Rhode Island, relative to foreign commerce, but unrestrained in duration and clogged with a clause, that when all the states shall have substantially complied therewith, it shall become an article of confederation and perpetual union.

That they cannot find that the three other states, namely, Delaware, South Carolina, and Georgia, have passed any laws in consequence of the recommendations. The result is, that four states have fully complied; three others have also complied, but have determined the time of commencement, so that there will be a dissimilarity in the duration of the power granted; that three other states have passed laws in pursuance of the recommendations, but so inconsonant to them, both in letter and spirit, that they cannot be deemed compliances; and that three other states have passed no acts whatever.

That although the powers to be vested by the recommendations, do not embrace every object which may be necessary in a well formed system, yet, as many beneficial effects may be expected from them, the committee think it the duty of congress again to call the attention of the states to this subject; the longer delay of which must be attended with very great evils; whereupon,

Resolved, That the recommendations of the 30th April, 1784, be again presented to the view of the states of Delaware, South Carolina, and Georgia, and that they be most earnestly called upon to grant powers conformable thereto.

Resolved, That the states of New Hampshire, Rhode Island, and North Carolina, be solicited to reconsider their acts, and to make them agreeable to the recommendations of the 30th April, 1784.

Resolved, That the time for which the power under the recommendations of the 30th April, 1784, is to continue, ought to commence on the day that congress shall begin to exercise it; and that it be recommended to the states of Pennsylvania, Connecticut, and Maryland, to amend their acts accordingly.

FRIDAY, SEPTEMBER 29, 1786.

The delegates for Georgia laid before congress an act of that state, in pursuance of the recommendations of the 30th April, 1784, passed the 2d of August, 1786, vesting the United States in congress assembled, for the term of fifteen years, commencing on the day congress shall begin to exercise the powers, with a power to prohibit the importation or exportation of goods, wares, or merchandise, in ships belonging to, or navigated by, subjects of powers with whom the United States shall not have formed treaties of commerce, and to prohibit the subjects of foreign states, unless authorised by treaty, from importing goods, wares, or merchandise, which shall not be the produce or manufacture of the dominion of the sovereign whose subjects they are; provided that nine states agree in the exercise of this power, and that it do not extend to prohibit the importation of negroes, and that the act shall not have force until the other twelve states have substantially complied with the recommendation above mentioned.

MONDAY, OCTOBER 23, 1786.

The committee, consisting of Mr. Pinckney, Mr. Smith, and Mr. Henry, to whom was referred an act of the legislature of the state of Georgia, passed in consequence of the resolutions of the 30th April, 1784, respecting commerce, and the subject of the said recommendation, having reported—

“That it appears by the said resolutions, the United States in congress assembled recommended to the legislatures of the several states, to vest them, for the term of fifteen years, with powers to prohibit any goods, wares, or merchandise, from being imported into, or exported from, any of the states, in vessels belonging to, or navigated by, the subjects of any power with

Further recommendations to certain states concerning power to regulate commerce, &c.

Congress empowered by Georgia to regulate commerce, &c.

Report on the acts of the several states that empowered congress to regulate commerce, &c.

Report on the
acts of the se-
veral states
that empow-
ered congress
to regulate
commerce,
&c.

whom these states shall not have formed treaties of commerce: that they also recommended to the legislatures of the said states, to vest the United States in congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom, or empire, unless authorised by treaty, from importing into the United States any goods, wares, or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are: provided, that to all acts of the United States in congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary. The committee have carefully examined the acts passed by the several states, in pursuance of the above recommendation, and find, that the state of Delaware has passed an act in full compliance with the same: that the acts of the states of Massachusetts, Rhode Island, New York, New Jersey, Virginia, and Georgia, are in conformity to the said recommendation, but restrained in their operation until the other states should have granted powers equally extensive: that the states of Connecticut, Pennsylvania, and Maryland, have passed laws agreeable to the said resolution, but have fixed the time at which the powers thereby invested shall begin to operate, and not left the same to commence at the time at which congress shall begin to exercise it, which your committee conceive to have been the intention of the same: that South Carolina, by an act passed the 11th March, 1786, has invested the United States in congress assembled, with the power of regulating the trade of the United States with the West Indies, and all other external or foreign trade of the said states, for the term of fifteen years from the passing of the said act: that New Hampshire, by their act of the 23d of June, 1785, invested the United States in congress assembled, with the full power of regulating trade for fifteen years, by restrictions or duties, with a proviso suspending its operation until all the other states shall have done the same: that North Carolina, by their act of the 2d of June, 1784, has authorised their delegates to agree to and ratify an article or articles by which congress shall be empowered to prohibit the importation of all foreign goods, in any other than vessels owned by citizens of the United States, or navigated by such a proportion of seamen, citizens of the United States, as may be agreed to by congress, which, when agreed to by all the states, shall be considered as a part of the articles of confederation and perpetual union. From the above review of the acts passed by the several states, in consequence of the said recommendation, it appears that, though in order to make the duration of the powers equal, it will be necessary for the states of Connecticut, Pennsylvania, Maryland, and South Carolina, so far to amend their acts as to permit the authorities therein granted to commence their operation at the time congress shall begin to exercise them, yet still the powers granted by them and by the states of Massachusetts, Rhode Island, New York, New Jersey, Delaware, Virginia, and Georgia, are otherwise in such compliance with the recommendation, that if the states of New Hampshire and North Carolina had conformed their acts to the said resolution,

agreeable to the urgent recommendation of congress, of the 3d of March last, the powers therein requested might immediately begin to operate. The committee, however, are of opinion, that the acts of the states of New Hampshire and North Carolina, manifest so liberal a disposition to grant the necessary powers upon this subject, that their not having complied with the recommendation of March last, must be attributed to other reasons than a disinclination in them to adopt measures similar to those of their sister states. The committee, therefore, conceive it unnecessary to detail to them the situation of our commerce, languishing under the most ruinous restrictions in foreign ports, or the benefits which must arise from the due and equal use of powers competent to its protection and support, by that body which can alone beneficially, safely, and effectually, exercise the same."—whereupon,

Resolved, That it be again earnestly recommended to the legislatures of the states of New Hampshire and North Carolina, at their next session, to reconsider their acts, and pass them in such conformity with the resolutions of the 30th April, 1784, as to enable, on their part, the United States in congress assembled to exercise the powers thereby invested, as soon as possible.

Resolved, That as the extent and duration of the powers to be exercised by the United States in congress assembled, under the recommendation above mentioned, ought to be equal, it be recommended to the legislatures of Connecticut, Pennsylvania, Maryland, and South Carolina, so far to amend their acts as to vest the powers therein contained for the term of fifteen years, from the day on which congress shall begin to exercise the same.

WEDNESDAY, JULY 13, 1785.

Congress took into consideration the report of a committee, consisting of Mr. Monroe, Mr. Spaight, Mr. Houstoun, Mr. Johnson, and Mr. King, on a motion of Mr. Monroe, for vesting the United States in congress assembled, with the power of regulating trade; and the same being read;

Ordered, That it be referred to a committee of the whole.

Congress was then resolved into a committee of the whole.

Mr. Holten was elected to the chair.

The president resumed the chair, and Mr. Holten reported that the committee of the whole have had under consideration the subject referred to them, but not having come to a conclusion, desire leave to sit again to-morrow.

Resolved, That leave be granted.

[The following is the report referred to. It was afterwards farther considered; but congress did not come to any final determination with respect to the constitutional alteration which it proposed. It was deemed most adviseable, at the time, that any proposition for perfecting the act of confederation should originate with the state legislatures.]

The committee, consisting of Mr. Monroe, Mr. Spaight, Mr. Houstoun, Mr. Johnson, and Mr. King, to whom was referred the motion of Mr. Monroe, submit the following report:

That the first paragraph of the ninth of the articles of confederation be altered, so as to read thus, viz.

Report on Mr. Monroe's motion for vesting congress with the power of regulating trade.

“The United States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances—of regulating the trade of the states, as well with foreign nations, as with each other, and of laying such impost and duties, upon imports and exports, as may be necessary for the purpose; provided, that the citizens of the states shall in no instance be subjected to pay higher imposts and duties, than those imposed on the subjects of foreign powers; provided also, that the legislative power of the several states, shall not be restrained from prohibiting the importation or exportation of any species of goods or commodities whatsoever; provided also, that all such duties as may be imposed, shall be collected under the authority and accrue to the use of the state, in which the same shall be payable; and provided lastly, that every act of congress for the above purpose, shall have the assent of nine states in congress assembled—of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated, of granting letters of marque and reprisal in time of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed judge of any of the said courts.”

That the following letter be addressed to the legislatures of the several states, showing the principles on which the above alteration is proposed:

The United States having formed treaties of commerce with the most christian king, the king of Sweden, and the states general of the United Netherlands; and having appointed ministers with full authority to enter into treaties with other powers, upon such principles of reciprocity, as may promote their peace, harmony, and respective interests, it becomes necessary that such internal arrangements should be made, as may strictly comport with the faith of those treaties, and ensure success to their future negotiations. But in the pursuit of the means necessary for the attainment of these ends, considerable difficulties arise. If the legislature of each state adopts its own measures, many and very eminent disadvantages must, in their opinion, necessarily result therefrom. They apprehend it will be difficult for thirteen different legislatures, acting separately and distinctly, to agree in the same interpretation of a treaty, to take the same measures for carrying it into effect, and to conduct their several operations upon such principles as to satisfy those powers, and at the same time preserve the harmony and interests of the union: or to concur in those measures which may be necessary to counteract the policy of those powers with whom they shall not be able to form commercial treaties, and who avoid it merely from an opinion of their imbecility and indecision. And if the several states levy different duties upon

their particular produce, exported to the ports of those powers, or upon the produce and manufactures of those powers imported into each state, either in vessels navigated by and belonging to the citizens of these states, or the subjects of those powers, it will, they apprehend, induce, on their part, similar discriminations in the duties upon the commercial intercourse with each state, and thereby defeat the object of those treaties, and promote the designs of those who wish to profit from their embarrassment. Unless the United States in congress assembled, are authorised to make those arrangements which become necessary under their treaties, and are enabled to carry them into effect, they cannot complain of a violation of them on the part of other powers. And unless they act in concert, in the system of policy, which may be necessary to frustrate the designs of those powers who lay injurious restraints on their trade, they must necessarily become the victims of their own indiscretion.

Report on Mr. Monroe's motion for vesting congress with the power of regulating trade.

The common principle upon which a friendly commercial intercourse is conducted between independent nations, is that of reciprocal advantages; and if this is not obtained, it becomes the duty of the losing party to make such farther regulations, consistently with the faith of treaties, as will remedy the evil, and secure its interests. If then the commercial regulations of any foreign power, contravene the interests of any particular state, if they refuse admittance to its produce into its ports, upon the same terms that the state admits its manufactures here, what course will it take to remedy the evil? If it makes similar regulations to counteract those of that power, by reciprocating the disadvantages which it feels, by impost or otherwise, will it produce the desired effect? What operation will it have upon the neighboring states? Will they enter into similar regulations, and make it a common cause? On the contrary, will they not, in pursuit of the same local policy, avail themselves of this circumstance, to turn it to their particular advantage? Thus, then, we behold the several states taking separate measures in pursuit of their particular interests in opposition to the regulations of foreign powers, and separately aiding those powers to defeat the regulations of each other—for, unless the states act together, there is no plan of policy into which they can separately enter, which they will not be separately interested to defeat, and of course all their measures must prove vain and abortive.

The policy of each nation in its commercial intercourse with other powers, is to obtain, if possible, the principal share of the carriage of the materials of either party. and this can only be effected, by laying higher duties upon imports and exports in foreign vessels, navigated by the subjects of foreign powers, than in those which belong to and are navigated by those of its own dominions. This principle prevails in a greater or less degree, in the regulations of the oldest and wisest commercial nations, with respect to each other, and will, of course, be extended to these states. Unless, therefore, they possess a reciprocal power, its operation must produce the most mischievous effects. Unable to counteract the restrictions of those powers by similar restrictions here, or to support the interests of their citizens by

Report on Mr. Monroe's motion for vesting congress with the power of regulating trade.

discriminations in their favor, their system will prevail. Possessing no advantages in the ports of his own country, and subjected to much higher duties and restrictions in those of other powers, it will necessarily become the interest of the American merchant to ship his produce in foreign bottoms; of course their prospects of national consequence must decline, their merchants become only the agents and retailers of those of foreign powers, their extensive forests be hewn down and laid waste, to add to their strength and national resources, and the American flag be rarely seen upon the face of the seas.

But if they act as a nation, the prospect is more favorable to them. The particular interests of every state will then be brought forward, and receive a federal support. Happily for them no measures can be taken to promote the interests of either, which will not equally promote that of the whole. If their commerce is laid under injurious restrictions in foreign ports, by going hand in hand in confidence together, by wise and equitable regulations, they will the more easily sustain the inconvenience or remedy the evil. If they wish to cement the union by the strongest ties of interest and affection; if they wish to promote its strength and grandeur founded upon that of each individual state, every consideration of local as well as of federal policy, urge them to adopt the following recommendation:*

[* Alluding to the alteration proposed. See ante, p. 50.]

The situation of the commercial affairs of the union, requires that the several legislatures should come to the earliest decision on the subject, which they now submit to their consideration. They have weighed it with that profound attention which is due to so important an object, and are fully convinced of its expedience—A further delay must be productive of inconvenience. The interest which will vest in every part of the union, must soon take root and have their influence. The produce raised upon the banks of those great rivers and lakes, which have their sources high up in the interior parts of the continent, will empty itself into the Atlantic in different directions, and of course, as the states rearing to the westward attain maturity and get admission into the confederation, will their government become more complicated. Whether this will be the source of strength and wealth to the union, must, therefore, in a great degree depend upon the measures which may be now adopted.

A temporary power would not, in their opinion, enable the United States to establish the interests, nor attain the salutary object which they propose; the expectation that it will revert to the states and remain with them for the future, would lessen its weight with foreign powers; and while the interests of each state, and of the federal government, continue to be the same, the same evils will always require the same correction, and of course the necessary powers should always be lodged in the same hands. They have, therefore, thought proper to propose an efficient and perpetual remedy.

[The subject was afterwards brought forward in the house of delegates of the commonwealth of Virginia, by Mr. Madison, whose proposed resolution, and the proceedings thereupon, are annexed.]

Virginia, to wit:

IN THE HOUSE OF DELEGATES, WEDNESDAY, THE 30th OF NOVEMBER, 1785.

Mr. Alexander White reported, according to order, a resolution agreed to by the committee of the whole house on Monday last, respecting commerce; and he read the same in his place, and afterwards delivered it in at the clerk's table, where the same was again read, and is as followeth:

Mr. Madison's resolution for empowering congress to regulate trade.

Whereas the relative situation of the United States has been found on trial to require uniformity in their commercial regulations, as the only effectual policy, for obtaining in the ports of foreign nations a stipulation of privileges reciprocal to those enjoyed by the subjects of such nations in the ports of the United States, for preventing animosities which cannot fail to arise among the several states from the interference of partial and separate regulations; and whereas such uniformity can be best concerted and carried into effect by the federal councils, which, having been instituted for the purpose of managing the interests of the states in cases which cannot so well be provided for by measures individually pursued, ought to be invested with authority in this case, as being within the reason and policy of their institution:

Resolved, That it is the opinion of this committee, that the delegates representing this commonwealth in congress, be instructed to propose in congress a recommendation to the states in union, to authorise that assembly to regulate their trade, on the following principles, and under the following qualifications:

1st. That the United States in congress assembled, be authorised to prohibit vessels belonging to any foreign nation from entering any of the ports thereof, or to impose any duties on such vessels and their cargoes which may be judged necessary; all such prohibitions and duties to be uniform throughout the United States, and the proceeds of the latter to be carried into the treasury of the state within which they shall accrue:

2d. That no state be at liberty to impose duties on any goods, wares, or merchandise, imported by land or by water from any other state, but may altogether prohibit the importation from any state of any particular species or description of goods, wares, or merchandise, of which the importation is at the same time prohibited from all other places whatsoever.

3d. That no act of congress that may be authorised, as hereby proposed, shall be entered into by less than two-thirds of the confederated states, nor be in force longer than thirteen years.

A motion was made, and the question being put to amend the resolution by adding to the end thereof the following words, to wit: "unless continued by a like proportion of votes within one year immediately preceding the expiration of the said period, or be revived in like manner after the expiration thereof:" it passed in the negative, ayes 28, noes 79.

On a motion made by Mr. Turberville and seconded by Mr. Watkins,

Ordered, That the names of the ayes and noes, on the question to agree to the said amendment, be inserted in the journal.

Proceedings
of Mr. Madison's
resolution for em-
powering con-
gress to regu-
late trade.

And then the said resolution being again read, was, on the question put thereupon, agreed to by the house.

Ordered, That Mr. Alexander White do carry the resolution to the senate, and desire their concurrence.

THURSDAY, THE 1st OF DECEMBER, 1785.

On a motion made to the following effect: that the resolution reported from a committee of the whole house, and agreed to by the house on yesterday, containing instructions to the delegates of this commonwealth in congress, respecting commerce, does not, from a mistake, contain the sense of the majority of this house that voted for the said resolutions;

Ordered, therefore, That the direction to send the said resolution to the senate for their concurrence be rescinded, and that this house do immediately resolve itself into a committee of the whole house, to reconsider the said resolution.

It was resolved in the affirmative, ayes 60, noes 33.

The house then accordingly resolved itself into a committee of the whole house on the said resolution, and, after some time spent therein, Mr. Speaker resumed the chair, and Mr. Matthews reported that the said committee had, according to order, had the said resolution under their consideration, and had made several amendments thereto, which they had directed him to report when the house should think proper to receive the same.

Ordered, That the said report do lie on the table.

[With the same object in view, the general assembly of Virginia eventually pursued a different course to attain it, as will be seen by the subjoined resolution.]

Virginia, ss.

IN THE HOUSE OF DELEGATES, JANUARY 21st, 1786,

Proposition of
the general as-
sembly of Vir-
ginia, for a
convention of
commission-
ers from the
states, to con-
sider of mea-
sures necessa-
ry to enable
congress to re-
gulate trade.

Resolved, That Edmund Randolph, James Madison, junior, Walter Jones, Saint George Tucker, Meriwether Smith, David Ross, William Ronald, and George Mason, esquires, be appointed commissioners, who, or any five of whom, shall meet such commissioners as may be appointed by the other states in the union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situations and trade of the said states; to consider how far an uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony, and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in congress assembled, effectually to provide for the same: that the said commissioners shall immediately transmit to the several states copies of the preceding resolution, with a circular letter requesting their concurrence therein, and proposing a time and place for the meeting aforesaid.

Test,

JOHN BECKLEY, C. H. D.

1786, January 21st,

Agreed to by the senate.

H. BROOKE, C. S.

By his excellency, Patrick Henry, esquire, governor of the commonwealth of Virginia, it is hereby certified that John Beckley, the person subscribing the above resolve, is clerk of the house of delegates, and that due faith and credit is, and ought to be, paid to all things done by him by virtue of his office. Given under my hand as governor, and under the seal of the commonwealth, at Richmond, the 6th day of July, 1786.

P. HENRY.

[Certain other of the states came readily into the measure proposed, and a meeting of commissioners took place at Annapolis, whose proceedings are stated in the following report:]

ANNAPOLIS, IN THE STATE OF MARYLAND,

September 11, 1786.

At a meeting of commissioners from the states of New York, New Jersey, Pennsylvania, Delaware, and Virginia:

PRESENT,

NEW YORK.
Alexander Hamilton,
Egbert Benson.

NEW JERSEY.
Abraham Clarke,
William C. Houston,
James Schureman.

PENNSYLVANIA.
Tench Coxe.

DELAWARE.
George Read,
John Dickinson.
Richard Bassett.

VIRGINIA.
Edmund Randolph,
James Madison, jun.
Saint George Tucker.

Proceedings of commissioners from certain states, assembled at Annapolis, in September, 1786, to consider of the best means of remedying the defects of the federal government.

Mr. Dickinson was unanimously elected chairman.

The commissioners produced their credentials from their respective states, which were read.

After a full communication of sentiments, and deliberate consideration of what would be proper to be done by the commissioners now assembled, it was unanimously agreed, that a committee be appointed to prepare a draught of a report to be made to the states having commissioners attending at this meeting.

Adjourned till Wednesday morning.

WEDNESDAY, SEPTEMBER 13, 1786.

Met agreeable to adjournment.

The committee appointed for that purpose, reported the draught of the report, which being read, the meeting proceeded to the consideration thereof; and after some time spent therein, adjourned till to-morrow morning.

THURSDAY, SEPTEMBER 14, 1786.

Met agreeable to adjournment.

The meeting resumed the consideration of the draught of the report, and after some time spent therein, and amendments made, the same was unanimously agreed to, and is as follows; to wit:

To the honorable the legislatures of Virginia, Delaware, Pennsylvania, New-Jersey, and New York, the commissioners from the said states, respectively, assembled at Annapolis, humbly beg leave to report:

That, pursuant to their several appointments, they met at Annapolis, in the state of Maryland, on the 11th day of Septem-

Proceedings of
commissioners
from certain
states, assembled
at Annapolis, in
September, 1786,
to consider of
the best means
of remedying
the defects of
the federal
government.

ber instant, and having proceeded to a communication of their powers, they found that the states of New York, Pennsylvania, and Virginia, had, in substance, and nearly in the same terms, authorised their respective commissioners "to meet such commissioners as were or might be appointed by the other states in the union, at such time and place as should be agreed upon by the said commissioners, to take into consideration the trade and commerce of the United States, to consider how far an uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony, and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, would enable the United States in congress assembled effectually to provide for the same."

That the state of Delaware had given similar powers to their commissioners, with this difference only, that the act to be framed in virtue of these powers, is required to be reported "to the United States in congress assembled, to be agreed to by them, and confirmed by the legislatures of every state."

That the state of New Jersey had enlarged the object of their appointment, empowering their commissioners, "to consider how far an uniform system in their commercial regulations and other important matters, might be necessary to the common interest and permanent harmony of the several states;" and to report such an act on the subject, as, when ratified by them, "would enable the United States in congress assembled, effectually to provide for the exigencies of the union."

That appointments of commissioners have also been made by the states of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom, however, have attended; but that no information has been received by your commissioners, of any appointment having been made by the states of Connecticut, Maryland, South Carolina, or Georgia.

That the express terms of the powers to your commissioners supposing a deputation from all the states, and having for object the trade and commerce of the United States, your commissioners did not conceive it advisable to proceed on the business of their mission under the circumstance of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, your commissioners cannot forbear to indulge an expression of their earnest and unanimous wish, that speedy measures may be taken to effect a general meeting of the states, in a future convention, for the same and such other purposes, as the situation of public affairs may be found to require.

If, in expressing this wish, or in intimating any other sentiment, your commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence, that a conduct, dictated by an anxiety for the welfare of the United States, will not fail to receive an indulgent construction.

In this persuasion, your commissioners submit an opinion, that the idea of extending the powers of their deputies to other

objects than those of commerce, which has been adopted by the state of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future convention: they are the more naturally led to this conclusion, as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the federal system.

Proceedings of commissioners from certain states, assembled at Annapolis, in September, 1786, to consider of the best means of remedying the defects of the federal government.

That there are important defects in the system of the federal government, is acknowledged by the acts of all those states which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterise the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and councils of all the states. In the choice of the mode, your commissioners are of opinion, that a convention of deputies from the different states, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference from considerations which will occur without being particularized.

Your commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future convention, with more enlarged powers, is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are, however, of a nature so serious, as, in the view of your commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the confederacy.

Under this impression, your commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the union, if the states, by whom they have been respectively delegated, would themselves concur, and use their endeavors to procure the concurrence of the other states in the appointment of commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the union; and to report such an act for that purpose to the United States in congress assembled, as, when agreed to by them, and afterwards confirmed by the legislatures of every state, will effectually provide for the same.

Proceedings of commissioners from certain states, assembled at Annapolis, in September, 1786, to consider of the best means of remedying the defects of the federal government.

Though your commissioners could not with propriety address these observations and sentiments to any but the states they have the honor to represent, they have nevertheless concluded, from motives of respect, to transmit copies of this report to the United States in congress assembled, and to the executives of the other states.

By order of the commissioners.

Dated at Annapolis, September 14th, 1786.

Resolved, That the chairman sign the foregoing report in behalf of the commissioners.

Then adjourned without day.

NEW YORK.

Egbert Benson,
Alexander Hamilton.

NEW JERSEY.

Abra. Clark,
Wm. Ch. Houston,
James Schureman.

PENNSYLVANIA.

Tench Coxe.

DELAWARE.

George Read,
John Dickinson,
Richard Bassett.

VIRGINIA.

Edmund Randolph,
James Madison, jun.
St. George Tucker.

IN CONGRESS. WEDNESDAY, FEBRUARY 21, 1787.

Report on the proceedings of the commissioners assembled at Annapolis, in September, 1786, for remedying the defects of the federal government.

The report of a grand committee, consisting of Mr. Dane, Mr. Varnum, Mr. S. M. Mitchell, Mr. Smith, Mr. Cadwallader, Mr. Irvine, Mr. N. Mitchell, Mr. Forrest, Mr. Grayson, Mr. Blount, Mr. Bull, and Mr. Few, to whom was referred a letter of 14th September, 1786, from J. Dickinson, written at the request of commissioners from the states of Virginia, Delaware, Pennsylvania, New Jersey, and New York, assembled at the city of Annapolis, together with a copy of the report of the said commissioners, to the legislatures of the states by whom they were appointed, being an order of the day, was called up, and which is contained in the following resolution, viz.

Congress having had under consideration the letter of John Dickinson, esq. chairman of the commissioners, who assembled at Annapolis, during the last year; also the proceedings of the said commissioners, and entirely coinciding with them, as to the inefficiency of the federal government, and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the union, do strongly recommend to the different legislatures to send forward delegates, to meet the proposed convention, on the second Monday in May next, at the city of Philadelphia.

Proposition on the part of the delegates of New York for amending the articles of confederation.

The delegates for the state of New York, thereupon laid before congress instructions which they had received from their constituents, and in pursuance of the said instructions, moved to postpone the farther consideration of the report in order to take up the following proposition, viz.

“That it be recommended to the states composing the union, that a convention of representatives from the said states respectively, be held at—on—for the purpose of revising the articles of confederation and perpetual union between the United States of America, and reporting to the United States in congress assembled, and to the states respectively, such al-

terations and amendments of the said articles of confederation, as the representatives met in such convention, shall judge proper and necessary to render them adequate to the preservation and support of the union."

On the question to postpone, for the purpose abovementioned, the yeas and nays being required by the delegates for New York:

Massachusetts,	Mr. King	ay	} ay	
	Mr. Dane	ay		
Connecticut,	Mr. Johnson	ay	} divided	
	Mr. S. Mitchell	no		
New York,	Mr. Smith	ay	} ay	
	Mr. Benson	ay		
New Jersey,	Mr. Cadwallader	ay	} no	
	Mr. Clark	no		
Pennsylvania,	Mr. Schureman	no	} no	
	Mr. Irvine	no		
	Mr. Meredith	ay		
Delaware,	Mr. Bingham	no	} no	
	Mr. N. Mitchell	no		
Maryland,	Mr. Forrest	no	} ay	
Virginia,	Mr. Grayson	ay		
North Carolina,	Mr. Madison	ay	} no	
	Mr. Blount	no		
South Carolina,	Mr. Hawkins	no	} no	
	Mr. Bull	no		
	Mr. Kean	no		
	Mr. Huger	no		
Georgia,	Mr. Parker	no	} no	
	Mr. Few	ay		} divided
	Mr. Pierce	no		

Proposition of the New York delegates lost.

So the question was lost.

A motion was then made by the delegates for Massachusetts, to postpone the farther consideration of the report, in order to take into consideration a motion which they read in their place; this being agreed to, the motion of the delegates for Massachusetts was taken up, and being amended, was agreed to as follows:

Motion of the delegates of Massachusetts, for a convention to amend the articles of confederation, &c. agreed to.

Whereas there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a congress of the United States, and of the legislatures of the several states; and whereas experience hath evinced, that there are defects in the present confederation, as a mean to remedy which, several of the states, and particularly the state of New York, by express instructions to their delegates in congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable mean of establishing in these states a firm national government,

Resolved, That in the opinion of congress, it is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.

Convention to be held in Philadelphia, on the second Monday in May, 1787.

FRIDAY, SEPTEMBER 28, 1787.

Congress having received the report of the convention lately assembled in Philadelphia, in the words following:*

[*See the constitution annexed, page 60.]

New constitution to be submitted to state conventions.

Resolved unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

SATURDAY, SEPTEMBER 13, 1788.

On the question to agree to the following proposition, it was resolved in the affirmative by the unanimous votes of nine states, viz. of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Georgia.

The new constitution declared to be ratified.

Whereas the convention assembled in Philadelphia, pursuant to the resolution of congress of the 21st February, 1787, did, on the 17th of September in the same year, report to the United States in congress assembled, a constitution for the people of the United States; whereupon, congress, on the 28th of the same September, did resolve unanimously. "that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case;" and whereas the constitution so reported by the convention, and by congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by congress, and are filed in the office of the secretary; therefore,

Federal government to go into operation on the 4th of March, 1789.

Resolved, That the first Wednesday in January next, be the day for appointing electors in the several states, which before the said day shall have ratified the said constitution; that the first Wednesday in February next, be the day for the electors to assemble in their respective states, and vote for a president; and that the first Wednesday in March next, be the time, and the present seat of congress* the place, for commencing proceedings under the said constitution.

[*New York.]

CHAPTER 4.

CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE 1.

SECTION 1.

Legislative powers vested in congress.

1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

House of representatives; its members; by whom chosen; qualifications of electors.

2. No person shall be a representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

A representative to be aged 25; seven years a citizen of the United States, and an inhabitant of his state when elected.

3. Representatives and direct taxes shall be apportioned among the several states, which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

Representatives and taxes to be apportioned according to numbers.

Actual enumeration every ten years.

Limitation of the ratio of representation, &c.

First apportionment of representatives.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Writs of election for filling vacancies.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

The house of representatives to choose their speaker, &c.

Two senators chosen by the legislature of each state, for 6 years; each a vote.

SECTION 3.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.*

[* See article 5, clause 1.]

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The senate divided into three classes.

One third of the senatorial seats vacated and filled every two years.

Executives of states to fill vacancies in the recess of legislatures, &c.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the

A senator aged 30; nine years a citizen

of the United States, and an inhabitant of his state when chosen.

Vice president to be president of the senate; to vote on an equal division only.

The senate to choose their president pro tempore, &c.

The sole power to try impeachments, in the senate, &c.

Extent of judgment in cases of impeachment.

Party liable also to judgment, &c. according to law.

Times, &c. of holding elections for senators and representatives, regulated by the states or by congress. Congress to assemble annually on the first Monday in December, &c.

Each house judge of the election of its own members.

Quorum.

Each house to determine its own rules, &c.

Journals to be kept by each house, and published, &c.

Adjournment of both houses.

United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensa-

tion for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

- To borrow money.
- To regulate Commerce.
- To establish the rule of naturalization, &c.
- To coin money, &c.
- To provide for punishing counterfeiters.
- To establish post-offices, &c.
- To promote science, &c.
- To constitute inferior tribunals, &c.
- To declare war.
- To raise armies.
- To provide a navy.
- To make rules for governing army and navy.
- To provide for calling forth the militia.
- To provide for organizing the militia, &c.
- To exercise exclusive jurisdiction over a territorial district not exceeding ten miles square.
- To make all laws necessary to the execution of their powers.
2. To borrow money on the credit of the United States:
 3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:
 4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:
 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:
 6. To provide for the punishment of counterfeiting the securities and current coin of the United States:
 7. To establish post offices and post roads:
 8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:
 9. To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:
 10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:
 11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:
 12. To provide and maintain a navy:
 13. To make rules for the government and regulation of the land and naval forces:
 14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:
 15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:
 16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings:—and,
 17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

- Importation of certain persons not to be prohibited until after 1808.
1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*
- [*See art. 5, clause 1.]

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. The writ of habeas corpus recognized, &c.

3. No bill of attainder, or ex post facto law, shall be passed. No bills of attainder, or ex post facto laws.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken. Direct taxes according to census.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another. No export duty, nor preference of one state to another in commerce.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time. Money to be expended by legal appropriation only.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state. No titles of nobility can be conferred by the United States; nor can its officers accept presents, &c.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility. [See amendments, art. 18.] Powers withheld from the states individually.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. Powers which the states can exercise only under the sanction of congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE 2.

SECTION 1.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows: Executive power vested in a president, &c.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. Electors of president and vice president &c.

Meeting of
the electors of
president, &c.

Their pro-
ceedings.

3. *The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.**

[* Annulled.
See amend-
ments, art. 12.]

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president,† and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.‡

[† See sec. 9,
chap. 109,
vol. 2.]

[‡ See chap.
19, vol. 2.]

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I DO SOLEMNLY SWEAR (or affirm) THAT I WILL FAITHFULLY EXECUTE THE OFFICE OF PRESIDENT OF THE UNITED STATES, AND WILL, TO THE BEST OF MY ABILITY, PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION OF THE UNITED STATES."

The president
to take an
oath.
Form of the
oath.

SECTION 2.

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

The president is commander in chief, &c. He may require written opinions from principal executive officers.

He can reprieve and pardon.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

He may, in conjunction with the senate, make treaties, appoint ambassadors, &c.

Congress may vest certain appointments in the president alone, or otherwise.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

The president may fill vacancies during the recess of the senate.

SECTION 3.

1. He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration, such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

President to inform congress, and recommend measures; may convene and adjourn congress on certain occasions; receive ambassadors, &c. shall see the laws executed, and commission all officers of the United States. President, &c. removable on impeachment and conviction.

SECTION 4.

1. The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE 3.

SECTION 1.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Judicial power, vested in a supreme court, &c.

Judges to hold their offices during good behavior, &c. See chap. 20, vol. 2.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United

Extent of the judicial power.

Extent of the judicial power. States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.*

[* See a restriction of this provision, amendments, art. 11.]

Original and appellate jurisdiction of the supreme court.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

Trial of crimes to be by jury, &c.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

Definition of treason.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Congress to declare the punishment of treason, &c. See act of April 30th, 1790; chap. 36, vol. 2.

2. The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE 4.

SECTION 1.

Credit to be given in one state to the public acts, &c. of another, &c. See chap. 38, vol. 2; and chap. 409, vol. 3.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION 2.

Reciprocity of citizenship throughout the states.

Criminals flying from one state to another, to be delivered up on demand.

Runaway slaves, &c. to be delivered up.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

New states may be admitted into the union, &c.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Congress to have power over territory, &c. Claims of the states, &c. not to be prejudiced.

SECTION 4.

1. The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Republican form of government guaranteed to each state, &c.

ARTICLE 5.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first* and fourth* clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.†

Mode of amending this constitution.

[* Concerning the importation of certain persons, and direct taxes.]

[† See ante, art. 1, sec. 3, clause 1.]

ARTICLE 6.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Assumption of debts incurred under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

This constitution, acts of congress, and treaties, the supreme law, &c. The state judges bound thereby.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Senators, representatives, &c. bound by oath or affirmation to support this constitution. See chap. 1, v. l. 2. No religious test.

ARTICLE 7.

Ratification of
nine states
sufficient, &c.
See post.
chap. 39.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

president, and deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governour Morris.

Attest,

DELAWARE.

George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James M^cHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jun.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abraham Baldwin.

WILLIAM JACKSON, *secretary*.

IN CONVENTION,

MONDAY, SEPTEMBER 17th, 1787.

Present: the states of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Constitution
to be laid be-
fore congress,
&c.

1. *Resolved*, That the preceding constitution be laid before the United States in congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in congress assembled.

Congress to fix
a day for ap-
pointing elec-
tors of presi-
dent, &c.

2. *Resolved*, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this constitution, the United States in congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the president, and the time and place for commencing proceedings under this constitution. That after

such publication, the electors should be appointed, and the senators and representatives elected. That the electors should meet on the day fixed for the election of the president, and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the secretary of the United States, in congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for president; and, that after he shall be chosen, the congress, together with the president, should, without delay, proceed to execute this constitution.

Mode recommended for carrying the constitution into effect.

By the unanimous order of the convention,

GEORGE WASHINGTON, *president*.

WILLIAM JACKSON, *secretary*.

IN CONVENTION,

SEPTEMBER 17th, 1787.

SIR,

1. We have now the honor to submit to the consideration of the United States in congress assembled, that constitution which has appeared to us the most adviseable.

Letter from the convention that framed the constitution, to the president of congress.

2. The friends of our country have long seen and desired, that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the union: but the impropriety of delegating such extensive trust to one body of men, is evident; hence results the necessity of a different organization.

3. It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion, this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

4. In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

Letter from the convention that framed the constitution, to the president of congress.

5. That it will meet the full and entire approbation of every state, is not perhaps to be expected; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By unanimous order of the convention.

GEORGE WASHINGTON, *president.*

His excellency the president of congress.

Amendments to the constitution.

[The conventions of a number of the states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, congress, at the session begun and held at the city of New York, on Wednesday, the 4th of March, 1789, proposed to the legislatures of the several states twelve amendments, ten of which only were adopted. They are the ten first following.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE 1.

Congress prohibited from interfering with religion, with freedom of speech, of the press, and the right of petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE 2.

Right of the people to keep and bear arms, &c.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE 3.

No soldier to be quartered in any house, during peace, without consent, &c.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE 4.

No search warrant to issue, except on probable cause, oath, &c.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE 5.

No person to be held to answer for a crime, unless on presentment, &c. except in the land or naval

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled,

in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

forces, nor to answer for the same offence twice, &c.

ARTICLE 6.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Assurance of speedy and public trial by jury, &c. in criminal prosecutions.

ARTICLE 7.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Right of trial by jury in suits at common law, above the value of \$ 20, &c.

ARTICLE 8.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail, and unjust and cruel punishments, prohibited.

ARTICLE 9.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Rights enumerated, not to disparage those retained.

ARTICLE 10.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Powers not delegated, &c. are reserved to the states or people.

ARTICLE 11.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Restriction of judicial powers. [See ante, art. 3, sec. 2, clause 1.]

ARTICLE 12.*

[* See ante, art. 2, sec. 1, clause 3, page 66.]

1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representa-

Actual mode of electing the president and vice president of the United States.

Actual mode of electing the president and vice president of the United States.

[*Note.* In illustration of this amendment, see chap. 403, vol. 3.]

tives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

V Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office of emolument of any kind, &c. [See, as connected with this subject, ante, art. 1, sec. 9, clause 7, page 65.]

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[*Note.* The 11th article of the amendments to the constitution, was proposed at the second session of the third congress: the 12th article, at the first session of the eighth congress: and the 13th article, at the second session of the eleventh congress.]

CHAPTER 5.

Treaty establishing the rules of correspondence and commerce between the United States and France.

Treaties, contracts, and conventions, concluded, at different periods, between the United States of America and France, up to the year 1814.

No. 1. Treaty of amity and commerce between the United States of America and his most christian majesty.

ORIGINAL.

Treaty of amity and commerce.

ORIGINAL.

Traite d'amitié et de commerce.

THE most christian king, LE roi très chrétien, et les and the thirteen United States treize Etats Unis de l'Amérique of North America, to wit: New-Septentrionale, savoir, New Hampshire, Massachusetts Bay, Hampshire, la Baye de Massa-

Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish, between their respective countries, states, and subjects, his most christian majesty and the said United States, have judged that the said end could not be better obtained than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure, other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary, Conrad Alexander Gerard, royal *syndic* of the city of Strasbourg, secretary of his majesty's council of state; and the United States on their part, having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general congress, and president of the convention of said state; Silas Deane, late deputy from

chusset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent et de Sussex sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente les règles qui devront être suivies relativement à la correspondance et au commerce que les deux parties désirent d'établir entre leurs païs, états, et sujets respectifs, sa majesté très chrétienne et les dits États Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarras, et de mecontentemens, de laisser à chaque partie la liberté de faire, relativement au commerce et à la navigation les réglemens intérieurs qui seront à sa convenance, de ne fonder les avantages du commerce que sur son utilité réciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres nations, aux mêmes avantages. C'est dans cet esprit et pour remplir ces vuës que sa dite majesté ayant nommé et constitué pour son plénipotentiare le sieur Conrad Alexandre Gerard, *sindical* de la ville de Strasbourg, secretaire du conseil d'état de sa majesté, et les États Unis aiant, de leur côté, munis de leurs pleins pouvoirs les sieurs Benjamin Franklin, député au congrès général de la part de l'état de Pensylvanie, et président de la convention du dite etat, Silas Deane, ci-devant dé-

Treaty establishing the rules of correspondence and commerce between the United States and France.

Each party at liberty respecting interior regulations, &c. and to admit other nations to a participation of benefits.

the state of Connecticut to the said congress, and Arthur Lee, counsellor at law; the said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

Firm and inviolable peace, &c.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the most christian king, his heirs and successors, and the United States of America; and the subjects of the most christian king and of the said states; and between the countries, islands, cities, and towns, situate under the jurisdiction of the most christian king, and of the said United States, and the people and inhabitants of every degree, without exception of persons or places; and the terms herein after mentioned shall be perpetual between the most christian king, his heirs, and successors, and the said United States.

Favors of commerce & navigation, granted to other nations, to be common to the United States and France, on the same conditions.

ART. 2. The most christian king and the United States engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

The subjects of France to enjoy in the ports of the United States, in relation to duties and rights, the same benefits that are allowed to the

ART. 3. The subjects of the most christian king shall pay in the ports, havens, roads, countries, islands, cities, or towns, of the United States, or any of them, no other or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those

puté de l'état de Connecticut, et Arthur Lee, *conseiller es loix*, les dits plénipotentiaires respectifs après l'échange de leurs pouvoirs et après mure délibération ont conclu et arrêté les points et articles suivans.

ART. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère entre le roi très chrétien, ses héritiers et successeurs, et entre les États Unis de l'Amérique ainsi qu'entre les sujets de sa majesté très chrétienne et ceux des dits états, comme aussi entre les peuples, isles, villes et places situés sous la juridiction du roi très chrétien et des dits États Unis, et entre leurs peuples et habitans de toutes les classes, sans aucune exception de personnes et de lieux; les conditions mentionnées au present traité seront perpétuelles et permanentes entre le roi très chrétien, ses héritiers et successeurs, et les dits États Unis.

ART. 2. Le roi très chrétien et les États Unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie, et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

ART. 3. Le sujets du roi très chrétien ne paieront dans les ports, havres, rades, contrées, isles, citès et lieux des États Unis, ou d'aucun d'entr'eux, d'autres ni plus grands droits ou impôts. de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir, que

which the nations most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. 4. The subjects, people, and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the domination of his most christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. 5. In the above exemption is particularly comprised the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned so long as other nations the most favored shall be obliged to pay it. But it is understood that the said United States, or

ceux que les nations les plus favorisées sont, ou seront tenuës de païer; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits etats à un autre; soit en y allant ou en revenant de quelque partie ou pour quelque partie du mond que ce soit, dont les dites nations jouissent ou jouiront.

ART. 4. Les sujets, peuples et habitans des dits Etats Unis, et de chacun d'iceux, ne paieront dans les ports, havres, rades, isles, villes et places de la domination de sa majesté très chrétienne en Europe, d'autres ni plus grands droits ou impôts de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nations les plus favorisées sont, ou seront tenuës de païer, et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et commerce soit en passant d'un port à un autre des dits etats du roi très chrétien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront.

ART. 5. Dans l'exemption ci-dessus est nommément compris l'imposition de cent sous par tonneau établie en France sur les navires étrangers, si ce n'est lorsque les navires des Etats Unis chargeront des marchandises de France, dans un port de France, pour un autre port de la même domination, auquel cas les dits navires des dits Etats Unis acquitteront le droit dont il s'agit aussi long tems que les autres nations les plus favorisées seront obligées de

most favored nations.

The citizens of the United States to enjoy in the ports of France, in Europe, the benefits allowed to the most favored nations, with respect to duties and rights of trade.

Exemption of 100 sols per ton, except in the French coasting trade.

The United States at liberty to establish countervailing duties.

any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

l'acquiter. Bien entendu qu'il sera libre aux dits Etats Unis, ou à aucun d'iceux, d'établir, quand ils le jugeront à propos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les ports de sa majesté très chrétienne.

Vessels and effects belonging to citizens of the United States, to be protected in French ports, and by French ships of war, whilst in company.

ART. 6. The most christian king shall endeavor, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns, and to recover and restore to the right owners, their agents or attorneys, all such vessels and effects, which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing under his authority, shall, upon all occasions, take under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

ART. 6. Le roi très chrétien fera usage de tous les moïens qui sont en son pouvoir, pour protéger et défendre tous les vaisseaux et effets appartenants aux sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, qui seront dans ses ports, havres, ou rades, ou dans les mers près de ces pays, contrées, isles, villes et places, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux et effets qui leur seront pris dans l'entenduë de sa jurisdiction: Et les vaisseaux de guerre de sa majesté très chrétienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les vaisseaux appartenants aux sujets, peuples et habitans des dits Etats Unis ou d'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils defendront les dits vaisseaux aussi long-tems qu'ils tiendront le même cours et suivront la même route, contre toute attaque force ou violence de la même manière qu'ils sont tenus de défendre et de protéger les vaisseaux appartenans aux sujets de sa majesté très chrétienne.

French vessels and effects to be protected, &c. by the armed vessels of the United States, &c.

ART. 7. In like manner, the said United States, and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor

ART. 7. Pareillement les dits Etats Unis et leurs vaisseaux de guerre faisant voile sous leur autorité protégeront et defendront conformément au contenu

of the preceding article, all the vessels and effects belonging to the subjects of the most christian king, and use all their endeavors to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ART. 8. The most christian king will employ his good offices and interposition with the king or emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other prince, state, or power, of the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, convenience, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said princes, and states of Barbary, or their subjects.

ART. 9. The subjects, inhabitants, merchants, commanders of ships, masters, and mariners, of the states, provinces, and dominions of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party; the most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts, or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people, and inhabitants of the said United States, shall not fish in the havens, bays, creeks, roads, coasts, or places, which

de l'article précédent, tous les vaisseaux et effets appartenants aux sujets du roi très chrétien, et feront tous leurs efforts pour recouvrer et faire restituër les dits vaisseaux et effets qui auront été pris dans l'étenduë de la jurisdiction des dits États et de chacun d'iceux.

ART. 8. Le roi très chrétien emploiera ses bons offices et son entremise auprès des roi ou empereur de Maroc ou Fez, des regences d'Algier, Tunis et Tripoli, ou auprès aucune d'entr'elles ainsi qu' auprès de tout autre prince, etat, ou puissance des côtes de Barbarie en Afrique, et des sujets des dits roi, empereur, etats et puissance, et de chacun d'iceux, à l'effet de pourvoir aussi pleinement et aussi efficacement qu'il sera possible à l'avantage commodité et sûreté des dits États Unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans, leurs vaisseaux et effets, contre toute violence, insulte, attaque ou déprédations de la part des dits princes et etats Barbaresques ou de leurs sujets.

ART. 9. Les sujets, habitans, marchands, commandans des navires, maitres et gens de mer, des etats, provinces et domaines des deux parties, s'abstiendront et éviteront reciproquement de pêcher dans toutes les places possédées, ou qui seront possédées par l'autre partie. Les sujets de sa majesté très chrétienne ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que les dits États Unis, possèdent ou posséderont à l'avenir; et de la même manière les sujets, peuples et habitans des dits États Unis, ne pêcheront pas dans les havres, bayes, criques, rades, côtes et

The king of France to employ his good offices with the Barbary powers, in behalf of the United States.

Fishing reciprocally prohibited to each party, in places occupied for that purpose, by the other, &c.

the most christian king possess- places que sa majesté très chré-
 es, or shall hereafter possess; tienne possède actuellement ou
 and if any ship or vessel shall be possédera à l'avenir, et si quel-
 found fishing contrary to the que navire ou bâtiment étoit sur-
 tenor of this treaty, the said pris pêchant en violation du pre-
 ship or vessel, with its lading, sent traité, le dit navire ou bâ-
 proof being made thereof, shall timent et sa cargaison seront
 be confiscated; it is however un- confisqués apres que la preuve
 derstood that the exclusion sti- en aura été faite duément. Bien
 pulated in the present article, entendu que l'exclusion stipulée
 shall take place only so long, and dans le present article n'aura
 so far as the most christian king, lieu qu'autant, et si long tems
 or the United States, shall not que le roi et les Etats Unis n'au-
 in this respect have granted an ront point accordeé à cet égard
 exemption to some other nation. d'exception à quelque nation
 que ce puisse être.

The exclusion in relation to fishing, to be governed by indulgences granted to other nations.

The United States to respect the rights of France, with respect to fishing on the banks of Newfoundland, &c. as established by the treaties of Utrecht and Paris.

ART. 10. The United States, their citizens and inhabitants, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris.*

ART. 10. Les Etats Unis, leur citoiens et habitans ne troubleront jamais les sujets du roi très chrétien dans la jouissance et exercice du droit de pêche sur les bancs de Terre neuve, non plus que dans la jouissance indéfinie et exclusive qui leur appartient sur la partie des côtes de cette isle, designée dans le traité d'Utrecht, ni dans les droits relatifs à toutes et chacune des isles qui appartient à sa majesté très chrétienne; le tout conformément au véritable sens des traités d'Utrecht et de Paris.

Citizens of the United States, to be

† ART. 11. The subjects and inhabitants of the said United

ART. 11. Les sujets et habitants des dits Etats Unis ou de

* By the 13th article of the treaty of Utrecht, it is "allowed to the subjects of France, to catch fish and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista, to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche." This treaty was concluded on the 11th day of April, (N. S.) 1713, and the rights which it secured to France in the fisheries in question, were continued to her, with some modifications, by the 5th article of the treaty of Paris, concluded on the 10th day of February, 1763.]

† The two following articles were originally agreed to, but afterwards rescinded—to wit:

Article agreed to and rescinded.

ART. 11. It is agreed and concluded, that there shall never be any duty imposed on the exportation of the molasses that any of the United States, from the islands of America which

ART. 11. Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets de l'un des Etats Unis, des isles d'Amérique qui appartiennent

States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty, under what name soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immovea-

l'un d'eux ne seront point réputés aubains en France, et conséquemment seront exemts du droit d'aubaine ou autre droit semblable quelque nom qu'il puisse avoir; pourront disposer par testament, donation, ou autrement de leurs biens meubles et immeubles en faveur de telles

exempt from the law of escheat, in case of dying aliens in France, and French subjects to enjoy an equal privilege in the United States, &c.

belong, or may hereafter appertain to his most christian majesty.

ou pourront appartenir à sa majesté très chrétienne.

ART. 12. In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most christian majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish molasses.

ART. 12. En compensation de l'exemption stipulée par l'article précédent, il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de sa majesté très chrétienne pourront tirer des pays ou possessions actuelles ou futures d'aucun des treize Etats Unis pour l'usage des isles que fournissent les melasses.

Article agreed to and rescinded.

Act of France rescinding the foregoing articles.

TRANSLATION.

ORIGINAL.

The general congress of the United States of North America, having represented to the king that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniencies; and having thereby desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect: his majesty in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two states, has been pleased to consider their representations: his majesty has consequently declared, and does declare by these presents, that he consents to the suppression

Le congrés général des Etats Unis de l'Amérique Septentrionale ayant représenté au roi que l'exécution de l'article onze du traité d'amitié et de commerce, signé le six du mois de Février dernier, pourroit entraîner des inconveniens après soi, et ayant désiré en conséquence que cet article demeurât supprimé; consentant en échange que l'article douze soit également regardé comme non avenue, sa majesté, pour donner aux Etats Unis de l'Amérique Septentrionale une nouvelle preuve de son affection, ainsi que de son désir de consolider l'union et la bonne correspondance établies entre les deux états, à bien voulu avoir égard à leurs représentations; en conséquence sa majesté a déclaré et déclare par

Act of France rescinding the original articles, 11 & 12.

Citizens of the United States, and French subjects, to be exempt from the law of escheat, &c.

ble, in favor of such persons as their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and with-

of the eleventh and twelfth les présentes qu'elle consent à *forementioned articles, and that* la suppression des articles onze *his intention is, that they* et douze susmentionnés, et que *be considered as having never* son intention est, qu'ils soient *been comprehended in the treat-* regardés comme n'ayant jamais *ty signed the sixth of February* été compris dans la traité signé *last.* le six Fevrier dernier.

Done at Versailles, the first day of the month of September, one thousand seven hundred and seventy-eight.

Fait à Versailles, le premier jour du mois de Septembre, mil sept cent soixante et dix huit.

GRAVIER DE VERGENNES.

GRAVIER DE VERGENNES.

Act of the United States rescinding the foregoing articles.

ORIGINAL.
DECLARATION.

TRANSLATION.
DECLARATION.

Act of the United States rescinding the original articles, 11 & 12.

The most christian king having been pleased to regard the representations made to him by the general congress of North America, relative to the eleventh article of the treaty of commerce, signed the sixth of February, in the present year; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the general congress hath declared, and do declare on their part, that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February. In faith whereof, &c.

Le roi très chrétien ayant bien voulu avoir égard aux représentations que lui a faites le congrès général de l'Amérique Septentrionale, relativement à l'article onze du traité de commerce, signé le six Fevrier de la presente année; et sa majesté ayant consenti en consequence que le dit article demeurât supprimé à condition que l'article douze du même traité fût également regardé comme non avenu; le congrès général à déclaré et déclare de son côté qu'il consent à la suppression des articles onze et douze susmentionnés, et son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le traité signé le six Fevrier dernier. En foi de quoi, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

out having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit de detraction*, or other duty of the same kind, saving nevertheless the local rights or duties as much, and as long as similar ones are not established by the United States, or any of them. The subjects of the most christian king shall enjoy on their part in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations, which shall remain in all their force and vigor, and the United States on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

ART. 13. If by the exhibiting of the abovesaid certificates, the other party discover there are any of those sorts of goods

cession leur puisse être contesté ou empêché sous prétexte de quelques droits ou prérogatives des provinces, villes ou personnes privées. Et seront les dits héritiers soit à titre particulier soit *ab intestat* exemts de tout droit de detraction ou autre droit de ce genre; sauf néanmoins les droits locaux tant, et si long tems, qu'il n'en sera point établi de pareils par les dits Etats Unis ou aucun d'iceux. Les sujets du roi très chrétien jouiront de leur côté, dans tous les domaines des dits etats, d'une entière et parfaite reciprocité relativement aux stipulations renfermées dans le present article. Mais il est convenu en même tems, que son contenu ne portera aucune atteinte aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ART. 12. Les navires marchands des deux parties qui seront destinés pour des ports appartenants à une puissance ennemie de l'autre allié, et dont le voiage ou la nature des marchandises dont ils seront chargés donneroit de justes soupçons, seront tenus d'exhiber soit en haute mer, soit dans les ports et havres, non seulement leurs passeports mais encore les certificats qui constateront expressement que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

ART. 13. Si l'exhibition des dits certificats conduit à découvrir que le navire porte des marchandises prohibées et réputées

Citizens of the United States, and French subjects, to be exempt from the law of escheat, &c.

Suspected ships entering the ports of an enemy to either party, may be compelled to exhibit their papers.

Mode of proceeding, in relation to vessels having on board contraband goods, &c.

Mode of proceeding in relation to vessels having on board contraband goods,
et c.

which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same: saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband

contrebande, consignées pour un port ennemi, il ne sera pas permis de briser les écoutes des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballots, tonneaux et autres caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre parti des marchandises soit que le navire appartienne aux sujets du roi très chrétien ou aux habitans des Etats Unis, jusqu' à ce que la cargaison ait été mise à terre en présence des officiers des cours d'amirauté, et que l'inventaire en ait été fait; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manière quelconque, avant que le procès ait été fait et parfait legalement pour déclarer la contrebande, et que les cours d'amirauté aient prononcé leur confiscation par jugement, sans prejudice néanmoins des navires, ainsi que des marchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis retenir ces marchandises sous pretexte qu'elles ont été entachées par les marchandises de contrebande et bien moins encore de les confisquer comme des prises legales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les delivrer au corsaire qui les aura découverts, alors le capitaine qui aura fait la prise, après avoir reçu ces marchandises doit incontinent relâcher le navire et ne doit l'empêcher en aucune manière de continuer son voyage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le capitaine du dit vaisseau sera le maître, malgré

goods, carry the vessel into the nearest port, agreeable to what is above directed.

ART. 14. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ART. 15. And that more effectual care may be taken for

l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

ART. 14. On est convenu au contraire, que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux ennemis de l'autre partie ou à leurs sujets, sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenotent à l'ennemi, à l'exception toute fois, des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration, de guerre ou même après la dite déclaration, si au moment du chargement on a pu l'ignorer, de manière que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit auront été mises à bord d'un vaisseau appartenant à l'ennemi avant la guerre ou même après la dite déclaration, l'orsqu'on l'ignoroit ne seront en aucune manière, sujetes à confiscation, mais seront fidelement et de bonne foi renduës sans delai à leurs propriétaires, qui les réclameront; bien entendu néanmoins, qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passés depuis la declaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. 15. Et afin de pouvoir plus efficacement à la sûreté des

Goods belonging to the subjects or citizens of either party, put on board enemy vessels, liable to confiscation, &c.

Mutual guarantee against

injuries from the armed vessels of either party.

the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most christian majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Ships and merchandise, rescued from pirates, to be restored.

ART. 16. All ships and merchandises of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Free entrance, &c. allowed to prizes made by either party, into the ports of each.

ART. 17. It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to or enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of

su jets des deux parties contractantes, pour qu'il ne leur soit fait aucun prejudice par les vaisseaux de guerre de l'autre partie, ou par des armateurs particuliers, il sera fait defense à tous capitaines des vaisseaux de sa majesté très chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis et de plus ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

ART. 16. Tous vaisseaux et marchandises de quelque nature que ce puisse être-lors, qu'ils auront été enlevés des mains de quelques pirates en pleine mer, seront amenés dans quelque port de l'un des deux etats, et seront remis à la garde des officiers du dit port afin d'être rendus, en entier, à leur veritable propriétaire aussitôt qu'il aura dûement et suffisamment fait constater de sa propriété.

ART. 17. Les vaisseaux de guerre de sa majesté très chrétienne et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligés à aucuns droits, soit des sieurs amiraux ou de l'amirauté ou d'aucuns autres, sans qu'aussi les dits vaisseaux ou les dites prises entrant dans les hayres ou ports de sa majesté très chrétienne ou des dits Etats Unis puissent être arrêtés ou saisis, ni que les officiers des lieux puissent prendre connoissance de la validité des dites prises, les quelles pourront sor-

war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

ART. 18. If any ship belonging to either of the parties, their people, or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

ART. 19. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveyance of their voyage; and they shall no ways be detained or

tir et être conduites franchement et en toute liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux, seront obligés de faire apparoir. Et au contraire, ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa majesté ou des dits Etats Unis; et s'ils sont forcés d'y entrer par tempête ou peril de la mer, on les fera sortir le plus tôt qu'il sera possible.

ART. 18. Dans le cas où un vaisseau appartenant à l'un des deux états ou à leurs sujets, aura échoué, fait naufrage ou souffert quelqu' autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance amiable aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des sauf conduits pour assurer leur passage et leur retour dans leur patrie.

ART. 19. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics et de guerre, soit particuliers et marchands, seront forcés par une tempête, par la poursuite des pirates et des ennemis, ou par quelqu' autre nécessité urgente, de chercher refuge et un abri, de se retirer et entrer dans quelqu' une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres, et de toutes choses nécessaires pour leur subsistance pour la reparation de leurs vaisseaux, et pour continuer leur voiage, le tout moiennant un prix raisonnable, et ils ne seront

Enemy cruisers against one party, not allowed to remain in the ports of the other.

Relief, &c. to be granted by each party to the shipwrecked vessels of the other.

Citizens and subjects of either party, forced in their shipping by necessity, to take refuge in the ports of the other, to be received with humanity, and treated with liberality.

hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Six months allowed after the declaration of a war between the parties, for the sale and transportation of the property of their citizens and subjects.

ART. 20. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term, by either party, or the people, or subjects of either, full satisfaction shall be made for the same.

The citizens and subjects of each party prohibited from taking commissions from a third power to cruise against each other.

ART. 21. No subjects of the most christian king shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the most christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such commis-

retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

ART. 20. Afin de promouvoir d'autant mieux le commerce de deux côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux nations susdites, il sera accordé, six mois après la déclaration de guerre, aux marchands dans les villes et cités qu'ils habitent, pour rassembler et transporter les marchandises; et s'il en est enlevé quelque chose ou s'il leur a été fait quelqu' injure durant le terme prescrit cidessus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

ART. 21. Aucun sujet du roi très chrétien ne prendra de commission ou de lettres de marque pour armer quelque vaisseau ou vaisseaux à l'effet d'agir comme corsaires contre les dits Etats Unis ou quelques uns d'entr' eux, ou contre les sujets, peuples ou habitans d'iceux, ou contre leur propriété ou celle des habitans d'aucun d'entr' eux, de quelque prince que ce soit avec lequel les dits Etats Unis seront en guerre. De même aucun citoyen, sujet, ou habitant des susdits Etats Unis et de quelqu' un d'entr' eux, ne demandera ni n'acceptera aucune commission ou lettres de marque pour armer quelque vaisseau, ou vaisseaux pour courre sus aux sujets de sa majesté très chrétienne, ou quelques uns d'entre eux, ou leur propriété, de quelque prince ou état que ce soit avec qui sa dite majesté se trouvera en guerre; et si quelqu' un de l'une ou de

sions or letters of marque, he shall be punished as a pirate.

l'autre nation prenoit de pareil- les commissions ou lettres de marque. il sera puni comme pirate.

ART. 22. It shall not be lawful for any foreign privateers, not belonging to subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

ART. 22. Il ne sera permis à aucun corsaire étranger non appartenant à quelque sujet de sa majesté très chrétienne ou à un citoyen des dits Etats Unis lequel aura une commission de la part d'un prince ou d'une puissance en guerre avec l'une des deux nations, d'armer leurs vaisseaux dans les ports de l'une des deux parties ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les vaisseaux, marchandises ou aucune partie de leur cargaison; il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaires pour se rendre dans le port le plus voisin du prince ou de l'état dont il tient sa commission.

Privateers cruising under commissions from a third power at enmity with one of the parties, not to be allowed to fit their ships or sell their prizes in the ports of the United States or those of France.

ART. 23. It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforesaid, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforesaid to neu-

ART. 23. Il sera permis à tous et un chacun des sujets du roi très chrétien et aux citoyens, peuple et habitans des susdits Etats Unis, de naviguer avec leurs bâtimens avec toute liberté et sureté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits bâtimens, venant de quelque port que ce soit et destinés pour quelque place d'une puissance actuellement ennemie, ou qui pourra l'être dans la suite de sa majesté très chrétienne ou des Etats Unis. Il sera permis également aux sujets et habitans susmentionnés de naviguer avec leurs vaisseaux et marchandises et de frequenter avec la même liberté et sureté les places, ports, et havres des puissances ennemies des deux parties contractantes ou d'une d'entre elles sans opposition ni trouble, et de faire

Free trade allowed to one party with the enemy of the other, &c.

Free ships to
make free
goods.

All persons
on board free
ships, except
soldiers in the
actual service
of an enemy,
to be protect-
ed.

Enumeration
of articles
which are to
be considered
as contraband
of war.

tral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any other part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ART. 24. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs with the fuses, and other things belonging to them, cannonball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, salpêtre, muskèts, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises

le commerce non seulement directement des ports de l'ennemi susdit à un port neutre, mais aussi d'un port ennemi à un autre port ennemi, soit qu'il se trouve sous sa jurisdiction ou sous celle de plusieurs; et il est stipulé par le présent traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront abord des navires appartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'icelui apartiendrait aux ennemis de l'une des deux; bien entendu néanmoins que le contrebande sera toujours exceptée. Il est également convenu que cette même liberté s'étendrait aux personnes qui pourroient se trouver abord du bâtiment libre quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevées des dits navires à moins qu'elles ne soient militaires et actuellement au service de l'ennemi.

ART. 24. Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont désignées sous le nom de contrebande: Sous ce nom de contrebande ou de marchandises prohibées doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, mèches, piques, épées, lances, dards, hallebardes, mortiers, petards, grenades, salpêtre, fusils, balles, boucliers, casques, cuirasses, cote de mailles, et autres armes de cette espèce, propres à armer les soldats, porte-mousqueton, baudriers, chevaux avec leurs équimens pages, et tous autres instrumens

which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an ene-

de guerre quelconques. Les marchandises dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir, toutes sortes de draps et toutes autres étoffes de laine, lin soye, coton ou d'autres matières quelconques; toutes sortes de vetemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoïé ou non, l'étain, le fer laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de bleds et legumes; le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson sale, fromage et beurre, bierre, huiles, vins, sucres, et toute espèce de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie. De plus, toutes sortes de coton, de chanvre, lin, goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espèce, et toutes autres choses propres à la construction et reparation des vaisseaux et autres matières quelconques qui n'ont pas la forme d'un instrument préparé pour la guerre par terre comme par mer, ne seront pas réputées contrebande et encore moins celles qui sont déjà préparées pour quelqu'autre usage: Toutes les choses dénommées ci-dessus doivent être comprises parmi les marchandises libres, de même que toutes les autres marchandises et effets qui ne sont pas compris et particulièrement nommés dans l'énumération des marchandises de contrebande; de manière qu'elles pourront être transportées et conduites de la manière la plus

Discrimination as to goods not contraband, &c.

my, such towns or places being only excepted, as are at that time besieged, blocked up, or invested.

In case either of the parties should be engaged in war, the ships and vessels of the other to be furnished with sea letters or passports, and also with certificates, &c.

ART. 25. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or adviseable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

libre par les sujets des deux parties contractantes dans des places ennemies, à l'exception néanmoins de celles qui se trouveroient actuellement assiegées, bloquées ou investies.

ART. 25. Afin d'écarter et de prevenir de part et d'autre toutes discussions et querelles il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenans aux sujets ou peuple de l'autre allié devront être pourvus de lettres de mer ou passeports, lesquels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau, afin qu'il paroisse par là que le même vaisseau appartient réellement et véritablement aux sujets de l'une des deux parties contractantes; lequel passeport, devra, être expédié selon le modele annexé au present traité. Ces passeports devront également être renouvelles chaque année dans le cas ou le vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les vaisseaux susmentionnés dans le cas où ils seroient chargés devront être pourvus non seulement de passeports mais aussi de certificats, contenant le detail de la cargaison, le lieu d'où le vaisseau est parti, et la declaration des marchandises de contrebande qui pourroient se trouver abord; lesquels certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaisseau aura fait voile, et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports la personne à laquelle les marchandises appartiennent, on pourra le faire librement.

ART. 26. The ships of the subjects and inhabitants of either of the parties, coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed, relative to the object in question.

ART. 27. If the ships of the said subjects, people, or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form* inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ART. 28. It is also agreed, that all goods when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on

ART. 26. Dans le cas où les vaisseaux des sujets et habitans de l'une des deux parties contractantes approcheroient des côtes de l'autre, sans ce pendant avoir le dessein d'entrer dans le port, ou après être entré, sans avoir le dessein de décharger la cargaison, ou rompre leur charge, on se conduira à leur égard suivant les réglemens généraux prescrits ou à prescrire relativement à l'objet dont il est question.

ART. 27. Lorsqu'un bâtiment appartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré navigant le long des côtes ou en pleine mer, par un vaisseau de guerre de l'autre, ou par un armateur, le dit vaisseau de guerre, ou armateur, afin d'éviter tout désordre, se tiendra hors de la portée du canon, et pourra envoyer sa chaloupe à bord du bâtiment marchand, et y faire entrer deux ou trois hommes, aux quels le maître ou commandant du bâtiment montrera son passeport, lequel devra être confirmé à la formule annexée au present traité, et constatera la propriété du bâtiment, et après que le dit bâtiment aura exhibé un pareil passeport, il lui sera libre de continuer son voiage et il ne sera pas permis de le molester, ni de chercher en aucune manière, de lui donner la chasse, ou de le forcer de quitter la course qu'il s'étoit proposée.

ART. 28. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujeties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être

The ships of either party, on the coasts or in the ports of the other, not willing to unload, are to be treated according to certain general rules.

Merchant ships of either party, met by the armed vessels of the other, to be visited in boats, and entered by two or three men only, the armed vessel remaining out of cannon shot, &c.

[* The passport here referred to, relates merely to the ownership of the vessel, the identity of the crew, the occurrences of the voyage, obedience to the laws, &c.]

Visitation or search of goods to be made before they are laden, &c.

board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his most christian majesty or the United States, be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Each party allowed to have consuls in the ports of the other. [See the consular convention, post. page 103.]

ART. 29. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

Free ports to be allowed in France to citizens of the United States, who may continue to trade to the free ports in the West Indies.

ART. 30. And the more to favor and facilitate the commerce which the subjects of the United States may have with France, the most christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States; and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America: of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

Ratifications to be exchanged in six months.

ART. 31. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

arrêtées et saisies sur la plage avant de pouvoir être embarquées à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des sujets de sa majesté très chrétienne ou des États Unis, ni leurs marchandises, ne pourront être arrêtés ni molestés pour cette cause, par aucune espèce d'embargo; et les seuls sujets de l'état, auxquels les dites marchandises auront été prohibées, et qui se seront émancipés à vendre et aliéner de pareilles marchandises, seront dûment punis pour cette contravention.

ART. 29. Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissaires, dont les fonctions seront réglées par une convention particulière.

ART. 30. Pour d'autant plus favoriser et faciliter le commerce que les sujets des États Unis feront avec la France; le roi très chrétien leur accordera en Europe un ou plusieurs ports francs, dans lesquels ils pourront amener et débiter toutes les denrées et marchandises provenant des treize États Unis; sa majesté conservera d'un autre côté aux sujets des dits états les ports francs qui ont été, et sont ouverts dans les isles Françaises de l'Amérique. De tous les quels ports francs les dits sujets des États Unis jouiront conformément aux réglemens qui en déterminent l'usage.

ART. 31. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace de six mois ou plutôt si faire se peut.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, [L. S.]
 B. FRANKLIN, [L. S.]
 SILAS DEANE, [L. S.]
 ARTHUR LEE. [L. S.]

En foi de quoi les plenipotentiaries respectifs ont signé les articles ci-dessus tant en langue Française qu'en langue Angloise, déclarant néanmoins que le present traité a été originairement redigé et arrêté en langue Française; et ils y ont apposé le cachet de leurs armes.

Fait à Paris le sixieme jour du mois de Fevrier, mil sept cent soixante dixhuit.

C. A. GERARD, [L. S.]
 B. FRANKLIN, [L. S.]
 SILAS DEANE, [L. S.]
 ARTHUR LEE. [L. S.]

No. 2. Treaty of alliance between the United States of America and his most christian majesty.

ORIGINAL.

Treaty of alliance.

THE most christian king and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain in resentment of that connexion (and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between

ORIGINAL.

Traite d'alliance eventuelle et defensive.

LE roi très chrétien et les Etats Unis de l'Amérique Septentrionale, savoir, New Hampshire, la Baye de Massachusset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgia; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de commerce, pour l'avantage réciproque de leurs sujets et citoyens, ils ont cru devoir prendre en considération, les moyens de resserrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquillité des deux parties, notamment dans le cas où la Grande Brétagne, en haine de ces mêmes liaisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit à rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce, et sa navigation, d'une manière contraire au droit des gens et à la paix subsistante

Treaty of alliance made to cement mutual interests, and to guard against the hostility of Great Britain towards France.

Union of
councils and
efforts.

the two crowns: and his majesty and the said United States, having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

In case of war
between
France and
Great Britain,
the cause to
be common.

ART. 1. If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

The object of
the alliance
declared to be
to maintain
the absolute
independence
of the United
States.

ART. 2. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce.

Each party to
act as it may
deem most
proper, to the
annoyance of
the common
enemy.

ART. 3. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

One party to
act, in any
given enter-
prise, in con-
cert with the
other; the
quantity and
kind of suc-
cess of each to be
regulated by
a particular
convention.

ART. 4. The contracting parties agree, that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation

entre les deux couronnes: et sa majesté et les dits Etats Unis avant résolu éventuellement d'unir, dans le cas prévu, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les plénipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération, conclu et arrêté les points et articles qui s'ensuivent.

ART. 1. Si la guerre éclate entre la France et la Grande Bretagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, sa majesté et les dits Etats Unis feront cause commune et s'entraideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsi qu'il convient à de bons et fideles alliés.

ART. 2. Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la souveraineté, et l'indépendance absolue et illimitée des dits Etats Unis, tant en matière politique que de commerce.

ART. 3. Les deux parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

ART. 4. Les parties contractantes sont convenues que dans le cas ou l'une d'entre elles formeroit quelque entreprise particuliere, pour laquelle desireroit le concours de l'autre, celle-ci, se prêteroit de bonne foi a un concert sur cet objet, autant que les circonstances et sa propre situation pourront le lui permettre, et

will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succor to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ART. 5. If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with, or dependant upon the said United States.

ART. 6. The most christian king renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the king and crown of Great Britain.

ART. 7. If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

ART. 8. Neither of the two parties shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United

ART. 5. Si les Etats Unis jugent à propos de tenter la réduction des isles Bermudes et des parties septentrionales de l'Amérique, qui sont encore au pouvoir de la Grande Brétagne, les dites isles et contrées, en cas de succès, entreront dans la confédération ou seront dépendantes des dits Etats Unis.

ART. 6. Le roi très chrétien renonce à posséder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionale, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont été reconnues appartenir à la couronne de la Grande Brétagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britanniques, ou qui sont maintenant, ou ont récemment sous la juridiction et sous le pouvoir de la couronne de la Grand Brétagne.

ART. 7. Si sa majesté très chrétienne juge à propos d'attaquer aucune des isles situées dans le golphe de Mexique ou près du dit golphe, qui sont actuellement au pouvoir de la Grande Brétagne, toutes les dites isles, en cas de succès, appartiendront à la couronne de France.

ART. 8. Aucune des deux parties ne pourra conclure ni trêve ne paix avec la Grande Brétagne, sans le consentement préalable et formel de l'autre partie, et elles s'engagent mutuellement à ne mettre bas les armes, què lorsque l'indépen-

The British possessions in North America, or the Bermudas, if reduced, to belong to the United States.

The king of France renounces all claim to the Bermudas, &c. to possessions in North America, which, previously to the treaty of 1763, or by that treaty, were acknowledged to belong to the British crown.

Islands captured in or near the gulf of Mexico, to appertain to France.

Neither of the parties to conclude peace, without the consent of the other. Arms not to be laid down, until the independence of the United States shall have been secured.

States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

No after claims, whatever may be the event of the war.

ART. 9. The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

Other powers may be invited to make common cause against Great Britain.

ART. 10. The most christian king and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

Mutual guarantee of possessions and sovereignty.

ART. 11. The two parties guarantee mutually from the present time, and forever, against all other powers, to wit: The United States to his most christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: And his most christian majesty guarantees on his part to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the fifth and sixth articles above written, the whole as their possession shall be fix-

dance des dits Etats Unis aura été assuré formellement ou tacitement par le traité ou les traités qui termineront la guerre.

ART. 9. Les parties contractantes déclarent, qu'étant résolus de remplir chacune de son côté les clauses et conditions du présent traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune répétition, ni aucun dédommagement, à se demander réciproquement, quelque puisse être l'événement de la guerre.

ART. 10. Le roi très chrétien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des griefs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions qui seront librement agréées et convenues entre toutes les parties.

ART. 11. Les deux parties se garantissent mutuellement dès à présent et pour toujours envers et contre tous, savoir, les Etats Unis à sa majesté très chrétienne les possessions actuelles de la couronne de France en Amérique, ainsy que celles qu'elle pourra acquérir par le futur traité de paix; Et sa majesté très chrétienne, garantit de son côté aux Etats Unis leur liberté, leur souveraineté et leur indépendance absolue et illimitée, tant en matière de politique que de commerce, ainsy que leurs possessions et les accroissemens ou conquêtes que leur confédération pourra se procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant possédés par la Grande Brétagne dans l'Amérique septentrionale, conformément aux articles cinq et six ci dessus, et tout ainsy que

ed and assured to the said states, at the moment of the cessation of their present war with Eng-

leurs possessions seront fixées et assurées aux dits etats, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ART. 12. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

ART. 12. Afin de fixer plus précisément le sens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque énoncée dans le susdit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment susdit, où la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura fixé leurs possessions.

Explanation of the extent of the mutual guarantee of possessions & sovereignty.

ART. 13. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

ART. 13. Le present traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plutôt si faire se peut.

Ratifications to be exchanged within six months.

In faith whereof the respective plenipotentiaries, to wit:— on the part of the most christian king, Conrad Alexander Gerard, royal syndic of the city of Strasbourg, and secretary of his majesty's council of state; and on the part of the United States, Benjamin Franklin, deputy to the general congress from the state of Pennsylvania, and president of the convention of the same state; Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor at law, have signed the above articles both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

En foi de quoi les plénipotentiaires respectifs, savoir, de la part du roi très chrétien le Sr. Conrad Alexandre Gerard, syndic royal de la ville de Strasbourg et secrétaire du conseil d'état de sa majesté, et de la part des Etats Unis les Srs. Benjamin Franklin, député au congrès général de la part de l'état de Pensylvanie et président de la convention du même état, Siles Deane cy-devant député de l'état de Connecticut, et Arthur Lee, conseiller ès loix, ont signé les articles ci-dessus, tant en langue Française qu'en langue Angloise, déclarant néanmoins, que le present traité, a été originairement rédigé et arrêté en langue Française, et ils les ont munis du cachet de leurs armes.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight. Fait à Paris, le sixieme jour de mois de Fevrier, mil sept cent soixante dixhuit.

C. A. GERARD, [L. S.]
 B. FRANKLIN, [L. S.]
 SILAS DEANE, [L. S.]
 ARTHUR LEE. [L. S.]

C. A. GERARD, [L. S.]
 B. FRANKLIN, [L. S.]
 SILAS DEANE, [L. S.]
 ARTHUR LEE. [L. S.]

No. 3. Contract between his most christian majesty and the United States of America, entered into by the count de Vergennes and Mr. Franklin, the 16th of July, 1782, and ratified by congress, the 22d day of January, 1783.

Motives for making a particular statement of the amount of pecuniary supplies furnished by France, and the mode of repayment by the United States.

The king having been pleased to attend to the requests made to him in the name, and on behalf of the united provinces of North America, for assistance in the war and invasion under which they had for several years groaned; and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced: it has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them, the periods at which the congress of the United States have engaged to repay them to his majesty's royal treasury, and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States; we, Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose: and we, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the congress of the said states for the present purpose; after duly communicating our respective powers, have agreed to the following articles:

Amount of different loans,

ART. 1. It is agreed and certified, that the sums advanced by his majesty to the congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen million of livres, money of France, according to the following twenty-one receipts of the abovementioned under written minister of congress, given in virtue of his full powers, to wit:

Items of loans.

1, 28 February, 1778,	-	750,000
2, 19 May, ditto,	-	750,000
3, 3 August, ditto,	-	750,000
4, 1 November, ditto,	-	750,000
		3,000,000

			Items of loans.
5, 10 June, 1779,	-	250,000	
6, 16 September, ditto,	-	250,000	
7, 4 October, ditto,	-	250,000	
8, 21 December, ditto,	-	250,000	
		1,000,000	
9, 29 February, 1780,	-	750,000	
10, 23 May, ditto,	-	750,000	
11, 21 June, ditto,	-	750,000	
12, 5 October, ditto,	-	750,000	
13, 27 November, ditto,	-	1,000,000	
		4,000,000	
14, 15 February, 1781,	-	750,000	
15, 15 May, ditto,	-	750,000	
16, 15 August, ditto,	-	750,000	
17, 1 August, ditto,	-	1,000,000	
18, 15 November, ditto,	-	750,000	
		4,000,000	
19, 10 April, 1782,	-	1,500,000	
20, 1 July, ditto,	-	1,500,000	
21, 5 of the same month,	-	3,000,000	
		6,000,000	

Amounting in the whole to 18 millions, viz. 18,000,000

By which receipts the said minister has promised in the name of congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the 1st of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum.

ART. 2. Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the congress of the United States, and it may perhaps be even impracticable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

ART. 3. Although the receipts of the minister of the congress of the United States specify, that the eighteen million of livres abovementioned, are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the minister of the congress of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the said United States with profound and lively acknowledgments.

Interest of five per cent.

Repayment of the loans to be in twelve equal annual payments, &c.

Abatement of interest.

ART. 4. The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of his majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

Interest to diminish in proportion to payments, &c.

Payments of principal may be anticipated.

Loan made by France in Holland, acknowledged to be for the use of the United States.

ART. 5. Although the loan of five millions of florins of Holland, agreed to by the states general of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his majesty and the said states general, has been made in his majesty's name, and guaranteed by him; it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum, given by the undersigned minister of congress, the seventh day of June last.

Engagement of the French king to repay the loan in Holland, acknowledged to have been made upon the pledge of congress to repay the amount into the French treasury.

ART. 6. By the convention of the said 5th of November, 1781, the king has been pleased to promise and engage to furnish and pay at the general counter of the states general of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act, that this engagement was entered into by the king, at the request of the undersigned minister of the United states, and on the promise by him made in the name of congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

Agreement, upon the pledge of congress, to repay the amount of the loan in Holland at the royal treasury in Paris, in ten equal annual payments, with interest at four per cent.

ART. 7. It is accordingly agreed and settled, that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above-mentioned, shall be reimbursed, and paid in ready money at the royal treasury of his majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second, the 5th November, 1788, and so from year to year till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's af-

fection for the United States, his majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses his majesty has made a present to the United States, and this their undersigned minister accepts, with thanks, in the name of congress, as a new proof of his majesty's generosity and friendship for the said United States.

ART. 8. With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November, 1781, according to the convention of that day, the minister of congress acknowledges that the repayment of that is due to his majesty by the United States, and he engages in the name of the said United States, to cause payment thereof to be made, at the same time and at the same rate at the royal treasury of his majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

Interest on the loan in Holland for five years preceding the first term of payment of the principal, to be paid by the United States to France.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

In testimony whereof, we, the said plenipotentiaries of his most christian majesty, and of the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles, the 16th day of July, one thousand seven hundred and eighty-two.

GRAVIER DE VERGENNES, [L. s.]

B. FRANKLIN. [L. s.]

TRANSLATION.

ORIGINAL.

No. 4. Convention between his most christian majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective consuls and vice consuls.

Convention entre le roi tres chretien, et les Etats Unis de l'Amerique, a l'effet de determiner et fixer les fonctions et prerogatives des consuls et vice consuls respectifs.

His majesty the most christian king and the United States of America, having by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective states and ports, consuls, vice consuls, agents, and commissaries, and being will-

SA majesté le roi très chrétien, et les Etats Unis de l'Amérique, s'étant accordés mutuellement par l'art. 29 du traité d'amitié et de commerce conclu entr'eux, la liberté de tenir dans leurs états et ports respectifs, des consuls, et vice consuls, agents et commissaires, et voulant en conséquence déterminer

Convention defining and establishing the functions and privileges of consuls and vice consuls.

ing in consequence thereof to et fixer d'une manière réci-
define and establish in a recipro- proque et permanente, les fonc-
cal and permanent manner, the tions et prérogatives des consuls
functions and privileges of cons- et vice consuls qu'ils ont juge
suls and vice-consuls, which convenable d'établir de préfer-
they have judged it convenient ence, sa majesté très chrétienne
to establish of preference, his a nommé le sieur comte de
most christian majesty has nomi- Montmorin de St. Herent,
nated the sieur count of Mont- maréchal de ses camps et ar-
morin, of St. Herent, marechal mées, chevalier de ses ordres
of his camps and armies, knight et de la toison d'or, son conseil-
of his orders and of the golden- ler en tous ses conseils, ministre
fleece, his counsellor in all his et secrétaire d'état et de ses
councils, minister, and secretary commandments et finances,
of state, and of his command- aiant le département des affaires
ments and finances, having the étrangères; et les Etats Unis
department of foreign affairs; ont nommé le sieur Thomas
and the United States have nomi- Jefferson, citoyen des Etats
nated the sieur Thomas Jef- Unis de l'Amérique, et leur mi-
ferson, citizen of the United nistre plénipotentiaire auprès du
States of America, and their roi, lesquels, après s'être com-
minister plenipotentiary near muniqué leurs plein-pouvoirs
the king, who, after having re- respectifs sont convenus de ce
communicated to each other their qui suit:
respective full powers, have
agreed on what follows:

Consuls to
present com-
missions, and
receive exe-
quatur, with-
out charge,
&c.

ART. 1. The consuls and vice **ART. 1.** Les consuls et vice
consuls named by the most consuls nommés par le roi très
christian king and the United chrétien et les Etats Unis se-
States, shall be bound to present ront tenus de presenter leurs
their commissions according to provisions selon la forme qui se
the forms which shall be esta- trouvera établie respectivement
blished respectively by the most par le roi très chrétien dans ses
christian king within his domi- etats, et par le congrés dans les
nions, and by the congress with- Etats Unis. On leur délivrera
in the United States. There sans aucuns fraix l'*exequatur*
shall be delivered to them, with- nécessaire à l'exercice de leurs
out any charges, the *exequatur* fonctions, et sur l'exhibition
necessary for the exercise of qu'ils feront du dit *exequatur*,
their functions; and on exhi- les gouverneurs, commandants,
biting the said *exequatur*, the chets de justice, les corps tri-
governors, commanders, heads bunaux ou autres officiers aiant
of justice, bodies corporate, tri- autorité dans les ports et lieux
bunals, and other officers having de leurs consulats, les y feront
authority in the ports and places jouir aussitôt et sans difficulté
of their consulates, shall cause des prééminences, autorité, et
them to enjoy immediately, and privilèges accordés reciproque-
without difficulty, the pre-emi- ment, sans qu'ils puissent exiger
nences, authority, and privileges des dits consuls et vice consuls
reciprocally granted, without aucun droit sous aucun prétexte
exacting from the said consuls quelconque.
and vice consuls any fee, under
any pretext whatever.

ART. 2. The consuls and vice consuls, and persons attached to their functions—that is to say: their chancellors and secretaries, shall enjoy a full and entire immunity for their chancery and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals. And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said consuls and vice consuls who shall exercise commerce shall be respectively subject to all taxes, charges, and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ART. 3. The respective consuls and vice consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls: they shall confine themselves respectively to the rendering to their respective merchants, navigators, and vessels, all possible service, and to inform the nearest consul of the wants of the said merchants, navigators,

ART. 2. Les consuls et vice consuls et les personnes attachées à leurs fonctions, savoir, leurs chancéliers et secrétaires, jouiront d'une pleine et entière immunité pour leur chancellerie et les papiers qui y seront renfermés. Ils seront exemts de tout service personnel, logement des gens de guerre, milice, guet, garde, tutelle, curatelle, ainsi que de tous droits, taxes, impositions et charges quelconques, à l'exception seulement des biens meubles et immeubles dont ils seroient propriétaires ou possesseurs, lesquels seront assujettis aux taxes imposées sur ceux de tous autres particuliers, et à tous égards ils demeureront sujets aux loix du pais comme les nationaux. Ceux des dits consuls et vice consuls qui feront le commerce seront respectivement assujettis à toutes les taxes, charges et impositions établies sur les autres négociants. Ils placeront sur la porte extérieure de leurs maisons les armes de leur souverain, sans que cette marque distinctive puisse donner aux dites maisons le droit d'asile, soit pour des personnes, soit des effets quelconques.

ART. 3. Les consuls et vice consuls respectifs pourront établir des agens dans les différens ports et lieux de leurs départemens où le besoin l'exigera; ces agens pourront être choisis parmi les negociants nationaux ou étrangers, et munis de la commission de l'un des dits consuls. Ils se renfermeront respectivement à rendre aux commerçants, navigateurs et bâtimens respectifs, tous les services possibles, et à informer le consul le plus proche des besoins des dits commerçants, navigateurs et bâtimens, sans que

Consuls exempt from personal service in the community, &c.

Consuls may appoint agents.

Functions of consular agents.

and vessels, without the said les dits agens puissent autre- agents otherwise participating ment participer aux immunités, in the immunities, rights, and droits et privilèges attribués privileges attributed to consuls aux consuls, et vice consuls, et and vice consuls, and without sans pouvoir sous aucun pré- power under any pretext what- texte que ce soit à exiger aucun ever to exact from the said droit ou émolument quelconque merchants any duty or emolu- des dits commerçants. ment whatsoever.

Consuls may establish a chancery for the deposit of their official papers.

ART. 4. The consuls and vice consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notary and register of the consulate.

ART. 4. Les consuls et vice consuls respectifs pourront établir une chancellerie où seront déposés les délibérations, actes et procédures consulaires, ainsi que les testaments, obligations, contrats, et autres actes faits par les nationaux ou entr'eux, et les effets délaissés par mort, ou sauvés des naufrages. Ils pourront en conséquence commettre à l'exercice de la dite chancellerie des personnes capables, les recevoir, leur faire prêter serment, leur donner la garde du sceau et le droit de sceller les commissions, jugements et autres actes consulaires, ainsi que d'y remplir les fonctions de notaire et greffiers du consulat.

Rights, authority, and duty of consuls.

ART. 5. The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations, and all other the acts which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments and other disposals by last will: and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the most christian king, and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, adminis-

ART. 5. Les consuls et vice consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou à bord des bâtiments, les déclarations et tous les autres actes que les capitaines, patrons, équipages, passagers, et négociants de leur nation voudront y passer, même leur testament et autres dispositions de dernière volonté, et les dispositions des dits actes dûment légalisés par les dits consuls ou vice consuls, et munis du sceau de leur consulat, feront foi en justice comme le feroient les originaux dans tous les tribunaux des états du roi très chrétien et des États Unis. Ils auront aussi, et exclusive- ment, en cas d'absence d'exécuteur, testamentaire, curateur, ou héritiers légitimes, le droit

trator, or legal heir, the right to inventory, liquidate and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or for want of them, of any other at their choice, and shall cause to be deposited in their chancery, the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: but the said consuls and vice consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest, and costs; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be

de faire l'inventaire, la liquidation et de proceder à la vente des effets mobiliers de la succession des sujets ou citoyens de leur nation qui viendront à mourir dans l'étendue de leur consulat. Ils y procéderont avec l'assistance de deux négocians de leur dite nation, ou à leur défaut, de tout autre à leur choix, et feront déposer dans leur chancellerie les effets et papiers des dites successions, sans qu'aucuns officiers militaires, de justice, ou de police du pais, puissent les y troubler, ni y intervenir de quelque manière que ce soit; mais les dits consuls et vice consuls ne pourront faire la délivrance des successions et de leur produit aux héritiers legitimes, ou à leurs mandataires, qu'après avoir fait acquitter toutes les dettes que les défunts auront pu avoir contractées dans le pais, à l'effet de quoi les creanciers auront droit de saisir les dits effets dans leurs mains, de même que dans celles de tout autre individu quelconque, et en poursuivre la vente jusqu'au paiement de ce qui leur sera légitimement dû; lorsque les dettes n'auront été contractées par jugement, par acte, ou par billet dont la signature sera reconnue. le paiement ne pourra en être ordonné qu'en fournissant par le créancier caution suffisante et domiciliée de rendre les sommes induëment perçues principal, intérêts et fraix; lesquelles cautions cependant demeureront induëment déchargées après une année, en tems de paix, et deux, en tems de guerre, si la demande en décharge ne peut être formée avant ces délais contre les héritiers qui se présenteront. Et afin de ne pas faire injustement attendre aux héritiers les effets du défunt, les consuls et

Rights, authority, and duty of consuls.

unjustly kept out of the effects of the deceased, the consuls and vice consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

Consuls to receive declarations, &c. from captains, of losses at sea.

ART. 6. The consuls and vice consuls respectively shall receive the declarations, protests, and reports of all captains and masters of their respective nation on account of average losses sustained at sea: and these captains and masters shall lodge in the chancery of the said consuls and vice consuls, the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most christian king and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the consuls or vice consuls; but when only the subjects or citizens of their own nation shall be interested, the respective consuls or vice consuls shall appoint skilful persons to settle the damages and average.

Duties of consuls, in cases of shipwreck.

ART. 7. In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most christian king, the consul or vice consul nearest to the place of shipwreck

vice consuls feront annoncer sa mort dans quelqu' une des gazettes qui se publient dans l'étenduë de leur consulat, et qu'ils retiendront les dits effets sous leurs mains pendant quatre mois, pour répondre à toutes les demandes qui se présenteront: et ils seront tenus, après ce délai, de délivrer aux héritiers l'excédent du montant des demandes qui auront été formées.

ART. 6. Les consuls et vice consuls respectifs recevront les déclarations, protestations et rapports de tous capitaines et patrons de leur nation respective pour raison d'avaries essuyées à la mer, et ces capitaines et patrons remettront dans la chancellerie des dits consuls et vice-consuls les actes qu'ils auront faits dans d'autres ports pour les accidents qui leur seront arrivés pendant leur voyage. Si un sujet du roi très chrétien et un habitant des Etats Unis, ou un étranger sont intéressés dans la dite cargaison, l'avarie sera réglée par les tribunaux du païs, et non par les consuls et vice consuls, mais lorsqu'il n'y aura d'intéressés que les sujets ou citoyens de leur propre nation, les consuls ou les vice consuls respectifs nommeront des experts pour régler les dommages et avaries.

ART. 7. Dans le cas où, par tempête, ou autres accidents, des vaisseaux ou bâtimens Français échouëront sur les côtes des Etats Unis, et des vaisseaux et bâtimens des Etats Unis échouëront sur les côtes des états de sa majesté très chrétienne, le consul au le vice consul, le plus proche du

shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandise saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the consuls, vice consuls, captain, and crew of the vessel shipwrecked or stranded, all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved; or to prevent all disturbance.— And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, that when there shall be no consul or vice consul to attend to the saving of the wreck, or that the residence of the said consul or vice consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the despatch, certainty, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the consul or vice consul, and shall deliver over to him the report of his proceedings, the expenses of which the consul or vice consul shall cause to be reimbursed to him, as well as those of saving the wreck.— The merchandise and effects saved shall be deposited in the nearest custom house, or other place of safety, with the inventory thereof which shall have been made by the consul or vice consul, or by the judge who shall have proceeded in their lieu du naufrage, pourra faire tout ce qu'il jugera convenable, tant pour sauver le dit vaisseau ou bâtiment, son chargement et appartenances, que pour le magasinage et la sûreté des effets sauvés et marchandises. Il pourra en faire l'inventaire, sans qu'aucuns officiers militaires, des douanes, de justice ou de police du país, puissent s'y immiscer autrement que pour faciliter aux consuls et vice consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité, et la sûreté du sauvétage et des effets sauvés, soit pour éviter tous désordres. Pour prévenir même toute espèce de conflit et de discussion dans les dits cas de naufrage, il a été convenü que lorsqu'il ne se trouvera pas de consul ou vice consul pour faire travailler au sauvétage, ou que la résidence du dit consul ou vice consul, qui ne se trouvera pas sur le lieu du naufrage, sera plus éloignée du dit lieu que celle du juge territorial compétent, ce dernier fera procéder sur le champ avec toute la célérité, la sûreté et les précautions prescrites par les loix respectives, sauf au dit juge territorial à se retirer, le consul ou vice consul survenant, et à lui remettre l'expédition des procédures par lui faites, dont le consul ou vice consul lui fera rembourser les fraix, ainsi que ceux du sauvétage. Les marchandises et effets sauvés devront être déposés à la douane ou autre lieu de sûreté le plus prochain avec l'inventaire qui en aura été dressé par le consul ou vice consul, ou en leur absence par le juge qui en aura connu pour les dits effets et marchandises être ensuite délivrés après le prélevement des fraix, et sans forme

Duties of consuls, in cases of shipwreck.

Duties of consuls, in cases of shipwreck.

absence, that the said effects and merchandise may be afterwards delivered, (after levying therefrom the costs,) and without form of process, to the owners, who being furnished with an order for their delivery, from the nearest consul or vice consul, shall reclaim them by themselves, or by their order, either for the purpose of re-exporting such merchandise, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there; and in this last case, the said merchandise, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

Consuls to exercise police over the vessels of their nation, &c.

ART. 8. The consuls or vice consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made. For which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Consuls may arrest deserters from the vessels of their nation, &c.

ART. 9. The consuls and vice consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons being part of the crews of

ART. 8. Les consuls ou vice consuls exerceront la police sur tous les bâtimens de leurs nations respectives, et auront à bord des dits bâtimens tout pouvoir et jurisdiction en matière civile dans toutes les disputes qui pourront y survenir; ils auront une entière inspection sur les dits bâtimens, leurs équipages et les changements et remplacements à y faire, pour quel effet ils pourront se transporter à bord des dits bâtimens toutes les fois qu'ils le jugeront necessaire; bien entendu que les fonctions ci-dessus énoncées seront concentrées dans l'intérieur des bâtimens, et qu'elles ne pourront avoir lieu dans aucun cas qui aura quelque rapport avec la police des ports où les dits bâtimens se trouveront.

ART. 9. Les consuls et vice consuls pourront faire arrêter les capitaines, officiers, mariners, matelots, et toutes autres personnes faisant partie des

the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

équipages des bâtimens de leurs nations respectives qui auroient déserté des dits bâtimens, pour les renvoyer et faire transporter hors du pais. Auquel effet les dits consuls et vice consuls s'adresseront aux tribunaux, juges, et officiers compétents et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des registres du bâtiment ou rôle d'équipage, que ces hommes faisoient partie des susdits équipages. Et sur cette demande, ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits consuls et vice consuls pour la recherche, saisie et arrestation des susdits déserteurs, lesquels seront même détenus et gardés dans les prisons du pais, à leur réquisition, et à leurs fraix, jusqu' à ce qu'ils aient trouvé occasion de les renvoyer. Mais s'ils n'étoient renvoyés dans le délai de trois mois à compter du jour de leur arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

Consuls may arrest deserters from the vessels of their nation, &c.

ART. 10. In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

ART. 10. Dans le cas où les sujets ou citoyens respectifs auront commis quelque crime ou infraction de la tranquillité publique, ils seront justiciables des juges du pais.

Citizens or subjects, amenable for crimes to the judges of the country.

ART. 11. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country: these shall give notice thereof to the consul or vice consul, who may repair on board if he thinks proper: but this notification shall not in any case delay execution of the or-

ART. 11. Lorsque les dits coupables seront partie de l'équipage de l'un des bâtimens de leur nation, et se seront retirés à bord des dits navires, ils pourront y être saisis et arrêtés par l'ordre des juges territoriaux: ceux-ci en prévientront le consul ou vice consul, lequel pourra se rendre à bord s'il le juge à propos: mais cette prévenance ne pourra en aucun cas retarder l'exécution de l'ordre

Offenders may be seized on board their vessels, &c.

der in question. The persons arrested shall not afterwards be set at liberty until the consul or vice consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

Differences between citizens or subjects of either party, to be settled by the consuls without costs, &c.

ART. 12. All differences and suits between the subjects of the most christian king, in the United States, or between the citizens of the United States, within the dominions of the most christian king, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective consuls and vice consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

Each party to enjoy the benefit of tribunals for deciding on disputes relative to commerce.

ART. 13. The general utility of commerce having caused to be established within the dominions of the most christian king, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the congress of the United States will provide

dont il est question. Les personnes arrêtées ne pourront ensuite être mises en liberté qu'après que le consul ou vice consul en aura été prévenu, et elles lui seront remises s'il le requiert, pour être reconduites sur les bâtiments où elles auront été arrêtées, ou autres de leur nation, et être renvoyées hors du pas.

ART. 12. Tous différends et procès entre les sujets du roi très chrétien dans les Etats Unis; ou entre les citoyens des Etats Unis dans les états du roi très chrétien, et notamment toutes les discussions relatives aux salaires et conditions des engagements des équipages des bâtiments respectifs, et tous différends de quelque nature qu'ils soient, qui pourroient s'élever entre les hommes des dits équipages, ou entre quelques uns d'eux, et leurs capitaines, ou entre le capitaines de divers bâtiments nationaux, seront terminés par les consuls et vice consuls respectifs, soit par un renvoi par-devant des arbitres, soit par un jugement sommaire, et sans frais. Aucun officier territorial, civil ou militaire, ne pourra y intervenir, ou prendre une part quelconque à l'affaire, et les apels des dits jugemens consulaires seront portés devant les tribunaux de France ou des Etats Unis qui doivent en connaître.

ART. 13. L'utilité générale du commerce aiant fait établir dans les états du roi très chrétien des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les negocians des Etats Unis jouiront du bénéfice de ces établissemens, et le congrès des Etats Unis pourvoira de la manière la plus conforme

in the manner the most conformable to its laws, for the establishment of equivalent advantages in favor of the French merchants, for the prompt dispatch and decision of affairs of the same nature.

ART. 14. The subjects of the most christian king, and the citizens of the United States, who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

ART. 15. If any other nation acquires, by virtue of any convention whatever, a treatment more favorable with respect to the consular pre-eminences, powers, authority, and privileges, the consuls and vice consuls of the most christian king, or of the United States, reciprocally, shall participate therein, agreeable to the terms stipulated by the second, third, and fourth articles of the treaty of amity and commerce, concluded between the most christian king and the United States.

ART. 16. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

In faith whereof, we, ministers plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles, the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

ART. 14. Les sujets du roi très chrétien et les citoyens des États Unis, qui justifieront authentiquement être du corps de la nation respective, jouiront en consequence de l'exemption de tout service personnel dans le lieu de leur établissement.

ART. 15. Si quelqu' autre nation acquiert, en vertu d'une convention quelconque, un traitement plus favorable relativement aux prééminences, pouvoirs, autorité et privilèges consulaires, les consuls et vice consuls du roi très chrétien ou des États Unis, réciproquement, y participeront, aux termes stipulés par les articles deux, trois et quatre, du traité d'amitié et de commerce conclu entre le roi très chrétien et les États Unis.

ART. 16. La présente convention aura son plein effet pendant l'espace de douze ans à compter du jour de l'échange des ratifications, lesquelles seront données en bonne forme et échangées de part et d'autre dans l'espace d'un an, ou plus tôt si faire se peut.

En foi de quoi, nous ministres plenipotentiaires, avons signé la présente convention, et y avons fait apposer le cachet de nos armes.

Fait à Versailles, le 14 Novembre, mil sept cent quatre-vingt-huit.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

Citizens and subjects, on proof of being alien, to be exempt from personal service.

If the consuls of other nations obtain greater privileges from either party, they are to be common to both.

This convention to be in force for twelve years from the period of the ratifications.

No. 5. Convention between the French Republic and the United States of America.

By the president of the United States
of America, a proclamation.

Proclamation
of a conven-
tion between
the United
States and
France, De-
cember 21st,
1801.

Whereas a convention for terminating certain differences which had arisen between the United States of America and the French republic, was concluded and signed by the plenipotentiaries of the two nations, duly and respectively authorized for that purpose, and was duly ratified and confirmed by the president of the United States, with the advice and consent of the senate, which convention so ratified is in the form following:

John Adams, president of the United States of America—To all and singular to whom these presents shall come, greeting:

Whereas a certain convention between the United States of America and the French republic was concluded and signed between their plenipotentiaries, the honorable Oliver Ellsworth, William Richardson Davie, and William Vans Murray, esquires, their envoys extraordinary and ministers plenipotentiary to the French republic, and the plenipotentiaries of the French republic, the citizens Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Rœderer, at Paris, on the 30th day of September last past, which convention is, word for word, as follows, to wit:

Convention between the French republic
and the United States of America.

The premier consul of the French republic in the name of the people of France, and the president of the United States of America, equally desirous to terminate the differences which have arisen between the two states, have respectively appointed their plenipotentiaries,

Convention
for terminat-
ing differ-
ences be-
tween the
United States
and France.

Bonaparte, premier consul, au nom du peuple Français, les consuls de la république ayant vu et examiné la convention conclue, arrêtée et signée à Paris le huit Vendémiaire, an neuf de la république Française (trente Septembre, mil huit cent) par les citoyens Joseph Bonaparte, Fleurieu et Rœderer, conseillers d'état, en vertu des pleins pouvoirs qui leur avaient été conférés à cet effet, avec Messieurs Ellsworth, Davie et Murray, ministres plenipotentiaires des Etats Unis, également munis de pleins pouvoirs, de laquelle convention la teneur suit:

Convention entre la république Française
et les Etats Unis d'Amérique.

Le premier consul de la république Française au nom du peuple Français, et le président des Etats Unis d'Amérique, également animés du désir de mettre fin aux différends qui sont survenus entre les deux Etats, ont respectivement nommé leurs plenipotentiaires, et

and given them full powers to treat upon those differences, and to terminate the same; that is to say, the premier consul of the French republic, in the name of the people of France, has appointed for the plenipotentiaries of the said republic, the citizens Joseph Bonaparte, ex-ambassador at Rome and counsellor of state; Charles Pierre Claret Fleurieu, member of the national institute, and of the board of longitude of France, and counsellor of state, president of the section of marine; and Pierre Louis Rœderer, member of the national institute of France and counsellor of state, president of the section of the interior; and the president of the United States of America, by and with the advice and consent of the senate of the said states, has appointed for their plenipotentiaries, Oliver Ellsworth, chief justice of the United States, William Richardson Davie, late governor of the state of North Carolina, and William Vans Murray, minister resident of the United States at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

ART. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of

leur ont donné plein-pouvoir pour négocier sur ces différends et les terminer; c'est à dire, le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaires de la dite république, les citoyens Joseph Bonaparte, ex-ambassadeur de la république Française à Rome et conseiller d'état, Charles Pierre Claret Fleurieu, membre de l'institut national et du bureau des longitudes de France, et conseiller d'état, président de la section de la marine, et Pierre Louis Rœderer, membre de l'institut national de France, et conseiller d'état, président de la section de l'intérieur; et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, a nommé pour leurs plénipotentiaires, Olivier Ellsworth, chef de la justice des Etats Unis; William Richardson Davie, ci-devant gouverneur de l'état de la Caroline septentrionale, et William Vans Murray, ministre résident des Etats Unis à la Haye.

Lesquels, après avoir fait l'échange de leurs pleins-pouvoirs longuement et mûrement discuté les intérêts respectifs, sont convenus des articles suivants:

ART. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère, entre la république Française et les Etats Unis d'Amérique, ainsi qu'entre leurs pays, territoires, villes et places, et entre leurs citoyens et habitants, sans exception de personnes ni de lieux.

ART. 2. Les ministres plénipotentiaires des deux parties ne pouvant pour le présent s'accorder relativement au traité

Convention for terminating differences between the United States and France.

A firm and universal peace between the parties.

The treaties of February, 1778, and the convention of 14th Novem-

ber, 1788, annulled.

alliance of 6th February, 1778, d'alliance du 6 Février, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:*

[* This article was subsequently expunged, see post. page 133.]

Captured public ships to be restored.

ART. 3. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

ART. 3. Les bâtimens d'etats qui ont été pris de part et d'autre, ou qui pourraient être pris avant l'échange des ratifications seront rendus.

Captured property, not finally condemned, to be restored on proof.

ART. 4. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy's port excepted) shall be mutually restored on the following proofs of ownership: viz. The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

ART. 4. Les propriétés capturées et non encore condamnées définitivement, ou qui pourront être capturées avant l'échange des ratifications, excepté les marchandises de contrebande destinées pour un port ennemi, seront rendues mutuellement sur les preuves suivantes de propriété; *Savoir:*

De part et d'autre, les preuves de propriété relativement aux navires marchands, armés ou non armés, seront un passeport de la forme suivante:

This is the form of the passport referred to in treaty No. 1, page 93.

"To all who shall see these presents, greeting:

"It is hereby made known that leave and permission has been given to —, master and commander of the ship called —, of the town of —, burden — tons, or thereabouts, lying at present in the port and haven of —, and bound for —, and laden with —, after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the

"A tous ceux qui les présentes verront, soit notoire que faculté et permission a été accordée à —, maître ou commandant du navire, appelé —, de la ville de —, de la capacité de —, tonneaux ou environ, se trouvant présentement dans le port et hâvre de —, et destiné pour —, chargé de —, qu'après que son navire a été visité et avant son départ, il prêtera serment entre les mains des officiers autorisés à cet effet; que le dit navire appartient à un ou plusieurs sujets de —,

said ship belongs to one or more of the subjects of ——. The act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her; whom he shall not take on board without the knowledge and permission of the officers of the marine, and in every port or haven where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colors, arms, and ensigns of the [French republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by _____, at _____, the _____ day of _____, anno domini _____.”

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding: which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year.—Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that the forbidden and contraband

dont l'acte sera mis à la fin des présentes; de même qu'il gardera et fera garder par son équipage, les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance, et la demeure des personnes composant l'équipage de son navire, et de tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connaissance et permission des officiers autorisés à ce; et dans chaque port ou hâvre où il entrera avec son navire, il montrera la présente permission aux officiers à ce autorisés, et leur fera un rapport fidèle de ce qui s'est passé durant son voyage; et il portera les couleurs, armes et enseignes (de la république Française ou des Etats Unis) durant son dit voyage. En témoin de quoi nous avons signé les présentes, les avons fait contresigner par _____, et y avons fait apposer le sceau de nos armes.

Donné à _____,
le _____, de _____,
l'an de grace, le _____.”

Et ce passeport suffira sans autre pièce, non obstant tout régleme contraire. Il ne sera pas exigé que ce passeport ait été renouvelé ou révoqué, quelque nombre de voyages que le dit navire ait pu faire, à moins qu'il ne soit revenu chez lui dans l'espace d'une année.

Par rapport à la cargaison, les preuves seront des certificats contenant le détail de la cargaison, du lieu d'où le bâtiment est parti et de celui où il va, de manière que les marchandises défendues et de contrebande puissent être distinguées par les cer-

Form of proof of captured ships to be re-stored.

Certificates required as proof, in case of cargoes,

Proof required in case of property to be restored.

goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such other proofs of ownership, as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article to take effect from the 30th of September, 1800.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall without delay be restored or paid for.

Debts due to individuals of either party, to be paid, and may be sued for, &c.

ART. 5. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Free commerce between the parties, &c.

ART. 6. Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favored; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and na-

tificats, lesquels certificats auront été faits par les officiers de l'endroit d'où le navire sera parti, dans la forme usitée dans le pays; et si ces passeports ou certificats, ou les uns et les autres ont été détruits par accident, ou enlevés de force, leur défaut pourra être suppléé par toutes les autres preuves de propriété admissibles d'après l'usage général des nations.

Pour les bâtimens autres que les navires marchands, les preuves seront la commission dont il sont porteurs. Cet article aura son effet à dater de la signature de la présente convention; et si à dater de la dite signature, des propriétés sont condamnées contrairement à l'esprit de la dite convention, avant qu'on ait connaissance de cette stipulation la propriété ainsi condamnée sera, sans délai rendue ou payée.

ART. 5. Les dettes contractées par l'une des deux nations envers les particuliers de l'autre, ou par des particuliers de l'une envers des particuliers de l'autre, seront acquittées ou le paiement en sera poursuivi comme s'il n'y avait eu aucune méintelligence entre les deux états— mais cette clause ne s'étendra point aux indemnités réclamées pour des captures ou pour des condamnations.

ART. 6. Le commerce entre les deux parties sera libre; les vaisseaux des deux nations et leurs corsaires, ainsi que leurs prises, seront traités dans les ports respectifs comme ceux de la nation la plus favorisée, et, en general, les deux parties jouiront dans les ports l'une de l'autre, par rapport au commerce

vigation, the privileges of the most favored nation.

ART. 7. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French republic in Europe, and the citizens of the French republic shall have the same liberty with regard to goods, moveable and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper: The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from every duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either state may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two states should restrain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

ART. 8. To favor commerce on both sides, it is agreed, that in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of

et à la navigation, des privilèges de la nation la plus favorisée.

ART. 7. Les citoyens et habitans des Etats Unis pourront disposer par testament, donation ou autrement, de leurs biens, meubles et immeubles, possédés dans le territoire Européen de la république Française; et les citoyens de la république Française auront la même faculté à l'égard des biens, meubles et immeubles, possédés dans le territoire des Etats Unis, en faveur de telle personne que bon leur semblera. Les citoyens et habitans d'un des deux états, qui seront héritiers des biens, meubles ou immeubles situés dans l'autre, pourront succéder *ab intestat*, sans qu'ils aient besoin de lettres de naturalité, et sans que l'effet de cette stipulation, leur puisse être contesté ou empêché, sous quelque prétexte que ce soit; et seront les dits héritiers, soit à titre particulier, soit *ab intestat*, exempts de tout droit quelconque chez les deux nations. Il est convenu que cet article ne dérogera en aucune manière aux lois qui sont à présent en vigueur chez les deux nations ou qui pourraient être promulguées à la suite contre l'émigration, et aussi que dans le cas où les lois de l'un des deux états limiteraient pour les étrangers l'exercice des droits de la propriété sur les immeubles ou pourrait vendre ces immeubles ou en disposer autrement en faveur d'habitans ou de citoyens du pays où ils seraient situés, et il sera libre à l'autre nation d'établir de semblables lois.

ART. 8. Pour favoriser de part et d'autre le commerce, il est convenu que si, ce qu'à Dieu ne plaise, le guerre éclatait entre les deux nations, on allouera, de part et d'autre, aux marchands, et autres citoyens ou

Citizens of each country, to enjoy in that of the other the rights of devise, donation, and of inheritance, &c. without naturalization.

In case of war between the parties, six months allow-

ed for remov-
ing property,
&c.

war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized, during such term of six months; on the contrary, the passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects, which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if any thing be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

habitans respectifs, six mois après la déclaration de guerre, pendant lequel tems ils auront la faculté de se retirer avec leurs effets et meubles qu'ils pourront emmener, envoyer ou vendre, comme ils les voudront, sans le moindre empêchement. Leurs effets, et encore moins leurs personnes, ne pourront point, pendant ce tems de six mois, être saisis; au contraire, on leur donnera des passeports qui seront valables pour le tems nécessaire à leur retour chez eux; et ces passeports seront donnés pour eux, ainsi que pour leur bâtimens et effets, qu'ils désireront emmener ou envoyer. Ces passeports serviront de sauf conduit contre toute insulte et contre toute capture de la part des corsaires, tant contre eux que contre leurs effets; et si, dans le terme ci-dessus désigné, il leur était fait par l'une des parties, ces citoyens ou ses habitans, quelque tort dans leur personnes ou dans leurs effets, on leur en donnera satisfaction complète.

Debts, &c.
not to be se-
questered nor
confiscated in
the event
of war.

ART. 9. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ART. 9. Les dettes dues par des individus de l'une des deux nations aux individus de l'autre, ne pourront, dans aucun cas de guerre, ou de démêlés nationaux, être séquestrées ou confisquées, non plus que les actions ou fonds qui se trouveraient dans les fonds publics, au dans des banques publiques ou particulières.

Commercial
agents may
be reciprocal-
ly appointed,
to reside in
the United
States and in
France.

ART. 10. It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place, as may be thought proper, from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted

ART. 10. Les deux parties contractantes pourront nommer, pour protéger le négoce, des agens commerciaux qui résideront en France et dans les Etats Unis; chacune des parties pourra excepter telle place qu'elle jugera à propos, des lieux où la résidence de ces agens pourra être fixée. Avant qu'aucun agent puisse exercer ses fonc-

in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favored nations.

tions, il devra être accepté, dans les formes reçues, par la partie chez laquelle il est envoyé; et quand il aura été accepté et pourvu de son *exequatur*, il jouira des droits et prérogatives dont jouiront les agens semblables des nations le plus favorisées.

Commercial agents not to exercise their functions until they are recognized by government.

ART. 11. The citizens of the French republic shall pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation, and commerce.

ART. 11. Les citoyens de la république Française ne payeront dans les ports, hâvres, rades, contrées, isles, cités et lieux des Etats Unis, d'autres ni de plus grands droits, impôts de quelque nature qu'ils puissent être, quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités, et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits états à un autre, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront. Et réciproquement, les citoyens des Etats Unis jouiront, dans le territoire de la république Française en Europe, des mêmes privilèges, immunités, tant pour leurs biens et leurs personnes, que pour ce qui concerne le négoce, la navigation et le commerce.

The citizens of the United States and France, to pay reciprocally, no higher duties than nations the most favored.

ART. 12. It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both or of either party, without any

ART. 12. Les citoyens des deux nations pourront conduire leurs vaisseaux et marchandises (*en exceptant toujours la contrebande*) de tout port quelconque, dans un autre port appartenant à l'ennemi de l'autre nation; ils pourront naviguer et commercer en toute liberté et sécurité, avec leurs navires et marchandises, dans les pays, ports et places des ennemis des deux parties ou de l'une ou de l'autre.

On the part of France, this stipulation is confined to Europe.

Free trade allowed to ports of an enemy, &c.

opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the several; unless such ports or places shall be actually blockaded, besieged, or invested.

Notice of blockade to be given before captures are made.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Specification of contraband.

ART. 15. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gun-powder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, hal-

tre partie, sans obstacles et sans entraves, et non seulement passer directement des places et ports de l'ennemi susmentionnés, dans les ports et places neutres, mais encore de toute place appartenant à un ennemi dans toute autre place appartenant à un ennemi, qu'elle soit ou ne soit pas soumise à la même juridiction, à moins que ces places ou ports ne soient réellement bloqués, assiégés ou investis.

Et dans le cas, comme il arrive souvent, où les vaisseaux feraient voile pour une place ou port appartenant à un ennemi, ignorant qu'ils sont bloqués, assiégés ou investis, il est convenu que tout navire qui se trouvera dans une pareille circonstance, sera détourné de cette place ou port, sans qu'on puisse le retenir ni confisquer aucune partie de sa cargaison (*à moins qu'elle ne soit de contrebande, ou qu'il ne soit prouvé que le dit navire, après avoir été averti du blocus ou investissement, a voulu rentrer dans ce même port*); mais il lui sera permis d'aller dans tout autre port ou place qu'il jugera convenable. Aucun navire de l'une ou de l'autre nation, entré dans un port ou place avant qu'ils aient été réellement bloqués, assiégés ou investis par l'autre, ne pourra être empêché de sortir avec sa cargaison: s'il s'y trouve, lorsque la dite place sera rendue, le navire et sa cargaison ne pourront être confisqués, mais seront remis aux propriétaires.

ART. 13. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétards, mèches, balles, boulets, bombes, grenades, carcasses, piques, halle-

berds, swords, belts, pistols, bardes, épées, ceinturons, pistols, Specification of contraband.
 holsters, cavalry saddles and tolets, fourreaux, selles de ca-
 furniture, cannon, mortars, their valerie, harnais, canons, inor-
 carriages and beds, and générale- tions de guerre et utensiles,
 raly all kinds of arms, ammuni- à l'usage des troupes. Tous
 tion of war, and instruments fit for the use of troops; all the
 above articles, whenever they are destined to the port of an
 enemy, are hereby declared to be contraband, and just objects
 of confiscation; but the vessel in which they are laden, and
 the residue of the cargo, shall be considered free, and not in
 any manner infected by the prohibited goods, whether belong-
 ing to the same or a different owner.

ART. 14. It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemy.

ART. 15. On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without dis-

ART. 14. Il est stipulé par le present traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des navires appartenant aux citoyens d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendrait aux ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours excepté. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bord du bâtiment libre, quand même elles seraient ennemies de l'une de deux parties contractantes, et elles ne pourront être enlevées des dits navires libres, à moins qu'elles ne soient militaires et actuellement au service de l'ennemi.

ART. 15. On est convenu, au contraire, que tout ce qui se trouvera chargé par les citoyens respectifs, sur des navires appartenant aux ennemis de l'autre partie ou à leurs sujets, sera confisqué, sans distinctions des

The vessel not affected by carrying contraband articles.

Free ships give a freedom to goods, although the property of an enemy.

Persons, not in the actual military service of an enemy, protected in free ships.

Goods laden on enemy ships, after knowledge of war, to be confiscated.

Goods laden on enemy ships, after knowledge of war, to be confiscated.

tion of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Merchant vessels to exhibit their passports and certificates

ART. 16. The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage, and the articles of their cargo, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which

merchandises prohibées ou non prohibées, ainsi et de même que si elles appartenait à l'ennemi, à l'exception toutefois des effets et merchandises qui auront été mis à bord des dits navires avant la declaration de guerre, ou même après la dite declaration, si, au moment du chargement, on a pu l'ignorer; de manière que les merchandises des citoyens des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, lesquelles, comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant à l'ennemi avant la guerre, ou même après la dite déclaration lorsqu'on l'ignorait, ne seront, en aucune manière, sujettes à confiscation, mais seront fidèlement et de bonne foi rendues, sans délai, à leurs propriétaires qui les réclameront; bien entendu néanmoins qu'il ne soit pas permis de porter dans les ports ennemis les merchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passé depuis la déclaration de guerre, leurs citoyens respectifs, de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. 16. Les navires marchands appartenant à des citoyens de l'une ou d'autre des deux parties contractantes, lorsqu'ils voudront passer dans le port de l'ennemi de l'une des deux parties, et que leur voyage ainsi que les effets de leur cargaison pourront donner de justes soupçons, les dits navires seront obligés d'exhiber en pleine mer, comme dans les ports ou rades, non seulement leurs passeports, mais encore leurs certificats prouvant que ces effets ne sont

are specified to be contraband in the thirteenth article of the present convention.

ART. 17. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year, that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates, that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port, for the delivery of the same.

point de la même espèce que ceux de contrebande spécifiés dans l'article treize de la présente convention.

ART. 17. Et afin d'éviter des captures sur des soupçons frivoles, et de prévenir les dommages qui en résultent, il est convenu que, quand une des deux parties sera en guerre et l'autre neutre, les navires de la partie neutre seront pourvus de passeports semblables à ceux spécifiés dans l'article quatre, de manière qu'il puisse par là apparaître que les navires appartiennent véritablement à la partie neutre. Ces passeports seront valides pour un nombre quelconque de voyages; mais il seront renouvelés chaque année, si le navire retourne chez lui dans l'espace d'une année. Si ces navires sont chargés, ils seront pourvus non seulement des passeports susmentionnés mais aussi de certificats semblables à ceux mentionnés au même article, de manière que l'on puisse connaître s'il y a bord des marchandises de contrebande. Il ne sera exigé aucune autre pièce, non obstant tous usages et réglemens contraires; et s'il n'apparaît pas par ces certificats qu'il y ait des marchandises de contrebande à bord, les navires seront laissés à leur destination. Si, au contraire, il apparaît, par ces certificats, que les dits navires ayent des marchandises de contrebande à bord, et que le commandant offre de les délivrer, l'offre sera acceptée, et le navire sera remis en liberté de poursuivre son voyage; à moins que la quantité de marchandises de contrebande ne soit trop grande pour pouvoir être prise convenablement à bord du vaisseau de guerre ou corsaire; dans ce cas le navire pourra être amené dans le port pour y délivrer la dite marchandise.

Merchant vessels to be provided, in time of war between one of the parties and a third power, with passports and certificates.

Merchant vessels delivering up contraband articles, allowed to pursue their voyages.

The want of a passport, if there be other proofs, not to occasion condemnation.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

The death of the master not to affect ship and cargo.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

Ships examined under the right of search, to be visited in boats, the armed vessel remaining out of cannon shot, and be boarded by two or three men only.

ART. 18. If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship of war or privateer of the other; for the avoiding of any disorder, the said ships of war or privateers shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

The neutral party not to be compelled to go on board armed vessels.

Merchant vessels under convoy, not to be visited.

ART. 19. It is expressly agreed by the contracting parties, that the stipulations above

Si un navire est trouvé sans avoir le passeport ou les certificats ci-dessus exigés, l'affaire sera examinée par les juges ou tribunaux compétens; et s'il conste par d'autres documens ou preuves admissibles par l'usage des nations, que le navire appartient à des citoyens de la partie neutre, il ne sera pas condamné, et il sera remis en liberté avec son chargement, la contrebande exceptée, et aura la liberté de poursuivre sa route.

Si le capitaine nommé dans le passeport du navire venait à mourir, ou à être ôté par toute autre cause, et qu'un autre fut nommé à sa place, le navire et sa cargaison n'en seront pas moins en sûreté, et le passeport demeurera dans toute sa force.

ART. 18. Si les bâtimens des citoyens de l'une ou l'autre nation sont rencontrés le long des côtes, ou en pleine mer, par quelques vaisseaux de guerre ou corsaires de l'autre; pour prévenir tout désordre, les dits vaisseaux ou corsaires se tiendront hors de la portée du canon et enverront leur canot à bord du navire marchand qu'ils auront rencontré: ils n'y pourront entrer qu'au nombre de deux ou trois hommes, et demander au patron ou capitaine du dit navire, exhibition du passeport concernant la propriété du dit navire, fait d'après la formule prescrite dans l'article quatre, ainsi que les certificats susmentionnés relatifs à la cargaison. Il est expressément convenu que le neutre ne pourra être contraint d'aller à bord du vaisseau visitant pour y faire l'exhibition demandée des papiers ou pour toute autre information quelconque.

ART. 19. Il est expressément convenu par les parties contractantes, que les stipulations ci-

mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them: but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient: the two parties reciprocally engaging not to admit under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

dessus, relatives à la conduite qui sera tenue à la mer par les croiseurs de la partie belligérante, envers les bâtimens de la partie neutre, ne s'appliqueront qu'aux bâtimens naviguant sans convoi: et dans le cas où les dits bâtimens seraient convoyés, l'intention des parties étant d'observer tous les égards dus à la protection du pavillon arboré sur les vaisseaux publics, on ne pourra point en faire la visite. Mais la déclaration verbale du commandant de l'escorte, que les navires de son convoi appartiennent à la nation dont ils portent le pavillon, et qu'ils n'ont aucune contrebande à bord, sera regardée par les croiseurs respectifs comme pleinement suffisante; les deux parties s'engageant réciproquement à ne point admettre sous la protection de leur convoi, des bâtimens qui porteraient des marchandises prohibées à une destination ennemie.

The verbal declaration of the commander of the convoy, to be deemed satisfactory.

ART. 20. In all cases where vessels shall be captured or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a descriptive list of the said papers: and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels, found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods. Nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sen-

ART. 20. Dans le cas où les bâtimens seront pris ou arrêtés, sous prétexte de porter à l'ennemi quelque article de contrebande, le capteur donnera un reçu des papiers du bâtiment qu'il retiendra, lequel reçu sera joint à une liste énonciative des dits papiers: il ne sera point permis de forcer ni d'ouvrir les écoutilles, coffres, caisses, caissons, balles, ou vases trouvés à bord du dit navire, ni d'enlever la moindre chose des effets, avant que la cargaison ait été débarquée on présence des officiers compétens, qui feront un inventaire des dits effets; ils ne pourront, en aucune manière, être vendus, échangés ou aliénés, à moins qu'après une procédure légale, le juge ou les juges compétens n'ayent porté contre les dits effets sentence de confiscation (*en exceptant sou-*

Receipts to be given for the papers of a captured vessel.

Hatches, &c. not to be broken up or opened at sea, &c.

tence of confiscation, saving al- *jours le navire et les autres ob-*
ways the ship and the other *jets qu'il contient.*)
goods which it contains.

The master
or supercargo
of a captured
vessel, not to
be removed.

ART. 21. And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed, that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or any thing relative thereto. And in all cases where a vessel of the citizens of either party shall be captured, or seized, and held for adjudication, her officers, passengers, and crew, shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate, five hundred dollars each, and for the sailors and passengers, one hundred dollars each.

Officers, pas-
sengers, &c.
to be hospita-
bly treated.

Prizes to be
condemned
only by the
established
courts.

The sentence
of the court
to mention
the motives of
condemna-
tion, &c.

ART. 22. It is further agreed, that in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

ART. 21. Pour que le bâtiment et la cargaison soient surveillés avec soin, et pour empêcher les dégâts, il est arrêté que le patron, capitaine ou subrecargue du navire *capturé*, ne pourront être éloignés du bord, soit pendant que le navire sera en mer, après avoir été pris, soit pendant les procédures qui pourront avoir lieu contre lui, sa cargaison ou quelque chose y relative.

Dans le cas où le navire appartenant à des citoyens de l'une ou de l'autre partie serait pris, saisi et retenu pour être jugé, ses officiers, passagers et équipage seront traités avec humanité; ils ne pourront être emprisonnés, ni dépouillés de leurs vêtements, ni de l'argent à leur usage, qui ne pourra excéder, pour le capitaine, le subrecargue, et le second, cinq cents dollars chacun; et pour les matelots et passagers, cent dollars chacun.

ART. 22. Il est de plus convenu que dans tous les cas, les tribunaux établis pour les causes de prises dans les pays où les prises seront conduites, pourront seuls en prendre connaissance; et quelques jugement que le tribunal de l'une ou de l'autre partie prononce contre quelques navires ou marchandises ou propriétés réclamées par des citoyens de l'autre partie, le sentence ou décret fera mention des raisons ou motifs qui ont déterminé ce jugement, dont copie authentique, ainsi que de toute la procédure y relative, sera, à leur réquisition, délivrée, sans délai, au capitaine ou agent du dit navire, moyennant le paiement des frais.

ART. 23. And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars or seventy three thousand six hundred and forty francs, to satisfy all damages and injuries, which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said

Vol. 1.

ART. 23. Et afin de pourvoir plus efficacement à la sûreté respective des citoyens des deux parties contractantes, et prévenir les torts qu'ils auraient à craindre des vaisseaux de guerre ou corsaires, de l'une ou l'autre partie, tous commandans des vaisseaux de guerre et de corsaires, et tous autres citoyens de l'une des deux parties, s'abstiendront de tout dommage envers les citoyens de l'autre et de toute insulte envers leurs personnes. S'ils faisaient le contraire, ils seront punis, et tenus à donner, dans leurs personnes et propriétés, satisfaction et réparation pour les dommages, avec intérêt, de quelque espèce que soyent les dits dommages.

A cet effet, tous capitaines de corsaires, avant de recevoir leurs commissions, s'obligeront, devant un juge compétent, à donner une garantie au moins par deux cautions responsables, lesquelles n'auront aucun intérêt sur le dit corsaire, et dont chacune, ainsi que le capitaine, s'engagera particulièrement et solidairement pour la somme de sept mille dollars ou trente six mille huit cent vingt francs; et si les dits vaisseaux portent plus de cent cinquante matelots ou soldats, pour la somme de quatorze mille dollars ou soixante treize mille six cent quarante francs, qui serviront à réparer les torts ou dommages que les dits corsaires, leurs officiers, équipages ou quelqu'un d'eux auraient fait ou commis pendant leur croisière, de contraire aux dispositions de la présente convention, ou aux lois et instructions qui devront être la règle de leur conduite: en outre, les dites commissions seront révoquées et annullées dans tous les

17

Damage done by ships of war to be made good.

Offenders in this respect personally liable.

Commanders of private armed vessels to give security.

Specific amount of the security for the good conduct of private armed vessels.

commission shall be revoked and annulled. cas où il y aura en agression.

Armed vessels and their prizes not to pay duty nor to be examined.

ART. 24. When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

ART. 24. Lorsque les vaisseaux de guerre des deux parties contractantes, ou ceux que leurs citoyens auraient armés en guerre, seront admis à relâcher, avec leurs prises, dans les ports de l'une des deux parties, les dits vaisseaux publics ou particuliers, de même que leurs prises, ne seront obligés à payer aucun droit, soit aux officiers du lieu, soit aux juges ou à tous autres; les dites prises entrant dans les havres ou ports de dans les deux parties, ne pourront être arrêtées ou saisies, et les officiers des lieux ne pourront prendre connaissance de la validité des dites prises, lesquelles pourront sortir et être conduites en toute franchise et liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligés de faire apparoir. Il est toujours entendu que les stipulations de cet article ne s'étendront pas au delà des privilèges des nations les plus favorisées.

Privateers of a third power, at enmity with one of the parties, not to fit their ships in the ports of either party.

ART. 25. It shall not be lawful for any foreign privateers who have commissions from any prince or state, in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that prince or state, from which they have received their commissions.

ART. 25. Tous corsaires étrangers ayant des commissions d'un état ou prince en guerre avec l'une ou l'autre nation, ne pourront armer leurs vaisseaux dans les ports de l'une ou l'autre nation, non plus qu'y vendre leurs prises, ni les échanger en aucune manière: il ne leur sera permis d'acheter des provisions que la quantité nécessaire pour gagner le port le plus voisin de l'état ou prince duquel ils ont reçu leurs commissions.

Pirates not to be received in the ports of either party.

ART. 26. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants

ART. 26. Il est de plus convenu qu'aucune des deux parties contractantes non seulement ne recevra point de pirates dans ses ports, rades ou villes, et ne permettra pas qu'au-

to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or their factors, or agents duly authorised by them; (proper evidence being first given before competent judges for proving the property;) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

ART. 27. Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the gulf of St. Lawrence, or elsewhere, on the American coast, northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall

cun de ses habitans les reçoive, protège, accueille ou recèle en aucune manière, mais encore livrera à un juste châtement ceux de ces habitans qui seraient coupables de pareils faits ou délits.

Les vaisseaux de ces pirates, ainsi que les effets et marchandises par eux pris et amenés dans les ports de l'une ou l'autre nation, seront saisis par tout où ils seront découverts et restitués à leurs propriétaires, agents ou facteurs dûment autorisés par eux, après toutefois qu'ils auront prouvé devant les juges compétens le droit de propriété.

Que si les dits effets avaient passé, par vente, en d'autres mains, et que les acquereurs fussent ou pussent être instruits ou soupçonnaient que les dits effets avaient été enlevés par des pirates, ils seront également restitués.

ART. 27. Aucune des deux nations ne viendra participer aux pêcheries de l'autre sur ses côtes, ni la troubler dans l'exercice des droits qu'elle a maintenant ou pourrait acquérir sur les côtes de Terre-Neuve, dans le golfe de St. Laurent, ou par tout ailleurs, sur les côtes d'Amérique au nord des Etats Unis; mais la pêche de la baleine et du veau marin sera libre pour les deux nations dans toutes les parties du monde. Cette convention sera ratifiée de part et d'autre en bonne et due forme et les ratifications seront échangées dans l'espace de six mois, ou plutôt, s'il est possible.

En foi de quoi les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française, qu'en langue Anglaise, et ils y ont apposé leurs sceau, déclarant néanmoins que la signature en deux langues ne sera point

Ships and goods, piratically obtained, to be seized and restored to the right owners.

Neither party to interfere in the fisheries of the other.

Ratifications to be exchanged within six months.

not be brought into precedent, nor in any way operate to the prejudice of either party. Done at Paris, the eighth day of Vendemaire, of the ninth year of the French republic, the thirtieth day of September, anno domini eighteen hundred.

citée comme exemple, et ne préjudiciera à aucune des deux parties. Fait à Paris, le huitième jour de Vendémiaire, de l'an neuf de la république Française, et le trentième jour de Septembre mil huit cent.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

And whereas the senate of the United States did, by their resolution, on the third day of this present month of February, two thirds of the senators then present concurring, consent to and advise the ratification of the said convention: Provided the second article* be expunged, and that the following article be added or inserted; "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

[* See ante, page 115.]

Limitation of this convention to eight years.

Provisional ratification by the United States.

Now therefore, I, John Adams, president of the United States of America, having seen and considered the convention and additional article above recited, do, in pursuance of the aforesaid advice and consent of the senate of the said United States, by these presents accept, ratify, and confirm the said convention and additional article, and every clause and article thereof, as the same are herein before set forth, saving and excepting the second article of the said convention, which I hereby declare to be expunged and of no force or validity: and I do moreover hereby declare, that the said convention, saving the second article as aforesaid, and the said additional article, form together one instrument, and are a convention between the United States of America and the French republic, made by the president of the United States, by and with the advice and consent of the senate thereof.

In testimony whereof, I have caused the seal of the United States of America to be hereto affixed.

Given under my hand at the city of Washington, this 18th day of February, in the year of our Lord one thousand eight hundred and one, and of the Independence of the said states the twenty-fifth.

JOHN ADAMS.

By the president,

JOHN MARSHALL,

Acting as secretary of state.

And whereas the said convention was, on the other part, ratified and confirmed by the first consul of France in the form of

which the following is a translation from the French language, to wit:

Bonaparte, first consul, in the name of the French people: The consuls of the republic, having seen and examined the convention concluded, agreed to, and signed at Paris, the 8th Vendemiaire, 9th year of the French republic, (30th September, 1800,) by the citizens Joseph Bonaparte, Fleurieu, and Roederer, counsellors of state, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which convention follows:

Approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.

The government of the United States having added to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the government of the French republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: provided that by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

In faith whereof these presents are given. Signed, countersigned, and sealed with the great seal of the republic, at Paris, the twelfth Thermidor, ninth year of the republic, (31st July, 1801.)

BONAPARTE.

The minister of exterior relations,

CH. MAU. TALLEYRAND.

By the first consul:

The secretary of state,

HUGUES B. MARET,

Approuve la convention ci-dessus en tous chacun des articles qui y sont contenus; déclare qu'elle est acceptée, ratifiée et confirmée, et promet qu'elle sera inviolablement observée.

Le gouvernement des Etats Unis ayant ajouté dans sa ratification que la convention sera en vigueur l'espace de huit années, et ayant omis l'article second, le gouvernement de la république Française consent à accepter, ratifier et confirmer la convention ci-dessus, avec l'addition portant que la convention sera en vigueur pendant l'espace de huit années, et avec le retranchement de l'article second: bien entendu que par ce retranchement les deux etats renoncent aux prétentions respectives qui sont l'objet du dit article.

En foi de quoi sont données les présentes, signées, countersignées, et scellées du grand sceau de la république.

A Paris, le douze Thermidor, an neuf de la république, (trente-un Juillet, mil huit cent un.)

BONAPARTE.

Le ministre des relations extérieures,

CH. MAU. TALLEYRAND.

Par le premier consul:

Le secrétaire d'état,

HUGUES B. MARET.

Ratification on the part of France, according to the amendments proposed by the senate of the United States.

La présente convention a été échangée par les ministres sous-signés, munis de pleins pouvoirs à cet effet, à Paris, ce douze Thermidor, an neuf (trente et un Juillet, mille huit cent un.)

W. V. MURRAY,
JOSEPH BONAPARTE,
C. P. CLARET FLEURIEU,
P. L. ROEDERER.

Final ratification on the part of the United States.

Which ratifications were duly exchanged at Paris, on the 31st day of July, in the present year; and having been so exchanged were again submitted to the senate of the United States, who, on the 19th day of the present month, resolved that they considered the said convention as fully ratified, and returned the same to the president or the usual promulgation. Now, therefore, to the end that the said convention may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said convention and every clause and article thereof.

[L. s.] In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and one, and of the sovereignty and independence of the United States the twenty-sixth.

TH: JEFFERSON.

By the president,

JAMES MADISON,
Secretary of state.

No. 6. Treaty between the United States of America and the French republic.

Desire of the parties to remove all source of misunderstanding relative to the construction of the treaty of Madrid, of the 27th October, 1795, &c.

The president of the United States of America, and the first consul of the French republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid the 27th October, 1795, between his catholic and the said States of America, and the first consul of the French republic, peuple Français, et le president des Etats Unis d'Amérique, désirant prévenir tout sujet de mésintelligence relativement aux objets de discussion mentionnés dans les articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre 1800,) et relativement aux droits réclamés par les Etats Unis en vertu du traité conclu à Madrid le 27 Octobre, 1795, entre S. M. Catholique et les dits Etats Unis:

tholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit, the president of the United States of America, by and with the advice and consent of the senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbe Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

ART. 1. Whereas, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendemiaire, an 9, (1st October, 1800,) between the first consul of the French republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." *And whereas*, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestable title to

et voulant fortifier de plus en plus les rapports d'union et d'amitié qui, à l'époque de la dite convention, ont été heureusement rétablis entre les deux états, ont respectivement nommé pour plenipotentiaries, savoir: le premier consul au nom du peuple Français, le citoyen français Barbé Marbois, ministre du trésor public; et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, Robert R. Livingston, ministre plenipotentiaire des Etats Unis, et James Monroe, ministre plenipotentiaire et envoyé extraordinaire des dits états, auprès du gouvernement de la république Française: Lesquels après avoir fait l'échange de leurs pleins-pouvoirs sont convenus des articles suivants:

ART. 1. Attendu que par l'article 3 du traité conclu à St. Ildefonse le 9 Vendémiaire an 9, (1r. Octobre, 1800,) entre le premier consul de la république Française et sa majesté catholique, il a été convenu ce qui suit: "Sa majesté catholique promet et s'engage de son côté, à rétrocéder à la république Française, six mois après l'exécution pleine et entière des conditions et stipulations ci-dessus, relatives à son altesse royale le duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états."

Et comme par suite du dit traité, et spécialement du dit article 3, la république Fran-

And to strengthen the union and friendship of the two nations.

Retrocession of Louisiana by Spain to France stated.

Consideration of the retrocession.

Title of France incontestible.

Cession from
France to the
United States.

the domain and to the possession of the said territory: The first consul of the French republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French republic in virtue of the abovementioned treaty, concluded with his catholic majesty.

What is included in the
cession by the
preceding
article.

ART. 2. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana, and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers, of such of the said papers and documents as may be necessary to them.

Inhabitants of
the ceded
territory to be
incorporated
in the union,
upon the principles of the
federal constitution, &c.

ART. 3. The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ART. 4. There shall be sent

ART. 2. Dans la cession faite par l'article précédent, sont compris les isles adjacentes dépendantes de la Louisiane, les emplacements et places publiques, les terrains vacans, tous les bâtimens publics, fortifications, casernes et autres édifices qui ne sont la propriété d'aucun individu. Les archives, papiers et documens directement relatif au domaine et à la souveraineté de la Louisiane et dépendances, seront laissés en la possession des commissaires des Etats Unis, et il sera, ensuite, remis des expéditions en bonne forme aux magistrats et administrateurs locaux, de ceux des dits papiers et documens qui leur seront nécessaires.

ART. 3. Les habitans des territoires cédés seront incorporés dans l'union des Etats Unis, et admis, aussitôt qu'il sera possible, d'après les principes de la constitution fédérale, à la jouissance de tous les droits, avantages et immunités des citoyens des Etats Unis, et en attendant, ils seront maintenus et protégés dans le jouissance de leurs libertés, propriétés, et dans l'exercice des religions qu'ils professent.

ART. 4. Il sera envoyé de la

by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his catholic majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit it in the name of the French republic to the commissary or agent of the United States.

part du gouvernement Français un commissaire à la Louisiane, à l'effet de faire tous les actes nécessaires, tant pour recevoir des officiers de sa majesté catholique, les dits pays, contrées et dépendances, au nom de la république Française, si la chose n'est pas encore faite, que pour les transmettre, au dit nom, aux commissaires ou agens des Etats Unis.

A commissary to be sent from France to receive the province of Louisiana from the Spanish officers, and to pass it over to the United States.

ART. 5. Immediately after the ratification of the present treaty by the president of the United States, and in case that of the first consul shall have been previously obtained, the commissary of the French republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the president to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ART. 5. Immédiatement après la ratification du présent traité par le président des Etats Unis, et dans le cas où celle du premier consul aurait eu préalablement lieu, le commissaire de la république Française remettra tous les postes militaires de la Nouvelle Orléans, et autres parties du territoire cédé, au commissaire ou aux commissaires nommés par le président, pour la prise de possession. Les troupes Françaises ou Espagnoles qui s'y trouveront, cesseront d'occuper les postes militaires du moment de la prise de possession, et seront embarquées aussitôt que faire se pourra, dans le courant des trois mois qui suivront la ratification du traité.

Period of surrendering the military posts, &c. to the United States.

ART. 6. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ART. 6. Les Etats Unis promettent d'exécuter les traités et articles qui pourraient avoir été convenus entre l'Espagne et les tribus et nations Indigènes, jusqu'à ce que, du consentement mutuel des Etats Unis, d'une part, et des Indigènes, de l'autre, il y ait été substitué tels autres articles qui seront jugés convenables.

The United States to execute the treaties of Spain with the Indians, &c.

ART. 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general

ART. 7. Comme il est réciproquement avantageux au commerce de la France et des Etats Unis, d'encourager la communication des deux peuples, pour un tems limité, dans les contrées dont il est fait cession, par

The vessels of France and Spain, laden with the productions of their respective countries, and entering ports of Lon-

isiana, entitled to the same privileges for twelve years, as vessels of the United States, from France or Spain, entering the same ports.

arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the ports of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

No other nation entitled to the same privileges during the said period of twelve years.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory: the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States; it is, however, well understood, that the object of the above article is to favor the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exporta-

Object of the indulgence to French and Spanish vessels.

le présent traité, jusqu'à ce que des arrangements généraux relatifs au commerce des deux nations, puissent être convenus, il a été arrêté entre les parties contractantes, que les navires Français, venant directement de France ou d'aucune de ses colonies, uniquement chargés des produits des manufactures de la France et de ses colonies, et les navires Espagnols venant directement des ports d'Espagne, uniquement chargés des produits des manufactures de l'Espagne et de ses dites colonies, seront admis, pendant l'espace de douze années, dans le port de la Nouvelle Orléans, et dans tous les autres ports légalement ouverts en quelque lieu que ce soit des territoires cédés; ainsi et de la manière que les navires des Etats Unis, venant de France et d'Espagne, ou d'aucune de leur colonies, sans être sujets à d'autres ou plus grand droits sur les marchandises, ou d'autres ou plus grands droits du tonnage, que ceux qui sont payés par les citoyens des Etats Unis. Pendant l'espace de tems ci-dessus mentionné, aucune nation n'aura droit aux mêmes privilèges dans les ports du territoire cédé. Les douze années commenceront trois mois après l'échange des ratifications, si il a lieu en France, ou trois mois après qu'il aura été notifié à Paris au gouvernement Français, s'il a lieu dans les Etats Unis.

Il est bien entendu que le but du présent article est de favoriser les manufactures, le commerce à frêt et la navigation de France et de l'Espagne, en ce qui regarde les importations qui seront faites par les Français et par les Espagnols dans les dits ports des Etats Unis, sans

tion of the produce and merchandise of the United States, or any right they may have to make such regulations.

ART. 8. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned.

ART. 9. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French republic, prior to the 30th of September, 1800, (8th Vendemiaire, 9,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ART. 10. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages, declaring, nevertheless, that the present treaty was originally agreed to in the French language; and have thereunto put their seals.

qu'il soit rien innové aux réglemens concernant l'exportation des produits et marchandises des Etats Unis, et aux droits qu'ils ont de faire les dits réglemens.

ART. 8. A l'avenir et pour toujours après l'expiration des douze années susdites, les navires Français seront traités sur le pied de la nation la plus favorisée, dans le ports ci-dessus mentionnés.

ART. 9. La convention particulière signée aujourd'hui par les ministres respectifs ayant pour objet de pourvoir au payement des créances dues aux citoyens des Etats Unis par la république Française antérieurement au 8 Vendemiaire, an 9, (30 Septembre, 1800,) est approuvée pour avoir son exécution de la même manière que si elle était insérée au present traité, et elle sera ratifié en la même forme et en même tems en sorte que l'une ne puisse l'être sans l'autre.

Un autre acte particulier signé à la même date que le présent traité, relatif à un règlement définitif entre les puissances contractantes, est pareillement approuvé et sera ratifié en la même forme, en même tems et conjointement.

ART. 10. Le présent traité sera ratifié en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois après la date de la signature de plénipotentiaires, ou plutôt s'il est possible.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus tant en langue Française qu'en langue Anglaise, déclarant néanmoins que le présent traité a été originairement rédigé et arrêté en langue Française, et ils y ont apposé leur sceau.

After the expiration of the twelve years, the vessels of France to be upon the footing of those of the most favored nations.

A particular convention, providing for the payment of debts to citizens of the United States, to be ratified herewith.

Another convention, relative to a definitive rule between the parties, to be ratified at the same time.

Ratifications to be exchanged in six months.

Done at Paris, the tenth day of
Floreal, in the eleventh year
of the French republic, and
the 30th April, 1803.

Fait à Paris, le dixième jour de
Floréal, de l'an onze de la ré-
publique Française et le trente
Avril, 1803.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS, [L. S.]

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

No. 7. Convention between the United
States of America and the French re-
public.

Convention entre les Etats Unis d'Ame-
rique, et la republique Francaise.

Definitive re-
gulations rela-
tive to the ces-
sion of Louisi-
ana.

The president of the United States of America and the first consul of the French republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively every thing which has relation to the said cession, have authorised to this effect the plenipotentiaries, that is to say: the president of the United States has, by and with the advice and consent of the senate of the said states, nominated for their plenipotentiaries, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said United States, near the government of the French republic; and the first consul of the French republic, in the name of the French people, has named as plenipotentiary of the said republic, the French citizen Barbe Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles;

Le président des Etat Unis d'Amérique, et le premier consul de la république Française, au nom du peuple Français, par suite du traité de cession de la Louisiane, qui a été signé aujourd'hui, et voulant régler définitivement tout ce qui est relatif à cette affaire, ont autorisé à cet effet, des plenipotentiaries, savoir: le president des Etats Unis, par et avec l'avis et le consentement du senat des dits etats, a nommé pour leurs plénipotentiaries Robert R. Livingston, ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiaire et envoyé extraordinaire des Etats-Unis auprès du gouvernement de la république Française, et le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaire de la dite république, le citoyen françois Barbé Marbois; lesquels, en vertu de leurs pleinspouvoirs, dont l'échange a été fait aujourd'hui, sont convenus des articles suivans:

The United States engage to pay 60,000,000 francs to France, & to satisfy certain debts to their citizens.

ART. 1. The government of the United States engages to pay to the French government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention

ART. 1. Le gouvernement des Etats Unis s'engager à payer au gouvernement Français, de la manière qui sera spécifié en l'article suivant, la somme de soixante millions de francs, indépendamment de ce qui sera fixé par une autre convention,

for the payment of the debts due by France to citizens of the United States.

ART. 2. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam, or Paris, amounting by the half year, to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French government to be paid at either place: the principal of the said stock to be reimbursed at the treasury of the United States, in annual payments of not less than three millions of dollars each; of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the government of France, or to such person or persons as shall be authorised to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the government of the United States.

It is further agreed, that if the French government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

ART. 3. It is agreed that the dollar of the United States, spe-

pour le payement des sommes dues par la France à des citoyens des Etats Unis.

ART. 2. Le payement des soixante millions de francs mentionnés au précédent article, sera effectué par les Etats Unis, au moyen de la création d'un fonds de onze millions deux cent cinquante mille piastres, portant un intérêt de six pour cent par an, payable tous les six mois à Londres, à Amsterdam ou Paris, à raison de trois cent trente sept mille cinq cents piastres pour six mois, dans les trois places ci-dessus dites, suivant la proportion qui sera déterminée par le gouvernement Français. Le principal du dits fonds sera remboursé par le trésor des Etats Unis, par des payemens annuels, qui ne pourront être d'une somme moindre que trois millions de piastres par année, et dont le premier commencera quinze ans après la date de l'échange des ratifications. Ce fonds sera transféré au gouvernement de France, ou à telle personne, ou tel nombre de personnes qu'il chargera de le recevoir, dans les trois mois au plus tard apres l'échange des ratifications de ce traité et après la prise de possession de la Louisiane, au nom du gouvernement des Etats Unis.

Il est en autre convenu que si le gouvernement Français etait dans l'intention de disposer des dit fonds, et d'en toucher le capital en Europe, à des époques rapprochées, les opérations qui auront lieu seront conduites de la manière la plus favorable au crédit des Etats Unis et la plus propre à maintenir le prix avantageux du fonds qui doit être créé.

ART. 3. La piastre ayant cours de monnaie dans les E-

A stock of \$11,250,000 to be created, with an interest of 6 per cent. payable in London, Amsterdam, or Paris.

The principal to be reimbursed at the treasury of the United States, in annual payments of not less than three millions; the first payment to be made 15 years after the exchange of ratifications, &c.

If the French government be desirous of selling the stock in Europe, it engages to do it upon the best terms for the United States.

The value of the dollar of the United

States referred to, fixed at 5 livres 8 sous tournois.

cified in the present convention, shall be fixed at five francs ³³³³/₁₀₀₀₀, or five livres eight sous tournois.

tats Unis, il est convenu que dans les comptes auxquels la présente convention donnera lieu, le rapport de la dite monnaie avec le franc, sera invariablement fixé à cinq francs ³³³³/₁₀₀₀₀, ou cinq livres huit sols tournois.

Ratifications to be exchanged in six months.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months, to date from this day, or sooner if possible.

La présente convention sera ratifiée en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois, à dater de ce jour, ou plutôt s'il est possible.

In faith of which, the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française qu'en langue Anglaise, déclarant néanmoins, que le présent traité a été originairement rédigé et arrêté en langue Française, et ils y ont apposé leurs sceaux.

Done at Paris, the tenth of Floreal, eleventh year of the French republic, (30th April, 1803.)

Fait à Paris, dixième jour de Floréal, de l'an onze de la république Française, et le trente Avril, 1803.

ROBERT R. LIVINGSTON, [L.S.]
JAMES MONROE, [L.S.]
BARBE MARBOIS. [L.S.]

BARBE MARBOIS, [L.S.]
ROBERT R. LIVINGSTON, [L.S.]
JAMES MONROE. [L.S.]

No. 8. Convention between the United States of America and the French republic.

Convention entre la republique Française et les Etats Unis d'Amerique.

The president of the United States of America and the first consul of the French republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States, have re-

Le premier consul de la république Française au nom du peuple Française, et le président des Etats Unis de l'Amérique, ayant par une traité en date de ce jour, fait cesser toutes les difficultés relative à la Louisiane, et affermi sur des fondemens solides l'amitié qui unit les deux nations, et voulant en exécution des articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800,) assurer le payement des sommes dues par la France aux citoyens des Etats Unis, ont respectivement nommé pour plénipotentiaires;

Convention to secure the payment of the sum due by France to citizens of the United States.

spectively nominated as plenipotentiaries, that is to say: the president of the United States of America, by and with the advice and consent of their senate, Robert R. Livingston, minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbe Marbois, minister of the public treasury: who, after having exchanged their full powers, have agreed to the following articles:

ART. 1. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French government.

ART. 2. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

ART. 3. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the

savoir: le premier consul, au nom du peuple Français, le citoyen français Barbé Marbois, ministre du trésor public, et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits etats, Robert R. Livingston, ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiaire et envoyé extraordinaire des dits etats, auprès du gouvernement de la république Française: lesquels, après avoir fait l'échange de leurs pleins pouvoirs, sont convenus des articles suivans:

ART. 1. Les dettes dues par la France aux citoyens des Etats Unis, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) seront payées conformément aux dispositions suivantes, avec les intérêts à six pour cent, à compter de l'époque où la réclamation et les pièces à l'appui ont été remises au gouvernement Français.

ART. 2. Les dettes qui font l'objet du présent article, sont celles dont le résultat par aperçu est compris dans la note annexée à la présente convention, et qui ne pourront, y compris les intérêts, excéder la somme de vingt millions.

Les réclamations comprises dans la dite note ne pourront néanmoins être admises qu'autant qu'elles ne seront pas frappées des exceptions mentionnées aux articles suivans.

ART. 3. Le principal et les intérêts seront acquittés par les Etats Unis d'Amérique sur des mandats tirés par le ministre plénipotentiaire des dits Etats Unis sur leur trésor. Ces mandats seront payables soixante jours après l'échange des ratifications du traité et des conven-

Debts due from France to citizens of the United States, contracted before the 30th September, 1800, to be paid according to fixed regulations.

Specification of debts provided for by the preceding article.

Mode & time of paying the debts due to citizens of the United States.

signed this day, and after session shall be given of Louisiana by the commissioners of France to those of the United States.

positions signées ce jour, et après la remise qui doit être faite de la Louisiane par le commissaire Français aux commissaires des Etats Unis.

Specification of debts which are comprehended by the preceding articles.

ART. 4. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800.)

ART. 4. Il est expressément convenu que les articles précédens ne comprennent que les créances des citoyens des Etats Unis, ou de leurs représentans, qui ont été et sont encore créanciers de la France pour fournitures, embargos et prizes faites à la mer, et réclamées dans le temps nécessaire, et suivant les formes prescrites par la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800.)

Specification as to what cases the articles relative to the payment of debts due to citizens of the United States are to apply.

ART. 5. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the government of the French republic, and only in case of the insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an 9, (30th September, 1800.) the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the

ART. 5. Les articles précédens ne seront appliqués, 1°. Qu'aux captures dont le conseil des prises aurait ordonné la restitution ou main levée, bien entendu que le réclamant ne pourra avoir recours sur les Etats Unis pour son payement que de la même manière qu'il l'aurait eu envers le gouvernement Français, et seulement en cas d'insuffisance de la part des capteurs: 2°. Qu'aux dettes mentionnées dans ce même article 5 de la convention, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800.) dont le payement a été ci-devant réclamé auprès du gouvernement actuel de France, et pour lesquelles le créancier a droit à la protection des Etats Unis. Le dit article 5 ne comprend point les prises dont la condamnation a été ou viendrait à être confirmée; l'intention expresse des parties contractantes est par conséquent de ne point étendre le bénéfice de la présente convention aux réclamations des citoyens Américains, qui auraient établi des maisons de commerce en France, en Angleterre, ou dans des pays autres que les Etats Unis, en société avec des

nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

ART. 6. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire, 9th year, (30th September, 1800,) the creditor shall be entitled to an order on the treasury of the United States, in the manner prescribed by the third article.

ART. 7. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the excep-

étrangers, et qui, par cette raison et la nature de leur commerce, doivent être regardés comme domiciliés dans les lieux où existent les dites maisons. Sont pareillement exceptés tous accords et pactes concernant des marchandises qui ne seraient pas la propriété des citoyens Américains. Il n'est d'ailleurs rien préjugé sur le fond des réclamations ainsi exceptées.

ART. 6. Afin que les différentes questions aux quelles l'article précèdent pourra donner lieu, puissent être convenablement examinées, les ministres plénipotentiaires des Etats Unis nommeront trois personnes qui dès à présent et provisoirement, auront tout pouvoir d'examiner, sans déplacement de pièces tous les comptes des différentes créances déjà liquidés par les bureaux établis à cet effet par la république Française, et de reconnaître si elles appartiennent aux classes désignées dans la présente convention, et aux principes qui y sont établis, ou si elles ne sont pas dans l'une des exceptions, et sur leur certificat portant que la créance est due à un citoyen Américain, ou à son représentant, et qu'elle existait avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) le créancier aura droit à un mandat sur le trésor des Etats Unis, expédié conformément à l'article 3.

ART. 7. Les mêmes agents pourront également, et dès à présent, prendre connaissance, sans déplacer, des pièces relatives aux réclamations dont le travail et la vérification sont préparés, et délivrer leurs certificats sur celles qui réuniront les caractères nécessaires pour l'ad-

Ministers plenipotentiary of the United States to appoint three commissioners, to act provisionally.

Powers of the three commissioners.

The three commissioners to examine the claims prepared for verification, and to certify those which ought to be admitted.

tions contained in the present convention, mission, et qui ne seront pas comprises dans les exceptions exprimées par la présente convention.

ART. 8. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgments ought to be admitted to liquidation.

And to examine those claims not prepared for liquidation, and to certify such as ought to be liquidated.

ART. 9. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent. by the treasury of the United States.

Debts, when admitted, to be discharged at the treasury of the United States with interest.

ART. 10. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau, and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall

ART. 10. Et afin qu'aucune dette qui n'aura pas les caractères ci-dessus mentionnés, et qu'aucunes demandes injustes ou exorbitantes ne puissent être admises, l'agent commercial des Etats Unis à Paris, ou tel autre agent que le ministre plenipotentiaire des Etats Unis jugera à propos de nommer, pourra assister aux opérations des dits bureaux, et concourir à l'examen de ces créances, et si cet agent n'est pas d'avis que la dette est complètement prouvée, ou s'il juge qu'elle n'est pas comprise dans les dispositions du 5^{me} article ci-dessus mentionné, et que non obstant son avis les bureaux établis par le gouvernement Française estiment que la liquidation doit avoir lieu, il transmettra ses observations au bureau établi de la part des Etats Unis, qui fera, sans déplacer, l'examen complet de la créance et des pièces au soutien, et fera son rapport au ministre des Etats Unis. Ce ministre transmettra ses observations à celui du trésor de la république Française, et sur son rapport le gou-

The commercial agent of the United States at Paris, or some other agent, to be nominated by the minister of the United States at Paris, to assist in the examination of claims.

In disagreements concerning claims between the French bureau and the United States' agent, the latter is to make report to the American board, which is to report to the minister of the United States' at Paris, and he is to transmit his observations, in such cases, to the French minister of finance, on whose report the go-

transmit his observations, in all such cases, to the minister of the treasury of the French republic, on whose report the French government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

ART. 11. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

ART. 12. In case of claims for debts contracted by the government of France with citizens of the United States, since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

ART. 13. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the ministers plenipotentiary, or sooner if possible.

In faith of which, the respective ministers plenipotentiary have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals,

vernement Français prononcera définitivement.

Le rejet qui pourra avoir lieu n'ayant d'autre effet que de constater que le paiement demandé ne doit pas être fait par les Etats Unis, le gouvernement Français, se réserve de statuer définitivement sur la réclamation, en ce qui pourra le concerner.

ART. 11. Toutes les décisions nécessaires seront rendues dans le cours d'une année, à dater de l'échange des ratifications, et aucune réclamation ne sera admise ultérieurement.

ART. 12. Dans le cas où il y aurait des réclamations des Etats Unis à la charge du gouvernement Français, pour des dettes contractées après le 8 Vendemiaire, an 9 (30 Septembre, 1800) elles pourront être suivies, et le paiement pourra être demandé, comme n'étant point comprises en cette convention.

ART. 13. La présente convention sera ratifiée en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois après la date de la signature des ministres plenipotentiaires, ou plutôt s'il est possible.

En foi de quoi, les plenipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française qu'en langue Anglaise, déclarant néanmoins que le présent traité a été originairement rédigé et arrêté en langue Française, et ils y ont apposé leur sceau.

vernement of France is to act definitively.

The rejection of a claim only to exempt the United States from paying it.

All necessary decisions to be made in a year from the exchange of ratifications.

Claims for debts contracted by the French government since 30th September, 1800, may be pursued, and the payment demanded, as if this convention had not been made.

Ratifications to be exchanged in six months.

Done at Paris, the tenth day of Floreal, eleventh year of the French republic; 30th April, 1803. Fait à Paris, le dixième jour de Floréal, de l'an onze de la république Française; et le 30 Avril, 1803.

ROBERT R. LIVINGSTON, [L. s.]	BARBE-MARBOIS, [L. s.]
JAMES MONROE, [L. s.]	ROBERT R. LIVINGSTON, [L. s.]
BARBE MARBOIS. [L. s.]	JAMES MONROE. [L. s.]

[*Note.*—The preceding are all the treaties, &c. that have been negotiated between and ratified by the United States and France, except a contract made in the year 1783, whereby his most christian majesty agreed to lend to the United States the sum of six millions livres tournois. These six millions were loaned from the funds of the French royal treasury, and advanced in twelve monthly payments of five hundred thousand livres each, upon the acknowledgments of Benjamin Franklin, the American minister. The money thus lent was to bear an interest of five per cent. and to be repaid in ready money at the royal treasury in Paris, in six equal portions of one million each, and in six periods, the first to take place in the year 1797, and so on from year to year, until 1802, when the last reimbursement was to be completed. In this, as in the contract of July, 1782, the United States were allowed to anticipate the repayments, if the condition of their finances would admit of it.

The debts thus incurred to France, formed a very influential argument in the appeal which congress made to the states in the year 1783, (see page 36, of this volume,) for additional powers, to enable the nation to discharge the public obligations with good faith. The adoption of the new constitution in 1788, and the establishment of the department of the treasury of the United States under it, had the happy effect to relieve the country from these pecuniary embarrassments. On the 4th of August, 1790, in the presidency of George Washington, there was passed "An act making provision for the debt of the United States," by the second section of which the president was authorised to borrow a sum or sums not exceeding twelve millions of dollars, for the purpose of paying off the arrears and instalments, and (if it could be effected on advantageous terms to the United States) the whole of the foreign debt. [See chap. 34, vol. 2.] The repayment of the loans, &c. obtained from France was finally effected on the 22d July, 1795.

With respect to the duration of the treaties, &c. there was passed, on the 7th of July, 1798, in the presidency of John Adams, an act annulling Nos. 1 and 2, and No. 4, upon the allegation that they had been repeatedly violated on the part of the French government, that claims for reparation had been refused, that attempts to negotiate an adjustment of differences had been repelled with indignity, and that there was still pursued against the United States, under the authority of the French government, a system of predatory violence, &c. To this act succeeded measures of open hostility between the two countries, which were terminated by the convention that was ratified in the year 1801. See No. 5. By that convention, among other things, the United States were exonerated from the weighty responsibility, imposed by the treaty of alliance of 1778, of a guarantee of the French possessions in America.]

CHAPTER 6.

Treaties, contracts, and conventions, concluded at different periods between the United States of America and the United Netherlands, up to the year 1814.

ORIGINAL.

ORIGINEEL.

No. 1. A Treaty of amity and commerce between their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Tractaat van vriendschap en commercie, tusschen haar hoog mogende de staten generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, te weeten, New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia.

Their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective states, countries, and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences, which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility, and the just rules of free intercourse, reserving

Haar hoog mogende de staten generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, te weeten: New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia, geneegen zynde op een bestendige en billyke wyze te bepalen de regelen, die in acht genomen moeten worden, ten opzigte van de correspondentie en commercie, welke zy verlangen vast te stellen tusschen haare respectieve landen, staaten, onderdanen en ingezetenen, hebben geoordeelt, dat het gezegde einde niet beeter kan worden bereikt, dan door te stellen tot een basis van haar verdrag, de volmaakste egaliteit en reciprociteit, en met vermyding van alle die lastige preferentien, dewelke doorgaans de bronaders zyn van twist, verwarring en misnoegen; door aan iedere party de vryheid te laten, om wegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelve het gevoeglykst zal oor-

Treaty for establishing the rules to be observed relative to the commerce and correspondence between the two countries.

Treaty for establishing the rules to be observed relative to the commerce and correspondence between the two countries.

withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

deelen; en door de voordeelen van commercie, eeniglyk te gronden op weederzyts nut, en de juyste regels van vrye handel over en weer; reserveerende by dat alles aan iedere parthy de vryheid, om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde voordeelen.

On these principles their said high mightinesses the states general of the United Netherlands, have named for their plenipotentiaries, from the midst of their assembly, Messieurs, their deputies for the foreign affairs; and the said United States of America, on their part, have furnished with full powers, Mr. John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in congress from the state of Massachusetts Bay, and chief justice of the said state; who have agreed and concluded as follows, to wit:

Firm and inviolable peace and friendship between the two nations.

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship, between their high mightinesses, the lords the states general of the United Netherlands, and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places, situated under the jurisdiction of the said United Netherlands, and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

ART. 1. Daar zal een vaste, onverbreekelyke en universeele, vrede, en opregte vriendschap zyn, tusschen haar hoog mogende de heeren staten generaal der Vereenigde Nederlanden, en de Vereenigde Staaten van America, en de onderdanen van de voornemde parthyen, en tusschen de landen, eilanden, steeden en plaatsen, geleege, onder de jurisdictie van de gemelde Vereenigde Nederlanden en de gemelde Vereenigde Staaten van America, en derselver onderdanen en ingezeetenen, van allerley staat, sonder onderscheid van personen en plaatsen.

ART. 2. The subjects of the said states general of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities, or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ART. 2. De onderdanen van de gemelde staaten generaal der Vereenigde Nederlanden, zullen in de havens, rheedden, landen, eilanden, steden of plaatzen van de Vereenigde Staaten van America, of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemd mogen werden, betaalen, dan die welke de meest gefavoriseerde natien zyn, of zullen worden verplicht aldaar te betaalen. En zy zullen genieten alle de regten, vryheden, privilegien, immunititeiten en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staaten na eene andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld na eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

Subjects of the United Netherlands to pay no other nor higher duties in the ports of the United States than the most favored nations, &c.

ART. 3. The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay: and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, or from or to any foreign port of the world. And the United

ART. 3. Insgelyks zullen de onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, in de havens, rheedden, landen, eilanden, steeden of plaatsens van de gemelde Vereenigde Nederlanden of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemd mogen worden, betaalen, dan die, welke de meest gefavoriseerde natien zyn, of zullen worden verplicht aldaar te betaalen. En zy zullen genieten alle de regten, vryheden, privilegien, immunititeiten, en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staaten na eene andere, of gaande na en van dezelve,

Citizens of the United States not to pay greater nor higher duties in the ports of the United Netherlands than the most favored nations, &c.

States of America, with their subjects and inhabitants, shall leave to those of their high mightinesses, the peaceable enjoyment of their rights, in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

Liberty of conscience, &c. secured to the citizens of each party in the dominions of the other.

ART. 4. There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country. There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates of deaths, in which they shall be interested.

ART. 5. Their high mightinesses the states general of the United Netherlands, and the United States of America, shall endeavor, by all the means in

van en na eenige vreemde ha-
 ven van de wereld, welke de
 meest gefavoriseerde natien
 reeds genieten of zullen genie-
 ten. En zullen de Vereenigde
 Staten van America, benevens
 haare onderdanen en ingezeete-
 nen aan die van haar hoog
 mogende laaten het gerust genot
 van haare regten, omtrent de
 landen, eilanden en zeeën, in
 Oost en West Indien, sonder
 haar daar in eenig belet, of hin-
 dernis te doen.

ART. 4. Er zal eene volle,
 volkomene en geheele vryheid
 van conscientie worden toeges-
 taen aan de onderdanen en in-
 gezeetenen van iedere parthy,
 en aan derzelve familien, en
 zal niemand ter zake van den
 Godtsdienst, worden gemole-
 steert, mits hem omtrent pub-
 lique demonstratie onderwer-
 pende aan de wetten van het
 land. Daar en boven zal vry-
 heid worden gegeven aan de
 onderdanen en ingezeetenen van
 iedere parthy, die in des ande-
 ren's territoir overlyden, om
 begraven te worden in de ge-
 woone begraafplaatzen of ge-
 voeglyke en decente plaatzen,
 daar toe te bepaalen, zoo als de
 geleegendheid zal vereysschen,
 nogte zullen de doode lighaa-
 men van die geene die begraven
 zyn, eenigsints werden gemole-
 steert. En zullen de beide
 contracteer ende mogendheeden
 ieder onder hun gebied, de no-
 dige voorsiening doen, ten ein-
 de de respectieve onderdanen
 en ingezeetenen van behoorlyke
 bewyzen van sterfgevallen, waar
 by dezelve zyn geinteresseert,
 voortaan zullen kunnen worden
 gedient.

ART. 5. Haar hoog mogen-
 de de staten generaal der Ve-
 reenigde Nederlanden en de
 Vereenigde Staten van America,
 zullen trachten, zoo veel eenig-

their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attorneys, all such vessels and effects, which shall be taken under their jurisdiction: and their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

ART. 6. The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in

zints in haar vermogen is, te beschermen en defendeeren alle scheepen en andere effecten toebehoorende aan wederzydsche onderdanen en ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandsche zeeën, stroomen, rivieren, en zoo verre haare jurisdictie zeewaards strekt, en wederom te bekomen ente doen restitueeren aan de regte eigenaars, hunne agenten of gevolmagtigden, alle zodanige scheepen en effecten, die onder haare jurisdictie zullen genomen worden: en haare convoyerende oorlog scheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle scheepen, toebehoorende aan elkanders onderdanen en ingezetenen, dewelke geene contrabande goederen, volgens de beschryving hier na daar van te doen, zullen hebben ingeladen naar plaatzen, waar meede de eene parthy in vrede, en de andere in oorlog is, en na geen geblocqueerde plaats gedensteeneert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige scheepen defendeeren, zoo lang als zy dezelve cours houden, of dezelve weg gaan, teegens alle aanvallen, magt en geweld van den gemeenen vyand, op dezelve wys als zy zouden moeten beschermen en defendeeren de scheepen toebehoorende aan weedersyds eigen onderdanen.

ART. 6. De onderdanen der contracteerende parthyen zullen over en weeder, in weedersydsche landen en staten, van hunne goederen by testamenten, donatien, of andersints mogen disponeeren, en hunne erfenamen, zynde onderdanen van

Both parties to protect vessels, &c. of the other in their dominions; to restore them when captured, and to take under convoy the vessels of each other, when there is a common enemy, &c.

Citizens of each party may dispose of their effects by will or otherwise, in the dominions of the other.

Regulations concerning the disposition of effects belonging to citizens of either party, dying within the jurisdiction of the other.

the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

Subjects of each party may employ such attorneys, &c. as they think proper.

ART. 7. It shall be lawful and free for the subjects of each party, to employ such advocates, attorneys, notaries, solicitors, or factors, as they shall judge proper.

Vessels, &c. not to be detained by violence, for public or private use.

ART. 8. Merchants, masters, and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandises and goods in general, and effects of one of the confederates, or of

een der parthyen in de landen vande andere, of wel elders woonagtig, zullen dezelve nalatenschappen ontsangen, selfs *ab intestato*, het zy in persoon, het zy by hun procureur, of gemagtigde, schoon zy geen brieven van naturalisatie zouden mogen hebben geobtineert, zonder dat het effect van die commissie hun zal kunnen worden betwist, onder prætext van eenige regten, of voorregten van eenige provincie, stad of particulier perzoon: ensoo de erfgenamen, aan welke de erffenissen mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenstelt, kunnen regeren, bestieren, administreezen, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erffenissen zullen zyn te beurt gevallen; en generalyk met opsigt tot de voorsz: successien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs, na dispositie der wetten competeeren, behoudens nochtans, dat deeze dispositie geen plaats zal kunnen hebben, dan ingevalle, als wanneer de testateur by testament, codicille, of ander wettig instrument, geene voogden, of curateurs sal hebben genomineert.

ART. 7. Het zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notarissen, sollicitteurs of facteurs te employeeren, als zy zullen goedvinden.

ART. 8. Kooplieden, schippers, eygenaars, bootsgezellen, lieden van alderhande soort, scheepen en vaartuigen, en alle koopmanschappen en goederen in in't generaal, en effecten van

the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any color thereof; much less shall it be permitted to the subjects of either party, to take or extort by force, any thing from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes; in respect whereof, the proceedings must be by way of law, according to the forms of justice.

een der bondgenooten, of van derselver onderdanen, zullen niet mogen worden in beslag genomen of aangehouden in eenige der landen, gronden, eilanden, steeden, plaatsen, havens, stranden of dominien, hoegenaamt, van den anderen bondgenoot, tot eenige militaire expeditie, publicq of private gebruik van iemand, door arrest, geweld, of eenigsints daar na gelykende: veel min zal het gepermitteert zyn aan de onderdanen van iedere party iets te neemen, of door geweld te ontvreemden van de onderdanen van de andere party, sonder bewilliging van den persoon die het toebehoort: het geen egt niet te verstaan is van die aanhalingen, detentien en arresten, welke zullen worden gedaan op bevel en autoriteit van de justitie, en volgens de ordinaire weegen, ten opzichte van schulden, of misdaden, waar omtrent de procedures moeten geschieden by wege van regten, ingevolge de form van justitie.

Nothing to be extorted by force.

ART. 9. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

ART. 9. Verders is overeengekomen en beslooten, dat het volkomen vry zal staan aan alle kooplieden bevelhebbers van scheepen, en andere onderdanen of ingezeetenen der beide contracteerende mogendheeden in alle plaatsen respectivelyk gehoorende onder het gebied en de jurisdictie der wederzydsche mogendheeden hunne eige saaken zelfs te verrigten; zulende dezelve wyders, omtrent het gebruik van tolken, of makeelaars, mitsgaders met opzigt tot het laaden, of ontladen hunner scheepen, en al het geen daar toe betrekkelijk is, over en weder, op den voet van eige onderdanen, of ten minsten ingelykheid met de meest gefavori-

Citizens of either party allowed to manage their own business, in the dominions of the other, &c.

Free trade allowed to ports of an enemy, &c.

Merchant vessels compelled to exhibit sea-letters, &c.

Merchant vessels not having contraband, allowed to pass; vessels under convoy not to be examined; the word of the commander of the convoy to be deemed sufficient.

In case of contraband, it is not lawful to break up hatches, &c. unless the landing is conveyed on shore, &c.

ART. 10. The merchant ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas, as in the ports, their sea-letters and other documents, described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer who shall conduct the convoy.

ART. 11. If, by exhibiting the sea-letters, and other documents, described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their high mightinesses the states general of the United Netherlands, or to the subjects

seerde natie geconsidereert, en gehandelt worden.

ART. 10. De koopvaardy scheepen van een ieder der parthyen, koomende, zoo wel van een vyandelyke, als eige of neutrale haven, zullen vry moogen vaaren naa eenige haven van een vyand van den anderen bondgenoot; dog verpligt zyn, soo dikwils het gevordert word, haare zeebrieven, en verdere bescheiden in het 25ste articul beschreeven, zoo wel op de open zee, als in de havens te exhibeeren, expresselyk aantoonende, dat haare goederen niet zyn van het getal dier geene, dewelke als contrabande verboden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk, en onverhindert mogen vervolgen; dog sal geen visitatie van papiereen gevergt worden van scheepen onder convoy der oorlog scheepen, maar geloof worden gegeven aan het woord van den officier, het convoy leidende.

ART. 11. Indien by het vertoon der zee-brieven en andere bescheiden by het 25ste articul van dit tractaat nader beschreeven, de andere parthy ontdekt, dat er eenige van die soort van goederen zyn, dewelke verboden en contrabande gedeclareert zyn, en geconsigneert naar een haven onder de gehoorsaamheid van den vyand, zal het niet geoorloft zyn de luyken of zodanig schip op te breeken, of eenige kist, koffers, pakken, kassen of ander vaatwerk, daar in gevonden wordende te openen of het geringste gedeelte van haare goederen te scheepen toebehooren aan de

or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself, as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

onderdanen van haar hoog mogende de staten generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeeten van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in presentie van de officieren van het admiraliteits hof, en een inventaris van deselve gemaakt, dog sal niet worden toegelaten, om deselve op eenigerhande wyse te verkoopen, verruilen of veralien-eeren, dan, na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goederen zullen zyn gehouden, en het admiraliteits hof by een gepronuntieerde sententie dezelve zal hebben geconfisqueert, daar van altoos vrylatende, zoo wel het schip zelve, als eenige andere goederen, daar in gevonden wordende, welke voor vry werden gehouden, nogte mogen dezelve worden opgehouden, onder voor-geeven, dat die, als't ware, door de geprohibeerde goederen, zouden zyn geïnfecteert, veel min zullen deselve, als wettige prys worden geconfisqueert: maar in tegendeel, wanneer by de visitatie aan land word bevonden, dat er geen contrabande waaren in de scheepen zyn, en uit de papieren niet bleek, dat de neemer en opbrenger het daar uyt niet had kunnen ontdekken, zal deselve moeten worden gecondemneert in alle de kosten en schaden, die hy zoo aan de eigenaaren der scheepen als aan de eigenaars en inlaaders der goederen, waar meede de scheepen beladen zullen zyn, door zyne rukelooze aanhouding, en opbrenging der scheepen zal hebben veroorzaakt, met de interessen van dien; wordende wel expresselyk verklaart, dat

No sale of contraband before due process of law.

Contraband goods not to affect those that are free, nor the ship.

Captors ought to be condemned in costs, &c. where no contraband is found.

Free ships to make free goods and persons, except those actually in the service of an enemy.

Goods found in an enemy's ship, liable to be confiscated, unless put on board before declaration of war, or within six months thereafter.

Proviso, in case of contraband.

Vessels of war or privateers to do no injury to either party; if they do, to be punished, and compelled to make reparation.

ART. 12. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy, except nevertheless such effects and merchandises as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: provided nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

ART. 13. And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers

een vry schip zal vry maaken de waaren daar ingelaaden, en dat die vryheid zig ook zal uitstrekken over de personen, die haar zullen bevinden in een vry schip, dewelke daar uyt niet geligt zullen mogen worden, ten zy het waren oorlogsluiden, in effectiven dienst van den vyand.

ART. 12. In tegendeel is overeengekomen, dat al het geen bevonden zal worden geladen te zyn door de onderdanen en ingezeetenen van een der beide parthyen in eenig schip de vyanden van den anderen, of aan deszelfs onderdanen toebehoorende, geheel, of schoon niet zynde van de soort van verbodene goederen, mag worden geconfisqueert, op dezelve wys als of het den vyand toequam, uitgesondert sodanige goederen en koopmanschappen, als aan boord van zodanig schip gedaan waren voor de oorlogs-declaratie, of binnen ses maanden na deselve, welke goederen in geenendeele confiscatie zullen onderhevig zyn, maar wel en getrouwelyk sonder uytstel aan de eigenaers, die deselve voor de confiscatie en verkoop zullen te rug vragen of doen vragen, in natura zullen worden gerestitueert, gelyk meede het provenu daar van, indien de reclame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedaan, eerst konde geschieden, dog zoo, dat, indien de gemelde koopmanschappen contrabande zyn, hét geenzints geoorlost zal zyn deselve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

ART. 13. En ten einde de best mogelyke zorg mag worden gedragen voor de securiteit van de onderdanen en het volk van een der beide parthyen, dat dezelve geen overlast komen

of the other party, it shall be forbidden to all commanders of vessels of war, and other armed vessels of the said states general of the United Netherlands, and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

ART. 14. For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

ART. 15. All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas

te lyden van weegens de oorlog-scheepen of kapers van de andere parthy, zullen alle de bevelhebbers van oorlog-scheepen en gewapende vaartuigen van de voorsz: staten generaal der Vereenigde Nederlanden, en vande gemelde Vereenigde Staaten van America, mitsgaders alle derselver officieren onderdanen en volk, verbooden worden eenige belediging of schade aan die van de andere zyde, toe te brengen, en zoo zy dien contrarie handelen, zullen zy op de eerste klagten, daar over te doen, na behoorlyk ondersoek schuldig bevonden wordende, door haar eige regters gestraft worden, endaar en boven verplight worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder pœne en verbintenis van hunne personen en goederen.

ART. 14. Tot meerder verklaring van het geen voorsz: is, zullen alle kaper capiteinen, of rheeders van scheepen op particuliere bestelling en commissie ten oorloguitgerust, voor dezelfde gehouden zyn, voor derselver vertrek, goede en sufficiente cautie te stellen voor de competente regters, of in het geheel te verantwoorden de malversatien, die ze in haare coursen, of op haare reizen zouden mogen begaan, en voor de contraventien van haare capiteinen en officieren, tegen het tegenwoordig tractaat ende ordonnantien en edicten, die gepubliceert zullen worden, in kragte, en conform de dispositie van dien, op pœne van verval, en nulliteit der voors: commissien.

ART. 15. Alle scheepen en koopmanschappen van wat natuur dezelve ook zyn, die heronnen zullen worden uyt handen van piratten en zeerovers,

Captains of privateers, &c. to give sufficient bonds to be responsible for misconduct.

Goods rescued from pirates to be restored to the true owners.

without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof.

sonder behoorlyke commissie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide staaten, en zullen aan de bewaring der officieren van die haven worden overgeleeverd, ten einde geheel, gerestitueert te worden aan den regten eigenaar, zoodra als behoorlyk en genoegzaam bewys, wegens den eigendom der zelve zal gedaan zyn.

In case of shipwreck, relief shall be afforded, and goods restored, if claimed within a year and a day, on payment of reasonable charges, &c.

ART. 16. If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked or suffer any other sea damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects, and merchandises, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attorneys, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports, for their free and safe passage from thence, and to return, each one, to his own country.

ART. 16. Indien eenige scheepen of vaartuigen toebehoorende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de kusten of dominien van den anderen zullen komen te stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke assistentie en hulp worden gegeven aan de persoonen schipbreuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, en het geen daarvan geborgen zal zyn, of het provenu van dien, by aldien die goederen verderffelyk zynde, zullen weeten verkogt, alle door de schippers of door de eigenaars, of van haare gelaste; of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden gerestitueert; mits betalende alleen de reedelyke onkosten, en het geen voor bergloon door de eige onderdanen, in het zelve geval, betaalt moet worden; zullende insgelyks brieven van vrygeley aan hun worden gegeven, voor hunne vrye en geruste passage van daar, en retour van een ieder na syn eigen land.

Vessels of either party, forced to enter the ports of the other, through stress of weather, or from other

ART. 17. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pi-

ART. 17. Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met hunne scheepen, het zy publike en ten oorlog varende, of bysondere en ter koopvaardy uitge-

rates or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, creeks, bays, ports, roads, or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

rust, door onstuimig weer, na jaaging van zeeroovers of vyanden, of eenige andere dringende nood, gedwongen zullen worden, ter bekoming van een schuilplaats en haven, zig te retireeren en binnen te loopen in eenige der rivieren, creeken, baayen, havens, rheaden of stranden, toebehoorende aan de andere parthye, zullen dezelve met alle menschlievendheid en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten, en zal hun worden toegestaan zig te verschen en proviandeeren, tegens reedelyke pryzen met victuaille, en alle dingen benodigt tot onderhoud van haare personen, of reparatie van hunne schepen, en zy zullen op geenerley wys worden opgehouden, of verhindert uit de gemelde havens of rheadente vertrekken, maar mogen verzylen en gaan wanneer en waar het hun behaagt, zonder eenig belet of verhindering.

cause, to be treated with humanity, &c.

ART. 18. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between their high mightinesses the states general of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and to transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contra-

ART. 18. Tot des te beeter voortzetting der weedersydsche commercie, is overeengekomen, dat indien een oorlog mogt komen te ontstaan, tusschen haar hoog mogende de staten generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, altyd aan de onderdanen van de een of andere zyde zal worden gegeeven den tyt van neegen maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endeselve te vervoeren, waar het haar believen zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of transporteeren haare goederen en meubilien in alle vryheid; sonder dat men haar daar in eenig belet zal

In case of war, nine months allowed to citizens of either party, residing in the dominions of the other, to sell and transport their effects.

In case of war, passports of safe conduct, &c. to be given, &c.

ry, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea shall be adjudged lawful, at least if the declaration of war was not or could not be known, in the last port which the vessel taken has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a complete satisfaction shall be given them.

doen; ook zonder gedurende den tyt van de voorsz: neegen maanden te mogen procedeeeren tot eenig arrest van haare effecten, veel min van haare persoonen, maarsullen inteedendeelvoor haare scheepen, en effecten, die zy zullen willen meedevoeren; worden gegeven pasporten van vry geleide, tot de naeste, havenen, in elkanders landen voor den tyd, tot de reizen nodig. Ook zullen geen pryzen op zee genomen voor wettig genomen gehouden mogen worden, ten minsten indien de oorlogs-declaratie niet bekend was geweest, of had kunnen zyn in de haven, die het genomen schip het laatst heeft verlaten; maar zal voor al het geen aan de onderdanen ingezeetenen van weedyden binnen de voorsz: termynen, ontnomen mogt zyn, en de beledigingen, die hun aangedaan zouden mogen zyn, volkomen satisfactie gegeven worden.

Citizens of neither party shall take commissions, or letters of marque, from a prince or state with whom the other is at war.

ART. 19. No subject of their high mightinesses the states general of the United Netherlands, shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the high and mighty lords the states general of the United Netherlands, or against

ART. 19. Geen onderdaan van haar hoog mogende de staten generaal der Vereenigde Nederlanden, zullen mogen versoeken of aanneemen eenige commissien, of lettres de marque, tot het wapenen van eenig schip, of scheepen, ten einde als kapers te ageeren tegens de gemelde Vereenigde Staten van America, of eenige der zelve, of tegens de onderdanen of ingezeetenen der gemelde Vereenigde Staaten, of eenige der zelve, of tegens den eigendom der ingezeetenen van eenige der zelve, van eenige prins of staat, met wien de voorsz: Vereenigde Staten van America in oorlog mogenden yn; noch te zal eenige onderdaan of ingezeetenen van de gemelde Vereenigde Staten van America, of eenige derselve, eenige commissie of lettres de marque versoeken of aanneemen, tot het wapenen van eenig

the subjects of their high might-nesses, or any of them, or against the property of any one of them, from any prince or state with which their high mightnesses may be at war: and if any person of either nation shall takè such commission or letters of marque, he shall be punished as a pirate.

schip of scheepen, om ter kaap te vaaren tegens de hoog mogende heeren staten generaal der Vereenigde Nederlanden, of teegens de onderdanen of ingezeetenen van gemelde haar hoog mogende, of eenige van deselve, of den eigendom van eenige derzelve, van eenige prins of staat, met wien haar hoog mogende in oorlog zullen zyn; en indien eenig persoon van een van beide natien zodanige commissie of lettres de marque zal aanneemen, zal deselve als een zeerover worden gestraft.

ART. 20. If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unlqad their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

ART. 20. De scheepen der onderdanen of ingezeetenen van een van beide de parthyen, komende aan eenige kust toebehoorende aan de een of andere der gemelde bondgenooten, doch niet voorneemens zyn de in een haven binnen te loopen, of binnen gelooopen zynde, en niet begeerende hunne ladingen te lossen, of last te breeken, of by te laden, zullen niet gehouden zyn voor haare scheepen of ladingen eenige inkomende, of uitgaende regten te betalen, nog eenige reekenschap van haare ladingen te geeven, ten minsten indien er geen wettig vermoeden is dat zy aan een vyand toevoeren koopmanschap van contrabande.

Vessels of either party coming on the coasts, or into the ports of the other, and not willing to break bulk, &c. allowed to depart without paying duty, &c.

ART. 21. The two contracting parties grant to each other, mutually, the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chooses to make such appointment.

ART. 21. De twee contracteerende partyen vergunnen over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, consuls, vice consuls, agenten en commissarissen van hunne eigen aanstelling te hebben, welkers functien gereguleert zullen worden by particuliere overeenkomst, wanneer ooit eene der beide partyen goedvind zodanige aanstelling te doen.

Each party to allow consuls from the other to reside in its ports.

ART. 22. This treaty shall not be understood in any manner to derogate from the ninth,

ART. 22. Dit tractaat zal in geenhande opsigten verstaan worden te derogeren aan de 9, 10,

This treaty not to derogate from the 9th, 10th, 17th and 22d articles of the treaty with France, of the 6th of February, 1778, &c. See ante, pages 79, 80, 86, and 89.

The United Netherlands, by means of their consuls, to aid the United States in forming treaties with the Barbary powers.

Specification of contraband goods.

tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the crown of France: nor shall it hinder his catholic majesty from acceding to that treaty, and enjoying the advantage of the said four articles.

ART. 23. If at any time the United States of America shall judge necessary to commence negotiations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their high mightinesses promise, that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls, residing near the said king, emperor, and regencies.

ART. 24. The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband, or merchandises prohibited, and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, salt petre, sulphur, match, bullets and balls, pikes, sabres, lances, halberds, casques, cuir-

19 en 24ste articulen, van het tractaat met Vrankryk, soo als die genummert zyn geweest in het zelve tractaat den 6 February, 1778. geslooten, zynde de 9, 10, 17 en 22ste articulen van het tractaat van commercie, soo als het nu in kragt is tusschen de Vereenigde Staten van America, en de kroon van Vrankryk: en zal meede niet beletten, dat syne catholicque majesteit aan t'zelve zoude accedeeren, en van het beneficie der gemelde vier articulen jouisseeren.

ART. 23. By aldien de Vereenigde Staten van America, t'eeniger tyd, nodig mogten vinden, om by den koning of keizer van Marocco of Fez, mitsgaders by de regeeringen van Algiers, Tunis of Tripoli, of by eenige van dezelve, negotiatien te entameeren tot het verkrygen van pasporten ter beveiliging van hunne navigatie op de middelandsche zee, zoo beloven haar hoog mogende, op het aanzoek van hoogstgedagte Vereenigde Staten, die negotiatien, door middel van hunne by den voorsz: koning of keizer en regeeringen resideerende consuls op de favorabelste wyze te zullen secondeeren.

ART. 24. De vryheid van navigatie en commercie zal zig uitstrekken tot alle soorten van koopmanschappen, uitgesondert alleen deeze, welke onderscheiden zyn onder den naam van contrabande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogs amunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar toebehoort; geweeren, pistoolen, bomben, granaden, buspulver, salpeeter, swavel, lonten, kogels, pieken, zwaarden, lancien,

asses, and other sorts of arms; as also soldiers, horses, saddles and furniture for horses; all other effects and merchandises not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects and merchandises, which are not expressly beforenamed, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

ART. 25. To the end that all dissent and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sealetters or passports, expressing the name, the property, and the burden of the vessel, as also the name and the place of abode of the master, or commander of the said

helbaarden, casquetten, curiasen, en diergelyk soort van wapentuig, ook soldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en niet uitdrukkelyk gespecificeert, jaa zelfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot het bouwen of equiperen van oorlogsscheepen of tot het maken van het een of ander oorlogstuig te water of te lande, zullen mits dien, nog volgens den letter, nog volgens eenige voor te wende interpretatie van dezelve, hoe ook genaamt, onder verbodene, of contrabande goederen begrepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hierboven niet uydrukkelyk genoemd, sonder eenig onderscheid zullen mogen worden getransporteert, en vervoerd in alle vryheid door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsen aan den vyand toebehoor ende, zodanige steeden of plaetsen alleen uit gezondert, welke op die tyt beleegert, geblocqueert of geinvesteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingesloten worden gehouden.

ART. 25. Ten einde alle dissentie en twist mag werden vermyd en voorgekomen, is overeengekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de scheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zeebrieven of pasporten moeten werden voorsien, expresseerende den naam, eigendom en de groote van het schip of vaartuig, als

Discrimination with respect to articles not contraband.

Definition of blockade.

Regulations respecting sealetters.

vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed according to the form annexed to this treaty; each time that the vessel shall return, she should have such her passport renewed, or at least, they ought not to be of more ancient date than two years, before the vessel has been returned to her own country.

Regulations
respecting
the papers of
merchant
vessels.

It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily given to vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

meede den naam, plaats of woning van den schipper of bevelhebber van het gemelde schip of vaartuig, ten einde daar by mag blyken, dat het schip reël en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord welk pasport zal worden opgemaakt en uitgegeeven volgens het formulier agter dit tractaat gevoegt. Deselve zullen ieder reise, dat het schip thuis is geweest, op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voorde tyd, dat het schip laast is thuis geweest.

Het is insgelyks vastgesteld, dat zodanige scheepen of vaartuigen gelaaden zynde, moeten weesen voorsien niet alleen met pasporten of zeebrieven bovengemeld; maar ook met een generaal pasport, of particuliere pasporten, of manifesten, of andere publicque documenten, die in de havenen, van waar de scheepen laast gekoomen zyn, gewoonlyk gegeeven worden aan de uitgaende scheepen, inhoudende een specificatie van de lading, de plaats van waar het schip gezelt is, en waar heenen het gedestineert is, of by gebreeke van alle deselve, met certificaten van de magistraten, of gouverneurs der steeden, plaatsen, en colonien, van waar het schip vertrokken is, in de gewoone form gegeeven, op dat gewooten kan worden, of eenige verboode of contrabande goederen aan boord van de scheepen zyn, en of zy daar meede na's vyands landen gedestineert zyn, of niet. En by aldien iemand goetdunkt, of raadzaam vind, om in de gemelde bescheiden uit te drukken de personen, aan wien de aan boord zynde goederen toekomen, vermag

ART. 26. If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war, or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty: and the vessel, after having exhibited such a passport, sealetter, and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

ART. 27. It shall be lawful for merchants, captains, and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the juris-

hy zulks vryelyk te doen; sonder egter daar toe gehouden te syn, of dat gebrek van die uitdrukking geleegenheid tot confiscatie kan of mag geeven.

ART. 26. Indien de scheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kusten of in de open zee, ontmoet zullen worden door eenig schip van oorlog, kaper of gewapend vaartuig van de andere parthy, zullen de gemelde oorlogsscheepen, kapers of gewapende vaartuigen tot vermindering van alle disordre, buiten bereik van het geschut blyven, dog hunne booten mogen zenden aan boord van het koopvaardyschip, welke zy op die wys zullen ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie man, aan wien de schipper of bevelhebber van zodanig schip of vaartuig zyn pasport zal vertoonen, inhoudende den eigendom van het schip of vaartuig, ingevolge het formulier agter dit tractaat gevoegt, en zal het schip of vaartuig na de vertoning van dusdanig pasport, zeebrief en verdere bescheiden, vry en liber zyn om deszelfs reis te vervolgen, zoo dat niet geoorloft zal zyn het zelve op eenigerhande wyse te molesteeren of doorzoeken, nog jagt op haar te maken, of het zelve te forceeren haare voorgenomen cours te verlaaten.

ART. 27. Het zal geoorloft zyn aan kooplieden, capiteins, en bevelhebbers van scheepen, het zy publicque en ten oorlog, of particuliere en ter koopvaardy vaarende, toebehoorende aan de gemelde Vereenigde Staten van America, of eenige van deselve, of aan de onderdanen, en ingezeetenen van eenige derselve, vryelyk in hunne dienst

Armed vessels visiting a merchantman, to remain out of the reach of cannon shot; and to send their boats, from which two or three men only can enter, and examine the ship's papers, &c.

Commanders, &c. of public and private vessels of the United States, may engage American seamen in ports of the United Netherlands.

diction of their high mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process, or reprehension whatsoever.

Commanders, &c. of public and private vessels of the United Netherlands, may engage Dutch seamen in the ports of the United States.

And reciprocally, all merchants, captains, and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the denomination of the said States General: provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service; upon pain of being otherwise treated and punished as deserters.

But no seamen to be employed by one party, who is under an engagement on board a vessel of the other.

The refraction (with respect to tobacco,) to be properly regulated in

ART. 28. The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respective-

aan te neemen, en aan boord van haare gemelde scheepen te ontsangen, in iedere der havens of plaatsen onder de jurisdictie van voornoemde haar hoogmogende, eenige bootsgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der gemelde Staaten, op zulke voorwaarden, als zal werden overeen gekomen, zonder daar voor aan eenige boete, pene, straffe, proces of berisping hoegenaamt, onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, capiteinen en bevelhebbers van scheepen, behoorende tot de voorsz: Vereenigde Nederlanden, in alle de havens en plaatsen, onder het gebied van de gemelde Vereenigde Staten van America, het zelve voqrregt genieten tot aanneeming en ontfangen van bootsgezellen of anderen, zynde inboorlingen of ingezeetenen von eenige der domeinen van de gemelde Staten Generaal, met dien verstande, dat men nog aan de eene, nog aan de andere zyde zig zal mogen bedienen van sodanige zyner landsgenooten, die zig reeds in dienst van de andere contracteerende parthye, het zy ten oorlog, het zy op koopvaardy scheepen, heeft geengageert, het zy men deselve aan de vaste wal, dan wel in zee zoude mogen ontmoeten, ten minsten indien de capiteinen of schippers, onder wiens bevel zodanige persoonen zig mogten bevinden, deselve niet vrywillig uit hunnen dienst wilde ontslaan, op pene dat dezelve andersints op den voet van weglopers zullen worden behandelt en gestraft.

ART. 28. De toelag voor refraction, sal in alle redelykheid en billykheid worden gereguleert, by de magistraten der respec-

ly, where it shall be judged that there is any room to complain in this respect.

ART. 29. The present treaty shall be ratified and approved by their high mightinesses the states general of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and the minister plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague, the eighth October, one thousand seven hundred eighty-two.

[L. S.] JOHN ADAMS.

tive steeden, alwaar men oordeelt, dat eenige bezwaaren desweegens plaets hebben.

ART. 29. Het tegenwoordig tractaat zal werden geratificeert en geaprobeert by Hoogstgemelde staaten generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staaten van America, en zullen de acten van ratificatien van de eene ende andere syde in goede ende be hoorlyke forme werden overgeleeverd binnen den tyt van zes maanden, ofte eerder zo het zelve kan geschieden, te reekenen van: dag van de onderteekening.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiariissen van de Heeren staten generael der Vereenigde Nederlanden, en minister plenipotentiaris der Vereenigde Staaten van America, uit kragte van onze respectie authorisatie en pleinpouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage, den agtste October, seventien hondert twee en tagtig.

[L. S.] GEORGE VAN RANDWYCK,

[L. S.] B. V. D. SANTHEUVEL,

[L. S.] P. V. BLEISWYK,

[L. S.] W. C. H. VAN LYNDEN,

[L. S.] D. I. VAN HEECKEREN,

[L. S.] JOAN VAN KUFFELER,

[L. S.] F. G. VAN DEDEM,

tot den Gelder,

[L. S.] H. TJASSENS.

The form of the passport, which shall be given to ships and vessels, in consequence of the 25th article of this treaty.

To all who shall see these presents greeting: Be it known, that leave and permission are hereby given to ———, master or commander of the ship or vessel, called ———, of the bur-

Formulier van het pasport dat gegeven zal worden aan de scheepen of vaartuigen ingevolge het 25e. articular van dit tractaat.

Aan alle de geenen die deeze teegenwoordige sullen sien salut: doen te weeten, dat by deesen vryheid en permissie gegeven werd aan ———, schipper en bevelhebber van het

Form of the passport required by the 25th article of the preceding treaty. See ante, page 165.

Form of the passport required by the 25th article of the preceding treaty. See ante, page 165.

den of _____ tons, or thereabouts, lying at present in the port or haven of _____, bound for _____, and laden with _____, to depart and proceed with his said ship or vessel on his said voyage, such ship or vessel having been visited, and the said master and commander having made oath before the proper officer, that the said ship or vessel belongs to one or more of the subjects, people, or inhabitants of _____, and to him or them only.

In witness whereof, we have subscribed our names to these presents, and affixed the seal of our arms thereto, and caused the same to be countersigned by _____, at _____, this _____ day of _____, in the year of our Lord Christ _____.

Form of the certificate which shall be given to ships or vessels, in consequence of the 25th article of this treaty.

We, _____, magistrates, or officers of the customs, of the city or port of _____, do certify and attest, that on the _____ day of _____, in the year of our Lord _____, C. D. of _____, personally appeared before us and declared, by solemn oath, that the ship or vessel called _____, of _____ tons or thereabouts, whereof _____, of _____, is, at present, master or commander, does rightfully and properly belong to him or them only; that she is now bound from the city or port of _____, to the port of _____, laden with goods and merchandises, hereunder particularly described and enumerated, as follows:

schip: of vaartuij genaemt _____ van de _____, van _____ groot tonnen of daar omtrent, leggende tegenswoordig in de haaven van _____, gedestineert naar _____, en beladen met _____, om te vertrekken, en met zyn schip of vaartuij deszelfs gemelde reize voortzetten, zodanig schip of vaartuij gevisiteert zynde. en de voorn: schipper of bevelhebber onder eede, voor den daer toe gestelden officier, verklaart hebbende, dat t'gem: schip of vaartuij aan een of meerder onderdanen volk of ingezeeten van _____, toebehoort, en aan hem (:of hun:) alleen.

In getuigenis waar van wy deeze teegenswoordige met onze naemen hebben onder teekent, en het zeegel van ons waepen daar aan gehegt, en het zelve doen contrasignieren door _____, tot _____, deezen _____ dag van _____, in't jaer onzes heeren Christ _____.

Formulier van het certificaat het welk aan de scheepen of vaartuigen zal wer den gegeven ingevolge het 25e. articul van dit tractaat.

Wy, _____, de magistrat (:of officieren der convoyen:) van de stad of haven van _____, certificeeren en attesteeren dat op den _____ dag van _____, in het jaer onzes heeren _____, C. D. van _____, in persoon voor ons is gecompareert, en onder solemneelen eede heest verklaart, dat het schip of vaartuij genaemt _____, van _____, tonnen of daar omtrent, waar van _____, van _____, teegenswoordig schipper of bevelhebber is, geregelyk en behoorlyk aan hem (:of hun:) alleen is toebehoorende: Dat het zelve thans gedestineert is van de stad of haaven van _____, na de haaven van _____, gelaaden

Form of the certificate required by the 25th article of the preceding treaty. See ante, page 165.

met goederen en koopmanschappen hier onder particulier gespecificeert in opgenvent als volgt.

In witness whereof, we have signed this certificate, and sealed it with the seal of our office, this ——— day of ———, in the year of our Lord Christ ———.

In getuigenis waar van wy dit certificaat hebben onderteekent, en met het zeegel van ons officie bekragtigt deezen ——— dag van ———, in het jaar onzes heeren Christi ———.

Form of the sealetter.

Formulier van zee-brief.

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise, and prudent lords, emperors, kings, republics, princes, dukes, earls, barons, lords, burgomasters, schepens, counsellors; as also judges, officers, justiciaries, and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these patents or hear them read:

Alder doorluchtigste, doorluchtigste, doorluchtige, grootmachtigste, grootmagtige, hoogh ende wel geboorne, wel edele, erentfeste achtbaare, wyze, voorsienige heeren, keiseren, koningen, republiquen, princen, fursten, hertogen, even, baronnen, heeren, burge-meesteren, scheepenen, raden, mitsgaders rechteren, officieren, justicieren ende regenten aller goede steeden en plaatsen, het zy geestelyke of waereldyke die deeze opene letteren zullen sien oste hooren leesen:

Form of the sealetter required by the 25th article of the preceding treaty. See ante, page 165.

We, burgomasters and regents, of the city of ———, make known that the master of ———, appearing before us, has declared, upon oath, that the vessel called ———, of the burden of about ——— lasts, which he at present navigates, is of the United Provinces, and that no subject of the enemy have any part or portion therein, directly nor indirectly; so may God Almighty help him: And, as we wish to see the said master prosper in his lawful affairs, our prayer is to all the beforementioned, and to each of them separately, where the said master shall arrive with his vessel and cargo, that they may please to receive the said master with goodness, and to treat him in a becoming manner, permitting him, upon the usual tolls and

Doen wy burgemeesteren en regeerders der stad ———, te weeten, dat schipper ———, van ———, (voor ons compareerende:) by solemneelen eede verklaert heeft, dat het schip genoemd ———, groot omtrent ——— lasten, 't welk hy althans voert in de geunieerde provincien t'huys behoord, en dat geen onderdaen van den vyand daer in direct of indirect eenigee portie of deel gebben, soo waarlyk moest hem God Almagtig helpen: Ende want wy den voorsz: schipper gaerne gevordert zagen in syne rechtvaerdige zaaken, zoo is ons versoek allen voornoemt, ende yder in het bysonder daar den voornoenden schipper met zyn schip ende ingelaaden goederen komen zal, dat dezelve gelieven den voornoenden

Form of the
sealletter re-
quired by the
25th article of
the preced-
ing treaty.
See ante,
page 165.

expenses, in passing and re-
passing, to pass, navigate, and fre-
quent the ports, passes, and ter-
ritories, to the end to transact
his business, where, and in what
manner he shall judge proper:
whereof we shall be willingly
indebted.

schipper goedelyken te ontfan-
gen en behoorlyk te tracteeren,
gedoogende gem op syne ge-
woonlyke tollen ende ongeld-
en in het door ende voorby
vaaren, haavenen, stroomen en
gebied te passeeren, vaaren en
frequenteeren omme syne ne-
gotie te doen, daar en soo hy te
raede vinden zal, het welk wy
gaerne willen verschuldigen.

In witness, and for cause where-
of, we affix hereto the seal of
this city.

(In the margin.)

By ordinance of the high and
mighty lords the states gene-
ral of the United Nether-
lands.

Des t'oirconde deeser steede
zeegel ter oorsaeke hier aan
hangende den.

(In margine stont:.)

Ter ordonnantie van de hoog
ende mogende heeren staaten
generaal der Vereenigde Ne-
derlanden.

ORIGINAL.

Art. 2. Convention between the lords
the states general of the United Nether-
lands and the United States of America,
concerning vessels recaptured.

Convention
relative to
prizes and re-
captures.

The lords the states general
of the United Netherlands, and
the United States of America,
being inclined to establish some
uniform principles with relation
to prizes made by vessels of
war, and commissioned by the
two contracting powers, upon
their common enemies, and to
vessels of the subjects of either
party, captured by the enemy,
and recaptured by vessels of war
commissioned by either party,
have agreed upon the following
articles;

Recaptured
vessels not
having been
twenty-four
hours in pos-
session of an
enemy of ei-
ther party, to
be restored,
on payment of
one third sal-
vage to the

ART. 1. The vessels of either
of the two nations recaptured by
the privateers of the other, shall
be restored to the first proprie-
tor, if such vessels have not
been four and twenty hours in
the power of the enemy, provid-
ed the owner of the vessel re-
captured, pay therefor one third

ORIGINEEL.

Conventie tusschen de heeren staten ge-
neraal der Vereenigde Nederlanden en-
de Vereenigde Staten van America, ra-
kende de hernomen scheepen.

De heeren staten generaal
der Vereenigde Nederlanden,
en Vereenigde Staten van Ame-
rica, geneegen synde, eenige
gelykvormige grond beginzelen
vast te stellen, omtrent het op-
brengen van pryzen, door de
oorlogsscheepen en commissie-
vaarders van wedersyds con-
tracteerende parthyen, op der-
selver gemeene vyanden geno-
men, en omtrent de scheepen
van elkanders onderdanen door
den vyand genomen, en by de
oorlogsscheepen en commissie-
vaarders van weedyden her-
nomen, zyn met den anderen
overeengekomen, omtrent de
navolgende articulen:

ART. 1. De scheepen van eene
der beide natien door kapers
van den andere hernomen, zul-
len aan den eersten eigenaer we-
dergegeeven worden, indien
die scheepen nog geen vier en
twintig uren in de magt van
den vyand geweest zyn, mits
door den eigenaer van het her-

of the value of the vessel, as also of that of the cargo, the canons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessel shall have conducted her.

ART. 2. If the vessel recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

ART. 3. In case a vessel shall have been recaptured by a vessel of war, belonging to the states general of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, canons, and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

ART. 4. The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the mean time and until requisite and

nome schip daar voor betaald worde een derde van de waarde van het schip mitsgaders van de lading, canons, en scheepstoerusting, welk derde in der minne begroot zal worden door de geïnteresseerde partyen; of andersints, en zoo zy deswegens niet over een konden komen, zullen zy zich adresseeren aan de bedienden der admiraliiteit van de plaats alwaar de kaper die het schip hernomen heeft, het zelve zal hebben opgebracht.

ART. 2. Indien het hernomen schip langer dan vier en twintig uren in's vyands magt geweest is, zal het in't geheel aan den kaper, die het zelve hernomen heeft, toebehooren.

ART. 3. Ingevalle een schip zal hernomen geweest zyn door een oorlog schip of vaartuig, toebehoorende aan de staten generaal der Vereenigde Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eersten eigenaer wedergegeven worden, mits betalende een dertigste gedeelte van de waarde van het schip en deszelfs lading, canons en scheepstoerusting, by aldien het binnen de vier en twintig uren hernomen is, en het tiende gedeelte zoo het na de vier en twintig uren hernomen is: welke sommen als een gratificatie verdeeld zullen worden onder de equipagien van de scheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigste, en tiende gedeelten zal gereguleerd worden naar luid van het eerste articul der jegenwoordige conventie.

ART. 4. De restitutie der pryzen, het zy door oorlogsscheepen of kapers hernomen, zal ondertusschen en tot dat be hoorlyk en voldoende bewys van

privateersmen.

Recaptured vessels, more than twenty-four hours in possession of an enemy, to be entire prizes to privateersmen.

Vessels of either party recaptured by public vessels of the other, to be restored, on payment of a thirtieth part, if 24 hours in possession of an enemy; if longer, a tenth part.

Restitution of recaptured vessels, to be made in a reasonable time, on surety being given.

sufficient proofs can be given of the property of vessels recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

Vessels of war and privateers, to be admitted, with their prizes, into the ports of both nations, if not inconsistent with the 22d article of the treaty of commerce. See ante, page 163.

ART. 5. The vessels of war and privateers, of one and the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce: provided always, that the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

Prizes of either party to be decided on by its own laws.

Each nation may make regulations respecting captures by privateers, &c.

ART. 6. Moreover, it shall be free for the states general of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers,

In faith of which, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands,

dat eigendom der hernomen scheepen gegeven kan werden, onder suffisante cautie wegens het nakomen der bovenstaande articulen, binnen een reedelyken tyt gadmitteert werden.

ART. 5. De oorlog-en kaper scheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Europa als in de andere weereldsdeelen in elkanders respective havens toegelaten worden met hunne pryzen, welke aldaar zullen mogen ontladen en verkocht worden, naar de formaliteiten gebruikelijk in den staat, alwaar de prys zal weezen opgebracht, so ver het bestaanbaar is met het 22ste articul van het tractaat van commercie, met dien verstande, dat de wettigheid der pryzen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, te deezer zake in de Vereenigde Neederlanden, vast gestelt, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementen by de Vereenigde Staten van America bepaald.

ART. 6. Voor het overige zal het aan de staten generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staten van America vry staan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedragt geen hunne scheepen en kapers weedersyds verpligt zullen weezen te houden, ten opzigt der scheepen die zy genomen, en opgebracht zullen hebben in de havens der beide mogendheeden.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiarissen van de heeren staten generaal der Veree-

and minister plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

nigde Nederlanden, en minister plenipotentiaris der Vereenigde Staten van America, uit kragt van onse respectieve authorisatie en pleinpouvoir, deeze onderteekent, en met onze gewoone cachetten bekrachtigt.

Done at the Hague, the eighth October, 1782. In den Hage, den 8ste October, 1782.

[L. s.] JOHN ADAMS.

[L. s.] GEORGE VAN RANDWYCK,

[L. s.] B. V. D. SANTHEUVEL,

[L. s.] P. V. BLEISWYK,

[L. s.] W. C. H. VAN LYNDEN,

[L. s.] D. J. VAN HEECKEREN,

[L. s.] JOAN VAN KUFFELER,

[L. s.] F. G. VAN DEDEM,

tot den Gelder,

[L. s.] H. TJASSENS.

[Note. In addition to the foregoing treaty and convention, congress, by a contract which was ratified by that body on the 14th of September, 1782, borrowed five millions of guilders, Dutch current money, lent to the United States by certain money lenders in Holland, under the negotiation of Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De La Lande and Fynje, merchants, in Amsterdam. This loan was effected by John Adams, at an interest of five per cent. and was made irredeemable for ten years; after which it was to be repaid by instalments of one-fifth in each succeeding year, the interest lessening in proportion. The repayments were to be made in good bills of exchange, American products, or in ready money.

By another contract, which was ratified by congress on the 1st of February, 1785, there was also borrowed for the United States, by John Adams, under the negotiation of the same merchants, the sum of two millions of guilders, Dutch current money, at an interest of four per cent. It was stipulated that this loan should be redeemed in certain specified annual payments, commencing on the 1st of February, 1801, and ending on the 1st of February, 1807; and it was agreed that the repayments should be made in good bills of exchange, products of America, or in ready money.

There was, moreover, a third contract, likewise entered into by John Adams. It was ratified by congress on the 11th of October, 1787. In virtue thereof, there was lent to the United States, in Holland, the sum of one million of guilders, Dutch current money, at an interest of five per cent. This loan was effected under the negotiation of Messrs. Wilhelm and Jan Willink, and Nicolaas and Jacob Van Staphorst, and was made irredeemable for ten years, at the expiration of which it was to be discharged by annual instalments of one-fifth, commencing on the 1st day of June, 1798, and ending on the 1st day of June, 1802. The repayments, as in the two former instances, were to be made in good bills of exchange, American products, or in ready money.

In relation to all these engagements, the government of the United States has acted with unquestionable good faith.]

CHAPTER 7.

Treaty between the United States of America and Sweden.

TRANSLATION.

No. 1. A treaty of amity and commerce, concluded between his majesty the king of Sweden, and the United States of North America.

The king of Sweden, of the Goths and Vandals, &c. &c. &c. and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects; his majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, his majesty the king of Sweden has nominated and appointed for his plenipotentiary count Gustavus Philip de Creutz, his ambassador extraordinary to his most christian majesty, and knight commander of his orders; and the United States, on their part,

ORIGINAL.

Traite d'amitie et de commerce, conclu entre sa majeste le roi de Suede et les Etats Unis de l'Amerique Septentrionale.

Le roi de Suede, des Goths, et des Vandales, &c. &c. &c. et les treize Etats Unis de l'Amerique Septentrionale, sçavoir, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent, et de Sussex, sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, desirant d'établir d'une manière stable et permanente les règles qui doivent être suivies relativement à la correspondance et au commerce que les deux parties ont jugé nécessaire de fixer entre leurs pays, états et sujets respectifs, sa majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but qu'en posant pour base de leurs arrangements, l'utilité et l'avantage réciproques des deux nations, en évitant toutes les préférences onereuses qui sont ordinairement une source de discussions, d'embarras et de mécontentemens; et en laissant à chaque partie la liberté de faire au sujet du commerce et de la navigation, les réglemens interieurs qui seront à sa convenance.

Dans cette vue sa majesté le roi de Suede a nommé et constitué pour son plenipotentiare le comte Gustave Philippe de Creutz, son ambassadeur extraordinaire près sa majesté tres chrétienne et chevalier commandeur de ses ordres; et les Etats Unis ont de leur côté

Treaty establishing the rules of correspondence and commerce between the United States and Sweden.

have fully empowered Benjamin Franklin, their minister plenipotentiary to his most christian majesty: the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the subjects of his majesty, and those of the said states, and between the countries, islands, cities, and towns, situated under the jurisdiction of the king and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the king, his heirs and successors, and the said United States.

ART. 2. The king and the United States engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART. 3. The subjects of the king of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns, of the United States, or in either of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay; and they shall

pourvû de leurs pleinpouvoirs le sieur Benjamin Franklin, leur ministre plénipotentiaire près sa majesté très chrétienne; les quels plénipotentiaires après avoir échangé leurs pleinpouvoirs et en conséquence d'une mûre délibération ont arrêté, conclu, et signé les articles suivants:

ART. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère entre le roi de Suede, ses héritiers et successeurs, et entre les États Unis de l'Amérique, ainsi qu'entre les sujets de sa majesté et ceux des dits états, comme aussi entre les pays, isles, villes et places, situées sous la jurisdiction du roi, et des dits États Unis, sans exception aucune de personnes et de lieux; les conditions stipulées dans le présent traité devant être perpétuelles et permanentes entre le roi, ses héritiers et successeurs et les dits États Unis.

ART. 2. Le roi et les États Unis s'engagent mutuellement à n'accorder par la suite aucune faveur particulière en fait de commerce et de navigation à d'autres nations, qui ne deviennne aussitôt commune à l'autre partie; et celle-ci jouira de cette faveur gratuitement si la concession est gratuite; ou en accordant la même compensation si la concession est conditionnelle.

ART. 3. Les sujets du roi de Suede ne payeront dans les ports, havres, rades, contrées, isles, villes et places des États Unis, ou dans aucun d'iceux, d'autres ni de plus grands droits qu'ils puissent être que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous

Firm and inviolable peace, &c.

Neither party to grant favors in commerce, &c. to other nations, that shall not become common to the other party.

Subjects of Sweden not to pay higher duties, &c. in the ports of the United States, than the most favored nations.

enjoy all the rights, liberties, les droits, libertés, privilèges, privilèges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Citizens of the United States not to pay higher duties in the ports of Sweden, than the most favored nations.

ART. 4. The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns, under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever.

Liberty of conscience and of burial secured.

ART. 5. There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship; provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the

ART. 4. Les sujets et habitants des dits Etats Unis ne payeront dans les ports, havres, rades, isles, villes et places de la domination du roi de Suede, d'autres ni de plus grands droits ou imposts, de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités, et exemptions en fait de négoce, navigation et commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à un autre de la domination de sa dite majesté, soit en y allant ou en revenant de quelque partie du monde ou pour quelque partie du monde que ce soit.

ART. 5. Il sera accordé une pleine, parfaite et entière liberté de conscience aux habitants et sujets de chaque partie, et personne ne sera molesté à l'égard de son culte, moyennant qu'il se soumette, quant à la démonstration publique, aux loix du pays. De plus on permettra aux habitans et sujets de chaque partie, qui décèdent dans le territoire de l'autre partie, d'être enterrés dans les endroits convenables et décents qui seront assignés à cet effet, et les deux puissances contractantes pourvoiront chacune dans sa jurisdiction, à ce que les sujets et habitans respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

death, in case the delivery of them is required.

ART. 6. The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favor of such persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

ART. 7. All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to fre-

ART. 6. Les sujets des parties contractantes pourront dans les états respectifs disposer librement de leurs fonds et biens, soit par testament, donation ou autrement, en faveur de telles personnes que bon leur semblera, et leurs héritiers dans quelque endroit où ils demeureront, pourront recevoir ces successions, même *ab intestato*, soit en personne, soit par un procureur, sans qu'ils aient besoin d'obtenir des lettres de naturalisation. Ces héritages, aussi bien que les capitaux et fonds que les sujets des deux parties, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront exemts de tout droit de détraction, de la part du gouvernement des deux états respectifs. Mais il est convenu en même tems, que le contenu de cet article ne dérogera en aucune manière aux ordonnances promulguées en Suede contre les emigrations, ou qui pourront par la suite être promulguées, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ART. 7. Il sera permis a tous et un chacun des sujets et habitans du royaume de Suede, ainsi qu' à ceux des Etats Unis, de naviguer avec leurs bâtimens en toute sureté et liberté, et sans distinction de ceux à qui les marchandises et leurs chargemens appartiendront, de quelque port que ce soit. Il sera permis également aux sujets et habitans des deux etats de naviguer et de négocier avec leurs vaisseaux et marchandises, et de frequenter avec la même li-

Citizens of each country, to enjoy in that of the other the rights of devise, donation, and of inheritance, &c. without naturalization.

Free trade allowed with an enemy.

quent the places, ports, and havens, of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make merchandise free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships
make free
goods.

Persons, except soldiers
in the actual
service of an
enemy, to be
secure in free
ships.

Free trade in
all kinds of
merchandise,
except contraband.

Specification
of contraband
goods.

ART. 8. This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods:

ART. 9. Under the name of contraband or prohibited goods, shall be comprehended arms,

berté et sureté, les places, ports et havres des puissances ennemies des deux parties contractantes, ou de l'une d'elles, sans être aucunement inquiétés ni troublés, et de faire le commerce non seulement directement des ports de l'ennemi à un port neutre, mais encore d'un port ennemi à un autre port ennemi; soit qu'il se trouve sous la jurisdiction d'un même ou de différents princes. Et comme il est reçu par le présent traité par rapport aux navires et aux marchandises, que les vaisseaux libres rendront les marchandises libres, et que l'on regardera comme libre tout ce qui sera à bord des navires appartenants aux sujets d'une ou de l'autre des parties contractantes, quand même le chargement, ou partie d'icelui appartiendrait aux ennemis de l'une des deux; bien entendu néanmoins que les marchandises de contreband seront toujours exceptées; les quelles étant interceptées, il sera procédé conformément à l'esprit des articles suivants. Il est également convenu que cette même liberté s'étendra aux personnes qui naviguent sur un vaisseau libre; de manière que quoi qu'elles soient ennemies des deux parties ou de l'une d'elles, elles ne seront point tirées du vaisseau libre, si ce n'est que ce fussent des gens de guerre actuellement au service des dits ennemis.

ART. 8. Cette liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à la reserve seulement de celles qui sont exprimées dans l'article suivant et designées sous le nom de marchandises de contrebande:

ART. 9. On comprendra sous ce nom de marchandises de contrebande ou défendues, les

great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, granadoes, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

armes, canons, boulets, arquebuses, mousquets, mortiers, bombes, petards, grenades, saucisses, cercles poissés, affûts, fourchettes, bandoulières, poudre à canon, méches, salpêtre, souffre, balles, piques, sabres, épées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et tous autres semblables genres d'armes et d'instruments de guerre servant à l'usage des troupes.

ART. 10. These which follow shall not be reckoned in the number of prohibited goods; that is to say: all sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sailcloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly

ART. 10. On ne mettra point au nombre des marchandises défendues celles qui suivent, savoir, toutes sortes des draps, et tous autres ouvrages de manufactures de laine, de lin, de soye, de coton et de toute autre matière, tout genre d'habillement avec les choses qui servent ordinairement à les faire; or, argent monnoyé ou non monnoyé, etain, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de légumes, la nicotiane, vulgairement appelée tabac, toutes sortes d'aromates, chaires salées et fumées, poissons salés, fromage et beurre, bierre, huile, vins, sucres, toutes sortes de sels et de provisions servant à la nourriture et à la subsistance des hommes; tous genres de coton, chanvre, lin, poix, tant liquide que sèche, cordages, cables, voiles, toiles, propres à faire des voiles, ancrs et parties d'ancresquelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses nécessaires pour construire ou pour radouber les vaisseaux. On ne regardera pas non plus comme marchandises de contrebande, celles qui n'auront pas pris la forme de

Discrimination with respect to goods not contraband.

mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked; or invested; and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Definition of blockade.

In case of war with a third power, ships and vessels to be furnished with sealetters and certificates

ART. 11. In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sealetters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed, that the said vessels when loaded shall be provided not only with sealetters, but also with certificates con-

quelque instrument ou attirail, servant à l'usage de la guerre sur terre ou sur mer; encore moins celles qui sont préparées ou travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et spécialement designées dans l'article précédent, de sorte qu'elles ne pourront sous aucune interprétation prétendue d'icelles, être comprises sous les effets prohibés, ou de contrebande; au contraire elles pourront être librement transportées par les sujets du roi et des États Unis, même dans les lieux ennemis, excepté seulement dans les places assiégées, bloquées ou investies; et pour telles, seront tenues uniquement les places entourées de près par quelqu'une des puissances bellicieuses.

ART. 11. Afin d'écartier et de prévenir de part et d'autre toutes sortes de discussions et de discorde, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenans aux sujets ou habitans de l'autre devront être munis de lettres de mer ou passeports, exprimant le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau afin qu'il apparaisse par là, que le dit vaisseau appartient réellement et véritablement aux sujets de l'une ou de l'autre partie. Ces passeports qui seront dressés et expédiés en due et bonne forme, devront également être renouvelés toutes les fois que le vaisseau revient chez lui dans le cours de l'an. Il est encore convenu que ces dits vaisseaux chargés devront être

taining a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ART. 12. Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates abovementioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ART. 13. If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken;

pourvûs non seulement de lettres de mer, mais aussi de certificats contenant les détails de la cargaison, le lieu d'où le vaisseau est parti et celui de sa destination, afin que l'on puisse connoître s'ils ne portent aucune des merchandises défendues ou de contrebande spécifiées dans l'article 9 du présent traité, lesquels certificats seront également expédiés par les officiers du lieu d'où le vaisseau sortira.

ART. 12. Quoique les vaisseaux de l'une et de l'autre partie pourront naviguer librement et avec toute sûreté comme il est expliqué à l'article 7, ils seront néanmoins tenus toutes les fois qu'on l'exigera, d'exhiber tant en pleine mer que dans les ports, leurs passeports et certificats ci-dessus mentionnés. Et n'ayant pas chargé des merchandises de contrebande pour un port ennemi, ils pourront librement et sans empêchement poursuivre leur voyage vers le lieu de leur destination. Cependant on n'aura point le droit de demander l'exhibition des papiers aux navires marchands convoyés par des vaisseaux de guerre; mais on ajoutera foi à la parole de l'officier commandant le convoi.

ART. 13. Si en produisant les dits certificats il fut découvert que le navire porte quelques uns de ces effets qui sont déclarés prohibés ou de contrebande, et qui sont consignés pour un port ennemi, il ne sera cependant pas permis de rompre les écoutes des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot et tonneau, ou d'en déplacer, ni d'en détourner la moindre partie des merchandises, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers préposés à cet effet, et que l'in-

Vessels, if required, shall exhibit their seal letters and certificates.

Vessels not having contraband goods, may pass.

Vessels under convoy to pass without exhibiting papers, on the word of the commander of the convoy.

In case of capture for carrying contraband to an enemy, the hatches, &c. not to be broken up at sea.

nor shall it be lawful to sell, exchange, or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandises which shall have been found therein, which, by virtue of this present treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandises declared to be free, the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

The ship, &c. not to be affected by the contraband on board.

On delivery of contraband by the master, the vessel may pursue her voyage.

In cases of capture, were the goods free, the captors to pay costs and damages.

Goods found in an enemy's ship liable to be confiscated, unless put on board before the declaration of war, or within six months afterwards.

ART. 14. It is likewise agreed, that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belong-

ventaire en ait été fait. Encore ne sera-t-il pas permis de vendre, échanger ou aliéner la cargaison ou quelque partie d'icelle, avant qu'on aura procédé légalement au sujet des marchandises prohibées et qu'elles auront été déclarées confiscales par sentence; à la réserve néanmoins, tant des navires même que des autres marchandises qui y auront été trouvées et qui en vertu du présent traité doivent être censées libres; lesquelles ne peuvent être retenues sous prétexte qu'elles ont été chargées avec des marchandises défendues, et encore moins être confisquées comme une prise légitime. Et supposé que les dites marchandises de contrebande, ne faisant qu'une partie de la charge, le patron du navire agréat, consentit et offrit de les livrer au vaisseau qui les aura découvertes; en ce cas, celui-cy, après avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le bâtiment, et en l'empêchera en aucune manière de poursuivre sa route vers le lieu de sa destination. Tout navire pris et amené dans un des ports des parties contractantes, sous prétexte de contrebande, qui se trouve par la visite faite n'être chargé que de marchandises déclarées libres, l'armateur ou celui qui aura fait la prise, sera tenu de payer tous les frais et dommages au patron du navire retenu injustement.

ART. 14. On est également convenu que tout ce qui se trouvera chargé par les sujets d'une des deux parties dans un vaisseau appartenant aux ennemis de l'autre partie, sera confisqué en entier, quoique ces effets ne soient pas au nombre de ceux déclarés de contrebande, comme si ces effets ap-

ed to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandises be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

partenoient à l'ennemi même; à l'exception néanmoins des effets et marchandises qui auront été chargées sur des vaisseaux ennemis avant la déclaration de guerre, et même six mois après le déclaration, après lequel terme, l'on ne sera pas censé d'avoir pu l'ignorer; les quelles marchandises ne seront en aucune manière sujettes à confiscation, mais seront rendues en nature fidèlement aux propriétaires qui les réclameront ou feront réclamer avant la confiscation et vente; comme aussi leur provenu, si la réclamation ne pouvoit se faire que dans l'intervalle de huit mois après la vente, laquelle doit être publique; bien entendu néanmoins, que si les dites marchandises sont de contrebande, il ne sera nullement permis de les transporter ensuite à aucun port appartenant aux ennemis.

ART. 15. And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party, or by privateers, all captains and commanders of ships of his Swedish majesty, and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ART. 16. For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters patent, or special-commission, be

ART. 15. Et afin de pouvoir plus efficacement à la sûreté des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous les capitaines et commandants de vaisseaux de sa majesté Suedoise et des Etats Unis, et tous leurs sujets, de faire aucun dommage ou insulte à ceux de l'autre partie; et au cas qu'ils y contreviennent, ayant été trouvés coupables, après l'examen fait par leurs propres juges, ils seront tenus de donner satisfaction de tout dommage et intérêt; et de les bonifier sous peine et obligation de leurs personnes et biens.

ART. 16. Pour cette cause chaque particulier, voulant armer en course sera obligé, avant que de recevoir les patentes ou ses commissions spéci-

Commanders of public and private armed vessels, to be answerable in their persons and goods, for injuries done on either side.

Every person fitting out a privateer, before he receives a commission, to give bond to

answer all
damages.

obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void

Vessels, &c.
of one of the
parties, being
neutral, re-
captured by
the other, to
be restored on
proof.

ART. 17. One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general, all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall

Persons and
property not
to be detained
by force, on
either side,
on any pre-
text, &c.

ales, de donner par devant un juge compétent, caution de personnes solvables, chacun solidairement pour une somme suffisante, afin de repondre de tous les dommages et torts que l'armateur, ses officiers, ou autres étant à son service pourroient faire en leurs courses, contre la teneur du présent traité et contre les édits faits de part et d'autre en vertu du même traité par le roi de Suede et par les États Unis. même sous peine de révocation et cassation des dites patentes et commissions spéciales.

ART. 17. Une des parties contractantes étant en guerre, et l'autre restant neutre, s'il arrivoit qu'un navire marchand de la puissance neutre fut pris par l'ennemi de l'autre partie, et repris ensuite par un vaisseau ou par un armateur de la puissance en guerre; de même que les navires et merchandises de quelle nature qu'elles puissent être lors qu'elles auront été enlevées des mains de quelque pirate ou ecumeur de mer, elles seront emmenées dans quelque port de l'un des deux états, et seront remises à la garde des officiers du dit port, afin d'être rendues en entier à leur véritable propriétaire, aussitôt qu'il aura produit des preuves suffisantes de la propriété. Les marchands, patrons, et propriétaires des navires, matelots, gens de toute sorte, vaisseaux et bâtimens et en général aucunes merchandises ni aucuns effets de chacun des alliés ou de leurs sujets, ne pourront être assujetés à aucun embargo, ni retenus dans aucun des pays, territoires, isles, villes, places, ports, rivages ou domaines quelconques de l'autre allié, pour quelque expedition militaire, usage public ou parti-

It be lawful for the subjects of one of the parties to seize or take any thing by force, from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

culier de qui que ce soit, par saisie, par force, ou de quelque manière semblable. D'autant moins sera-t-il permis aux sujets de chacune des parties de prendre, ou enlever par force, quelque chose aux sujets de l'autre partie, sans le consentement du propriétaire; ce qui néanmoins, ne doit pas s'entendre des saisies, detentions et arrêts qui se feront par ordre et autorité de la justice et selon les voyes ordinaires pour dettes ou delits, au sujet desquels il devra être procédé par voye de droit selon les formes de justice.

This restriction not to extend to arrests, &c. made in furtherance of justice.

ART. 18. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours; which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

ART. 18. S'il arrivoit que les deux parties contractantes fussent en même tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivans:

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre n'ont pas été au pouvoir de l'ennemi, au delà de vingt-quatre heures, ils seront restitués au premier propriétaire, moyennant le paiement du tiers de la valeur du bâtiment et de celle de la cargaison. Si, au contraire, le vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'aura repris.

2. Dans les cas que dans l'intervalle de vingt-quatre heures un navire est repris par un vaisseau de guerre de l'une des deux parties, il sera rendu au premier propriétaire, moyennant qu'il paye un trentième de la valeur du navire et de sa cargaison, et le dixième, s'il a été repris après les vingt quatre heures, les quelles sommes seront distribuées en guise de gratification aux équipages des vaisseaux qui l'auront repris.

Regulations respecting recaptures, &c. in case the two nations should be at war with a common enemy.

Vessels of either party, retaken by privateers of the other, and not having been more than twenty-four hours in the possession of an enemy, to be restored on payment of one third value of ship and cargo; if more than twenty-four hours, the captors to have the whole.

Vessels of either party, retaken by men of war, from an enemy, not having had possession twenty-four hours, to be restored on payment of a thirtieth part of vessel and cargo; if longer in possession of an enemy, a tenth part.

Recaptures to be restored on proof and security.

3. The prizes made in manner abovementioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

The legality of prizes on each side, to be determined, in the ports of the other, according to the laws of the respective countries.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

Each party may make necessary regulations for men of war, &c. with respect to prizes carried into the ports of the other.

5. Moreover, the king of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

The armed vessels of either party, allowed to enter and freely depart the ports of the other, with their prizes.

ART. 19. The ships of war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes,

3. Les prises faites de la manière susdite seront restituées aux propriétaires, après les preuves faites de la propriété, en donnant caution pour la part qui en revient à celui qui a tiré le navire des mains de l'ennemi.

4. Les vaisseaux de guerre et armateurs des deux nations seront réciproquement admis avec leurs prises, dans les ports respectifs de chacune, mais ces prises ne pourront y être déchargées ni vendues qu'après que la légitimité de la prise faite par des bâtimens Suedois aura été décidée selon les loix et réglemens établis en Suede; tout comme celle des prises faites par des bâtimens Américains, sera jugée selon les loix et réglemens déterminés par les Etats Unis de l'Amérique.

5. Au surplus il sera libre au roi de Suede, ainsi qu'aux Etats Unis de l'Amérique de faire tels réglemens qu'ils jugeront nécessaires relativement à la conduite que devront tenir leurs vaisseaux et armateurs respectifs, à l'égard des bâtimens qu'ils auront pris et conduits dans les ports des deux puissances.

ART. 19. Les vaisseaux de guerre de sa majesté Suedoise et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté conduire les prises qu'ils auront faites sur leurs ennemis, dans les ports ouverts en tems de guerre aux autres nations amies, sans que ces prises, entrant dans les dits ports, puissent être arrêtées ou saisies, ni que les officiers des lieux puissent prendre connoissance de la validité de dites prises, les quelles

which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

ART. 20. In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

ART. 21. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always that they pay a reason-

pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions, dont les capitaines des dits vaisseaux seront obligés de faire montre.

ART. 20. Au cas que quelque vaisseau appartenant à l'un des deux états, ou à leurs sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragées ou leur provenu, si ces effets eussent été vendus, étant réclamés dans l'an et jour par les propriétaires, ou leur ayant cause, seront restitués, en payant les frais du sauvement, conformément aux loix et coutumes des deux nations.

ART. 21. Lorsque les sujets et habitants de l'une des deux parties avec leurs vaisseaux soit publics, soit équipés en guerre, soit particuliers, ou employés au commerce, seront forcés, par une tempête, par la poursuite des corsaires et des ennemis, ou par quelque autre nécessité urgente, de se retirer et d'entrer dans quelque'une des rivières, bays, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité et honnêteté et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres et de toutes choses nécessaires pour leur subsistance, pour la réparation de leurs vaisseaux et pour continuer leur voyage, le tout moyennant un prix raisonnable, et ils ne seront

In case of shipwreck, relief shall be afforded, and goods restored, on paying costs of salvage, if claimed in a year and a day.

When vessels of either party shall be forced by stress of weather, &c. into ports, &c. of the other, they shall be protected, the persons on board treated with humanity, and freely permitted to depart.

ble price: and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle ni empêchement.

In case of war, nine months shall be allowed to citizens or subjects to sell, or to transport their effects.

ART. 22. In order to favor commerce on both sides as much as possible, it is agreed. that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but, on the contrary, passports, which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people, and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

The citizens or subjects of each party not to take commissions, or letters of marque, from any prince or

ART. 23. No subject of the king of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects,

ART. 22. Afin de favoriser d'autant plus le commerce des deux côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux nations susdites, ce qu'à Dieu ne plaise, il sera accordé un tems de neuf mois après la déclaration de guerre, aux marchands et sujets respectifs de part et d'autre, pour pouvoir se retirer avec leurs effets et meubles, lesquels ils pourront transporter, ou faire vendre, où ils voudront, sans qu'on y mette le moindre obstacle, ni qu'on puisse arrêter les effets, et encore moins les personnes pendant les dits neuf mois; mais qu'au contraire on leur donnera, a pour leurs vaisseaux et effets qu'ils voudront prendre avec eux, des passeports valables pour le tems qui sera nécessaire pour leur retour; mais s'il leur est enlevé quelque chose, ou s'il leur a été fait quelque injure, durant le terme prescrit cy-dessus, par l'une des parties, leurs peuples et sujets, il leur sera donné à cet égard pleine et entière satisfaction. Ces passeports susmentionnés serviront également de sauveconduits contre toutes insultes ou prises que les armateurs pourront tenter de faire contre leurs personnes et leurs effets.

ART. 23. Aucun sujet du roi de Suede ne prendra de commission ou lettre de marque pour armer quelque vaisseau, afin d'agir comme corsaire contre les Etats Unis de l'Amérique ou quelques uns d'entre

people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission, or letters of marque, for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. 24. The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ART. 25. When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel;

eux, ou contre les sujets, peuples, ou habitant d'iceux, ou contre la propriété des habitans de ces états, de quelque prince ou état que ce soit, avec lequel ces dits Etats Unis seront en guerre. De même, aucun citoyen, sujet ou habitant des dits Etats Unis, et de quelqu'un d'entre eux, ne demandera ni n'acceptera aucune commission ou lettre de marque, afin d'armer quelque vaisseau pour courre sus aux sujets de sa majesté Suedoise ou quelqu'un d'entre eux ou leur propriété, de quelque prince ou état que ce soit avec qui sa dite majesté se trouvera en guerre. Et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme pirate.

ART. 24. Les vaisseaux des sujets ou habitans d'une des deux parties, abordant à quelque côte de la dépendance de l'autre mais n'ayant point dessein d'entrer au port, ou y étant entré, ne desirant pas de décharger leur cargaison ou rompre leur charge, n'y seront point obligés, mais au contraire jouiront de toutes les franchises et exemptions accordées par les réglemens qui subsistent relativement à cet objet.

ART. 25. Lorsqu'un vaisseau appartenant aux sujets et habitans de l'une des deux parties, naviguant en pleine mer, sera rencontré par un vaisseau de guerre ou armateur, de l'autre, le dit vaisseau de guerre ou armateur, pour éviter tout desordre se tiendra hors de la portée du canon, mais pourra toutes fois envoyer sa chaloupe à bord du navire marchand et y faire entrer deux ou trois hommes, auxquels le maître ou commandant du dit navire, montrera son passeport, qui constate

state, with whom the other is at war, to cruise against either party.

Ships and vessels of either party coming on the coasts, or entering the ports of the other without wishing to unload, shall not be obliged to break bulk, &c.

Armed vessels of either party visiting merchant ships of the other, under the right of search, to remain out of cannon shot, and to board only in a boat, with two or three men.

and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

la propriété du navire; et après que le dit bâtiment aura exhibé le passeport, il lui sera libre de continuer son voyage; et il ne sera par permis de le molester ni de chercher en aucune manière à lui donner la chasse ou à le forcer de quitter la course qu'il s'étoit proposé.

Each party allowed to have consuls, &c. in the ports of the other.

ART. 26. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

ART. 26. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissaires, dont les fonctions seront réglées par une convention particulière.

Ratifications to be exchanged in eight months.

ART. 27. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

ART. 27. Le présent traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de huit mois, ou plutôt, si faire se peut, à compter du jour de la signature.

In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereto affixed their seals.

En foi de quoi les plénipotentiaires respectifs ont signé les articles cy-dessus, et y ont apposé le cachet de leurs armes.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

Fait à Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

[L. s.] GUSTAV PHILIP, comte de Creutz.

[L. s.] GUSTAV PHILIP, comte de Creutz.
[L. s.] B. FRANKLIN.

SEPARATE ARTICLE.

ARTICLE SEPARÉ.

This treaty to endure for fifteen years from the year 1783.

The king of Sweden and the United States of North America agree, that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Le roi de Suede et les Etats Unis de l'Amérique Septentrionale sont convenus que le présent traité aura son plein effet pendant l'espace de quinze ans consecutifs, à compter du jour de sa ratification; et les deux parties contractantes se réservent la faculté de le renouveler au bout de ce tems.

Done at Paris, the third of April, in the year of our Lord one thousand seven hundred and eighty-three.

Fait a Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt trois.

[L. s.] GUSTAV PHILIP, comte de Creutz.

[L. s.] GUSTAV PHILIP, comte de Creutz.
[L. s.] B. FRANKLIN.

SEPARATE ARTICLES.

ART. 1 His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities, and towns of his said majesty, and shall use his utmost endeavors to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ART. 2. In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities, and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ART. 3. If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case, the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case, the ships of war and frigates of

ARTICLES SEPARES.

ART. 1. Sa majesté Suedoise fera usage de tous les moyens qui sont dans son pouvoir pour protéger et défendre les vaisseaux et effets, appartenans aux citoyens ou habitans des Etats Unis de l'Amérique Septentrionale et à chacun d'iceux, qui seront dans les ports, havres ou rades ou dans les mers près des païs, isles, contrées, villes et places de sa dite majesté, et fera tous ses efforts pour recouvrer et faire réstituer aux propriétaires légitimes tous les vaisseaux et effets qui leur seront pris dans l'étendue de sa jurisdiction.

ART. 2. De même les Etats Unis de l'Amérique Septentrionale protégeront et défendront les vaisseaux et effets, appartenans aux sujets de sa majesté Suedoise qui seront dans les ports, havres ou rades, ou dans les mers près des païs, isles, contrées, villes et places des dits etats, et feront tous leurs efforts pour recouvrer et faire restituer aux propriétaires légitimes, tous les vaisseaux et effets qui leur seront pris dans l'étendue de leur jurisdiction.

ART. 3. Si durant une guerre maritime à venir, les deux puissances contractantes prennent le parti de rester neutres et d'observer, comme telles, la plus exacte neutralité, alors on est convenu que s'il arrivoit que les vaisseaux marchands de l'un des puissances, se trouvassent dans un parage où les vaisseaux de guerre de la même nation ne fussent pas stationnés, ou bien s'ils se rencontrent en pleine mer sans pouvoir avoir recours à leurs propres convois, dans ce cas le commandant des vaisseaux de guerre de l'autre puissance, s'il en est requis, doit de bonne foi et sincèrement leur

The king of Sweden to protect vessels and effects of citizens of the United States within his jurisdiction.

The United States to protect vessels and effects of the subjects of Sweden, within their jurisdiction.

In case of war between different powers at sea, each party to give convoy to the other, where protection may be required.

Illicit commerce not entitled to neutral convoy.

either of the powers shall protect and support the merchant ships of the other; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

prêter les secours dont ils pourront avoir besoin, et en tel cas les vaisseaux de guerre et frégates de l'une des puissances serviront de soutien et d'appui aux vaisseaux marchands de l'autre: bien entendu cependant, que les réclamans n'auroient fait aucun commerce illicite ni contraire aux principes de la neutralité.

Regulations concerning the transacting of business by citizens or subjects of either party in the dominions of the other.

ART. 4. It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ laborers appointed by public authority for that purpose; but they shall be at full liberty themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America, shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

ART. 4. Il est convenu et arrêté que tous les marchands, capitaines des navires marchands, ou autres sujets de sa majesté Suedoise, auront l'entière liberté dans toutes les places de la domination ou juridiction des Etats Unis de l'Amérique, de conduire eux-mêmes leurs propres affaires, et d'employer qui il leur plaira pour les conduire, et qu'ils ne seront point obligés de se servir d'aucun interprète ou courtier, ni leur payer aucun honoraire à moins qu'ils ne s'en servent. En outre, les maîtres des navires ne seront point obligés, chargeant ou déchargeant leurs navires, de se servir des ouvriers qui peuvent être établis pour cet effet par l'autorité publique; mais ils seront entièrement libres de charger ou de décharger eux-mêmes leurs vaisseaux et d'employer pour charger ou décharger ceux qu'ils croiront propres pour cet effet, sans payer aucuns honoraires à titre de salaire à aucune autre personne que ce soit, et ils ne pourront être forcés de verser aucune espèce de marchandises dans d'autres vaisseaux ou de les recevoir à leur bord, et d'attendre pour être chargés, plus long-tems qu'il ne leur plaira; et tous et un chacun des citoyens, peuples et habitans des Etats Unis de l'Amérique auront et jouiront réciproquement des mêmes privilèges et libertés

dans toutes les places de la jurisdiction du dit royaume.

ART. 5. It is agreed, that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only, he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise, being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP,
comte de Creutz.

[L. S.] B. FRANKLIN.

ART. 5. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujetties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées sur la plage avant de pouvoir être embarquées, à moins qu'on ait des indices manifestes ou des preuves de versement frauduleux de la part du propriétaire du navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux loix du país où il se trouve. Dans aucun autre cas, ni les sujets d'une des parties contractantes, se trouveront avec leurs navires dans les ports de l'autre, ni leurs marchandises, ne pourront être arrêtés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espèce d'embargo mis sur leurs navires; les sujets ou citoyens de l'état où ses marchandises sont déclarées de contrebande, ou dont la sortie est défendue, et qui néanmoins auront vendu ou voulu vendre et aliéner les dites marchandises, devant être les seuls qui seront dûment punis pour une pareille contravention.

Fait à Paris, le trois Avril, l'an de grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comte de Creutz.

[L. S.] B. FRANKLIN.

Merchandise not to be examined after it has been put on board; examination to take place before lading, except in cases of fraud.

No seizure of ships or merchandise on account of wanting to take on board contraband.

CHAPTER 8.

Treaties and conventions, between the United States of America and Great Britain, concluded at different periods, up to the year 1814.

Provisional articles between the United States and Great Britain.

Art. 1. Articles agreed upon, by and between Richard Oswald, esquire, the commissioner of his Britannic majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said majesty, on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the commissioners of the said states, for treating of peace with the commissioners of his said majesty, on their behalf, on the other part, to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France; and his Britannic majesty shall be ready to conclude such treaty accordingly.*

[*See post. pages 199, 200, 201.]

Equity and reciprocity declared to be the basis of this treaty.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the articles of the proposed treaty, on such principles of liberal equity and reciprocity, as that partial advantages, (those seeds of discord,) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

His Britannic majesty acknowledges the United States to be free, sovereign, and independent.

ART. 1. His Britannic majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz.

The boundaries of the United States; and their territories defined and admitted.

ART. 2. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the

said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

The boundaries of the United States; and their territories defined and admitted.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use; (but not to dry or cure the same on that island;) and also on the coasts, bays, and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

The people of the United States to have the right to take fish on the Grand and other banks of Newfoundland, in the gulf of St. Lawrence, on the coast of Newfoundland, &c. and to dry and cure them, for the present, in the unsettled bays, &c. of Nova Scotia, &c.

ART. 4. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

No impediment allowed to the recovery of debts on either side.

ART. 5. It is agreed that the congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that per-

Congress to recommend to the respective states to provide for the restitution of confiscated property belonging to

real British
subjects and
others, &c.

sons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

No lawful im-
pediment in
the prosecu-
tion of just
rights.

All confisca-
tions, and
prosecutions
of persons, for
the part they
may have tak-
en in the war,
to cease.

ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

A firm and
perpetual
peace.

Hostilities to
cease.

Prisoners to
be released,
&c.

Armies and
fleets to be
withdrawn
from the
United States.

Artillery to
remain.

Archives, re-
cords, &c. to
be restored.

ART. 7. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

The naviga-
tion of the
Mississippi to
be free to
both nations.

Conquests on
either side,
before the ar-
rival of these
articles in
America, to
be restored.

ART. 8. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ART. 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States, should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, November thirtieth, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD,	[L. S.]
JOHN ADAMS,	[L. S.]
B. FRANKLIN,	[L. S.]
JOHN JAY,	[L. S.]
HENRY LAURENS.	[L. S.]

Witness:

CALEB WHITEFORD, secretary to the British commission.
W. T. FRANKLIN, secretary to the American commission.

No. 2. Armistice, declaring a cessation of hostilities between the United States and Great Britain. Armistice declarant une suspension d'armes entre les Etats Unis et la Grande Bretagne.

TRANSLATION.

ORIGINAL.

We, the undersigned ministers plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, minister plenipotentiary of his Britannic majesty, a declaration, relative to a suspension of arms, to be established between his said majesty and the said states, the tenor whereof is as follows:

Nous, soussignés ministres plénipotentiaires des Etats Unis de l'Amérique Septentrionale, aiant reçu de la part de M. Fitz Herbert, ministre plénipotentiaire de sa majesté Britannique, une déclaration relative à une suspension d'armes à établir entre sa dite majesté et les dits etats, dont la teneur s'en suit:

Whereas the preliminary articles agreed upon and signed this day, between his majesty the king of Great Britain and his majesty the most christian king on the one part, and likewise between his said Britannic majesty and his catholic majesty on the other part, contain the stipulation of a cessation of hostilities between those three powers, which is to take place after the exchange of the ratifications of the said preliminary articles: and whereas, by the provisional treaty, signed on the thirtieth day of November last, between his Britannic majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said crowns: * the undersigned minister plenipotentiary of his Britannic majesty, does declare, in the

Comme les articles préliminaires arrêtés et signés au jourd'hui entre sa majesté le roi de la Grande Bretagne et sa majesté le roi très chrétien d'une part, et aussi entre sa dite majesté Britannique et sa majesté catholique d'autre part, renferment la stipulation de la cessation des hostilités entre ces trois puissances; laquelle doit commencer après l'échange des ratifications des dits articles préliminaires: et comme par le traité provisionel signé le 30 Novembre dernier entre sa majesté Britannique et les Etats Unis de l'Amérique Septentrionale, il a été stipulé, que ce traité sortiroit son effet aussitôt que la paix entre les dites couronnes seroit retablie; le soussigné ministre plénipotentiaire de sa majesté Britannique, declare au nom, et par ordre exprès du roi son maître, que les

Reference to the articles which stipulate a cessation of hostilities between Great Britain and France and Spain. See post. page 201.

Reference to the provisional treaty of November 30th, 1782. See ante, page 196.

* This stipulation appears in the title of that treaty. See ante, page 196.]

Declaration by the British minister, that the United States are included in the armistice between Great Britain and France and Spain.

name and by the express order of the king, his master, that the said United States of North America, their subjects, and their possessions, shall be comprehended in the above mentioned suspension of arms, and that, in consequence, they shall enjoy the benefit of the cessation of hostilities, at the same epochs, and in the same manner as the three crowns above mentioned, their subjects, and their respective possessions; the whole upon condition, that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and containing the assurance of the most perfect reciprocity on their part.

In faith whereof, we, the minister plenipotentiary of his Britannic majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.
Versailles, 20th January, 1783.

[L. S.] ALLEYNE FITZ HERBERT.

Acceptance of the British minister's declaration of an armistice, and reciprocal declaration, by the ministers of the United States, that hostilities shall cease.

Have, in the name of the said United States of North America, and by virtue of the powers with which they have vested us, accepted the above declaration, do, by these presents, merely and simply accept it, and do reciprocally declare that the said states shall cause all hostilities to cease against his Britannic majesty, his subjects, and his possessions, at the terms and epochs agreed upon between his said majesty the king of Great Britain, his majesty the king of France, and his majesty the king of Spain, so and in the same manner as has been agreed between those three crowns, and to produce the same effects.

dits Etats Unis de l'Amérique Septentrionale, leurs sujets, et leurs possessions, seront compris dans la suspension d'armes susmentionnée, et qu'ils jouiront en consequence du benefice de la cessation des hostilités aux mêmes époques, et de la même manière que les trois couronnes susdites, leurs sujets et leurs possessions respectives; le tout à condition, que de la part et au nom des dits Etats Unis de l'Amérique Septentrionale, il soit delivré une déclaration semblable qui conste leur assentiment à la présente suspension d'armes et renferme l'assurance de la plus parfaite reciprocité de leur part.

En foi de quoi, nous, ministre plenipotentiare de sa majesté Britannique, avons signé la présente déclaration, et y avons fait apposer le cachet de nos armes.

A Versailles, le 20 Jan. 1783.

[L. S.] ALLEYNE FITZ HERBERT.

Avons, au nom des dits Etats Unis de l'Amérique Septentrionale, et en vertu des pouvoirs dont ils nous ont munis, accepté la déclaration ci-dessus, l'acceptons par ces présentes purement et simplement, et déclarons reciproquement que les dits etats feront cesser toutes hostilités contre sa majesté Britannique, ses sujets et ses possessions, aux termes et aux époques convenus entre sa dite majesté le roi de la Grande Bretagne, sa majesté le roi de France et sa majesté le roi d'Espagne, ainsi, et de la même manière qu'il a été convenu entre ces trois couronnes, et pour produire le même effet.

In faith whereof, we, the ministers plenipotentiary of the United States of North America, have signed the present declaration, and have affixed thereto the seals of our arms.

En foi de quoi, nous, ministres plénipotentiaires des Etats Unis de l'Amérique Septentrionale, avons signé la présente déclaration, et y avons apposé les cachets de nos armes.

Versailles, 20th January, one thousand seven hundred eighty-three.

A Versailles, le vingt Janvier, mil sept cent quatre-vingt trois.

JOHN ADAMS, [L.S.]

JOHN ADAMS, [L.S.]

B. FRANKLIN. [L.S.]

B. FRANKLIN. [L.S.]

Copy of the first and twenty-second of the preliminary articles,* between France and Great Britain, signed at Versailles the twentieth January, 1783.

Copie du premier et du vingt-deuxieme [* These two des articles preliminaires entre la articles apply France et la Grande Bretagne, equally to signes a Versailles le 20 Janvier, 1783. the United States.]

TRANSLATION.

ORIGINAL.

ART. 1. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his most christian majesty and his Britannic majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two powers, to cease all hostilities, and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article, sea passes shall be given on each side to the ships which shall be despatched to carry the news to the possessions of the said powers.

ART. 22. To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the pre-

ART. 1. Aussitôt que les preliminaires seront signés et ratifiés, l'amitié sincere sera retablie entre sa majesté très chrétienne et sa majesté Britannique, leurs royaumes, etats et sujets, par mer et par terre, dans toutes les parties du monde; il sera envoyé des ordres aux armées, et escadres, ainsi qu'aux sujets des deux puissances de cesser toute hostilité, et de vivre dans la plus parfaite union en oubliant le passé, dont leurs souverains leur donnent l'ordre et l'exemple; et pour l'exécution de cet article, il sera donné, de part et d'autre, des passeports de mer aux vaisseaux qui seront expédiés pour en porter la nouvelle dans les possessions des dits puissances.

ART. 22. Pour prevenir tous les sujets de plaintes et de contestation qui pourroient naitre à l'occasion des prises qui pourroient être faites en mer depuis la signature de ces articles preliminaires, on est convenu reciproquement que les vaisseaux et effets qui pourroient être pris dans la Manche et dans les Mers du Nord, après l'espace de douze jours à compter de-

Preliminary article, declaring the period when hostilities shall cease between Great Britain and France.

Preliminary article, declaring the times, beyond which, if captures are made at sea, in different parts of the world, they shall be restored.

sent preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the ocean or in the Mediterranean; of two months from the said Canary Islands to the equinoxial line or equator; and lastly, of five months in all other parts of the world, without any exception, nor other more particular distinction of times and places.

puis la ratification des présents articles préliminaires, seront de part et d'autre restitués: Que le terme sera d'un mois depuis la Manche et les Mers du Nord, jusqu'aux Isles Canaries inclusivement, soit dans l'océan, soit dans la Méditerranée; de deux mois depuis les dites Isles Canaries, jusqu'à la ligne équinoxiale ou l'équateur; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre distinction plus particulière de tems et de lieux.

Definitive treaty of peace between the United States and Great Britain.

No. 3. Definitive treaty of peace between the United States of America and his Britannic majesty.

In the name of the most holy and undivided Trinity.

The object of this treaty is to establish a beneficial intercourse, peace, and harmony, between the two countries.

Reference to the provisional articles of peace, &c. See ante, No. 1, page 196.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the third, by the grace of God king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Luneburg, arch treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having, for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say: his Britannic majesty on his part, David Hartley, esquire, member of the parliament of Great Britain; and the said United States on their part, John Adams, esquire, late a commissioner of the United States of America at the court of Versailles, late delegate in congress

from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the states general of the United Netherlands; Benjamin Franklin, esquire, late delegate in congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esquire, late president of congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

ART. 1. His Britannic majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

Great Britain acknowledges the independence of the United States, &c.

ART. 2. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of the said Long Lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of

The boundaries of the United States defined and established.

The boundaries of the United States defined and established.

the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source, directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

The citizens of the United States

to continue to enjoy the right of fishing on the banks of Newfoundland, in the gulf of St. Lawrence, &c.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use; (but not to dry or cure the same on that island;) and also on the coasts, bays, and creeks, of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Liberty allowed to dry and cure fish in the unsettled bays, &c. of Nova Scotia, &c.

Creditors to meet with no lawful impediments to the recovery of bona fide debts.

Congress to recommend to the states to provide for the restitution of confiscated estates, &c.

Twelve months allowed to certain persons to endeavor to recover their estates, &c.

ART. 4. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ART. 5. It is agreed that the congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and that congress shall also earnestly recommend to the several states, a

reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Congress to recommend to the states a reconsideration of their laws concerning confiscations, &c.

Persons having an interest in confiscated lands, to meet with no lawful impediment in the prosecution of their just rights.

ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Confiscations and prosecutions to cease, &c.

ART. 7. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: all prisoners on both sides shall be set at liberty; and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Firm and perpetual peace; prisoners to be released; negroes not to be carried away; armies and fleets to be withdrawn; archives, records, &c. to be restored, &c.

ART. 8. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

The navigation of the Mississippi to be free to both nations.

ART. 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Conquests made before the arrival of the provisional articles (see No. 1, of this chapter) in America, to be restored.

ART. 10. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the pre-

Ratifications to be exchanged in six months.

sent treaty. In witness whereof, we, the undersigned, their ministers plenipotentiary, have, in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.]
[L. S.]
[L. S.]
[L. S.]

D. HARTLEY,
JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

Treaty of amity, commerce, and navigation, between the United States and Great Britain.

No. 4. Treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, by their president, with the advice and consent of their senate.

Commerce and navigation to be reciprocally beneficial.

His Britannic majesty and the United States of America, being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of, and conclude the said treaty; that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable William Wyndham, baron Grenville, of Wotton, one of his majesty's privy council, and his majesty's principal secretary of state for foreign affairs; and the president of the said United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiary, the honorable John Jay, chief justice of the said United States, and their envoy extraordinary to his majesty; who have agreed on and concluded the following articles:

A firm and inviolable peace.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between his Britannic majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

Great Britain to withdraw her troops from certain posts within the boundary line of the United States, on or before the 1st of June, 1796, &c.

ART. 2. His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety six, and all the proper measures shall in the interval be taken by concert between the government of the United States, and his majesty's governor general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or juris-

diction of the said posts, shall continue to enjoy, unmolested, all their property, of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic majesty, shall be considered as having elected to become citizens of the United States.

Settlers and traders, residing in the precincts of the posts to be surrendered, to enjoy their property unmolested, &c. These settlers not to be compelled to become citizens of the United States, nor to take the oath of allegiance, &c.

ART. 3. It is agreed that it shall at all times be free to his majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's bay company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his majesty in Great Britain.

Freedom of intercourse and trade mutually allowed to citizens and subjects of the two parties, and to the Indians, on the continent of America; the limits of Hudson's bay company excepted.

Exceptions as to the admission of vessels of either party.

The river Mississippi to be open to both parties.

All goods and merchandise whose importation into his majesty's said territories in America, shall not be entirely prohibited; may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects, and such goods and merchandise shall be subject to

Goods and merchandise not wholly prohibited, to be mutually admitted into the territories of each party, &c.

Each party may export goods, not prohibited, from the territories of the other.

No duty of entry to be levied on peltries brought by land, &c.

Indians not to pay impost or duty.

No higher or other tolls, &c. to be demanded than are payable by natives, on either side; and no duty to be paid on goods which are merely carried over portages, and not attempted to be sold or exchanged in the passage.

A joint survey of the Mississippi to be made, from one degree below the falls of St. Anthony to the principal sources of that river, to ascertain whether a line drawn due west from the lake of the Woods will intersect the Mississippi, &c. See ante, No. 3, art. 2, page 203.

no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimported and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward, as to be intersected by a line to be drawn due west from the lake of the Woods, in the manner mentioned in the treaty of peace between his majesty and the United States; it is agreed, that measures shall be taken in concert between his majesty's government in America and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is abovementioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary

therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz:

One commissioner shall be named by his majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree on the choice of a third; or, if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners. And the three commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his majesty, and to the agent of the United States, who may be respectively appointed and authorised to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ART. 6. Whereas it is alleged by divers British merchants and others his majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained, it is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: but it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or

Commissioners to be appointed to identify the river St. Croix, designated in the definitive treaty of peace, (in 1783,) as forming part of the boundary line of the United States. See ante, No. 3, art. 3, page 203.

The commissioners to make a particular and descriptive declaration as to the identity of the river St. Croix, and their decision to be final.

The United States to compensate British creditors, for losses occasioned by legal impediments to the collection of debts contracted before the peace of 1783.

Limitation of this provision to losses sustained by legal impediments only.

damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Five commissioners to be appointed to ascertain the amount of losses which the United States consent to make good to British creditors, &c.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorised to meet and act in manner following, viz. Two of them shall be appointed by his majesty, two of them by the president of the United States, by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz.

Commissioners to take an oath.

Form of the oath to be taken by the commissioners.

I, A. B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners: and that I will forbear to act as a commissioner, in any case in which I may be personally interested.

Three commissioners to form a board. Proviso.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorised, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

Eighteen months allowed for receiving claims, with an extension of the time for six months in just and reasonable cases.

The commissioners to meet first at Philadelphia, with power to adjourn elsewhere.

Rules prescribed, and powers vested in the commissioners, for the investigation of claims, &c.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and jus-

lice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant. And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

Award of the commissioners to be final.

The United States to pay in specie, &c.

No payment to British creditors previously to a year after the ratifications of this treaty.

ART. 7. Whereas complaints have been made by divers merchants, and other citizens of the United States, that during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from his majesty; and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained, cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

The British government to make compensation to citizens of the United States, for illegal captures of their vessels by British subjects, where adequate compensation cannot be obtained in the ordinary course of justice.

This provision not to extend to losses occasioned by negligence of claimants.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorised to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*), the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorised to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to

Five commissioners to be appointed, with the same powers, (*mutatis mutandis*), as those appointed in virtue of the 6th article of this treaty, (ante, page 209,) for adjusting the amount of compensation, to be paid by the British government to citizens of the United States, for il-

legal captures of their vessels and merchandise, &c.

The commissioners appointed in virtue of this article, to decide respecting claims to be paid by the United States to British subjects, for losses sustained by captures made by armed vessels, under the circumstances mentioned in a letter from Mr. Jefferson to Mr. Hammond, of the 5th of September, 1793; which see, page 221, post.

The commissioners to be paid according to subsequent agreement.

Other expenses to be defrayed jointly.

Vacancies in the commission to be filled in the manner of the first appointments, &c.

American citizens and British subjects holding lands in the territory of either party, to exercise the rights appertaining thereto, as if they were natives.

No debts, or moneys, vested in funds, to be

cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments, to be given by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others, his majesty's subjects, complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states:

It is agreed that in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be and hereby are referred to the commissioners, to be appointed by virtue of this article, who are hereby authorised and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed: and it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

ART. 8. It is further agreed, that the commissioners mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation, and do the same duties.

ART. 9. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private

banks, shall ever, in any event of war or national differences, be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ART. 11. It is agreed between his majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles:

ART. 12. His majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of his majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce of the said states, which it is or may be lawful to carry to the said islands or ports, from the said states, in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges, than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

And his majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the United States from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from his majesty's islands, or from the United States to any part of the world, except the United States, reasonable sea stores excepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands, into the United States, and to export from the United States, to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.*

confiscated in the event of war, &c.

Reciprocity of navigation and commerce under certain limitations.

Trade allowed to the British West Indies, in vessels of the United States, not exceeding 70 tons, and in such articles as British vessels may carry thither from the United States, &c.

Vessels of the United States allowed to export from the British West Indies to the United States, such articles as may be carried thither in British vessels, &c.

Proviso: restricting the vessels of the United States, to a direct trade from the British West Indies, &c.

Proviso: allowing importations and exportations from and to the British West Indies in British vessels, &c.

Limitation of this article to the period of two years after the signing of preliminary articles of peace, between Great Britain and the powers at war with her in 1794.

After the expiration of this article, further regulations to be the result of future efforts; as well with respect to trade with the British West Indies, as concerning certain neutral rights, &c.

Vessels belonging to citizens of the United States, to be admitted into the ports of the British East Indies, &c.

Proviso: restricting, in time of war, the exportation of military and naval stores and rice from the British ports.

Reciprocity, as to tonnage duties, &c.

Reciprocity, also, as to duties on cargoes.

The trade from the British East Indies to be direct to the United States, &c.

American vessels not allowed to carry on the coasting trade in the British East Indies, &c.

The citizens of the United

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which his majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavor to agree, whether in any and what cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects, shall be regulated by the articles hereinafter inserted on those subjects.

ART. 13. His majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the seaports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without

the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

States not to reside in, or go into the interior parts of, the British East Indies, without permission, &c.

Citizens of the United States may touch at the island of St. Helena for refreshment, &c.

ART. 14. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally, the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

Reciprocal and perfect liberty of commerce to be between the British dominions in Europe and the United States, &c.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party, in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

Neither party to pay, in the ports of the other, higher or different duties than are paid there by other nations on like articles, &c.

Great Britain reserves the right of equalizing tonnage duties; as also to countervail the difference of duties payable on European and Asiatic goods, when imported in American, or in British vessels.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The parties to treat for a more exact equalization

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two

of duties, at the time mentioned in the 12th article hereof. See ante, page 214.

The United States, in the interval, not to increase existing duties, nor the differences therein.

Consuls may be reciprocally appointed; to enjoy their proper rights, after being duly admitted as such; and may be punished, dismissed, or sent home, the reasons being assigned therefor, &c.

Vessels captured on suspicion of having contraband, or enemy's property, to be sent into the nearest port; the contraband, &c. to be taken out, and the vessel and remainder of the cargo to be allowed to proceed.

Specification of contraband goods.

Contraband goods to be confiscated.

Provisions and other articles, when, from

countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ART. 16. It shall be free for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as such party shall judge proper to be so excepted.

ART. 17. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised, all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy,

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it expedient to provide

against the inconveniences and misunderstandings which might thence arise: it is further agreed, that whenever any such articles, so becoming contraband according to the existing laws of nations, shall, for that reason, be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government, under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

particular circumstances, they are contraband, to be paid for on seizure, &c.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Vessels of either party, not to be detained, on attempting to enter a blockaded place, unless previously warned off.

Vessels and goods of either party, found in an invested place, after surrender, to be restored to the owners.

ART. 19. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Those concerned in private armed vessels, on either side, to be answerable for damages done by them.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

Commanders of privateers to give bonds, &c. to be answerable for misconduct.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sen-

Authentic copies of process of condemnation in admiralty courts, to be furnished,

without delay, to commanders of vessels against which sentence may have been pronounced, on payment of fees.

Pirates not to be received, nor concealed.

Ships and goods brought into the ports of either party, by pirates, to be seized and restored, &c.

Citizens and subjects not to accept commissions from a third power, to act in a hostile manner against either party.

A third (enemy) power, not allowed to enlist citizens or subjects of either party. Persons taken offending against the provisions of this article, may be treated as pirates.

Acts of reprisal not to be authorised by either party, without previous demand of satisfaction, &c.

The ships of war of each party, to be hospitably received and well treated in the ports of the other, &c.

American vessels, not usually allowed to enter British ports, but compelled to do so

tence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ART. 20. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandises taken by them and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them, (proper evidence being first given in the court of admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ART. 21. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission, or letters of marque, as a pirate.

ART. 22. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ART. 23. The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be

hospitably received and be permitted to refit, and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ART. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ART. 25. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights

by stress of weather, &c. to be kindly received, permitted to refit, &c.

But not to break bulk, unless indispensably necessary.

May sell part of the cargo, by permission, to pay expenses, &c.

Privateers of a third (enemy) power, not to arm in the ports of either nation, nor to sell their prizes, &c.

Prizes made by ships of war and privateers of either party, allowed to enter and depart from the ports of each other, without examination, &c.

Nothing in this treaty to operate contrary to existing treaties with other nations, &c.

Neither party to allow the ships or goods belonging to citizens or subjects of the other, to be taken within

cannon shot of its coast, &c.

In case of a rupture, the merchants and others of the two nations, during good behavior, allowed to continue their trade, &c.

Merchants, &c. of either party, when suspected and ordered to remove, allowed twelve months to settle their affairs, &c. Circumstances which shall determine the period of a rupture.

Persons charged with murder or forgery, seeking an asylum in the dominions of either party, to be delivered up on requisition, &c.

The first ten articles of this treaty to be permanent; the others, with the exception of the 12th, limited to twelve years; the subject of the 19th article, (see ante, page 213,) to be discussed anew, before its expiration; but if no further ar-

shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ART. 26. If at any time a rupture should take place, (which God forbid,) between his majesty and the United States, the merchants and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining, and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects, and property; but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors, or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

ART. 27. It is further agreed, that his majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice, all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided, that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ART. 28. It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which his majesty is engaged, it is agreed, that proper measures shall, by concert, be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his majesty

and the United States should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly. This treaty, when the same shall have been ratified by his majesty, and by the president of the United States, and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected; it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty.

arrangement can be effected, then all the articles, except the first ten, to expire together.

This treaty, after the mutual exchange of ratifications, to be binding, &c.

Other articles may be proposed, and added to this treaty.

In faith whereof, we, the undersigned, ministers plenipotentiary of his majesty the king of Great Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. s.]
JOHN JAY. [L. s.]

Philadelphia, September 5, 1793.

SIR,

I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the *Lovely Lass*, *Prince William Henry*, and the *Jane of Dublin*; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the United States to make compensation for the vessels.

Letter from Thomas Jefferson to George Hammond, on the subject of compensation for British vessels captured by cruisers fitted out in ports of the United States.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Obligation of the United States, in relation to three belligerent nations, to protect their vessels, &c. in American ports, &c.

Though we have no similar treaty with Great Britain, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made

Extension of the rule to Great Britain,

although not required by treaty.

The president determined to make compensation for certain vessels, for the restitution of which the proper efforts had not been made by the United States.

Determination of the president, as to future cases of a like nature.

Governors of states instructed to use all the means in their power to restore prizes found in their ports. Mr. Hammond desired to furnish the governors with information.

Mr. Hammond to communicate with the governors directly, or through the secretary of state.

Intention of the president distinctly stated.

Important for Mr. Hammond to substantiate facts.

His list of privateers correct.

Losses by detention, waste, &c. to be ascertained by persons to be appointed by the collectors of the customs and the British consuls.

on the high seas, and brought into our ports; if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the president thought it incumbent on the United States to make compensation for them: And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analagous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the United States.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the general government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the president contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as beforementioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this de-

scription, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

I have the honor to be, &c.

THOMAS JEFFERSON.

George Hammond, esq.

ADDITIONAL ARTICLE.

It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

FIRST EXPLANATORY ARTICLE.

Whereas, by the third article of the treaty of amity, commerce, and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, it was agreed that it should at all times be free to his majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line assigned by the treaty of peace to the United States, freely to pass and repass by land, or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay company only excepted) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: and whereas, by the eighth article of the treaty of peace and friendship concluded at Greenville, on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the United States: which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: and it being the sincere desire of his Britannic majesty and of the United States, that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship: and for this purpose, his Britannic majesty having named for his commissioner, Phineas Bond, esquire, his majesty's consul general for the middle and southern states of America; (and now his majesty's chargé d'affaires to the United States;) and the president of the United States having named for their commissioner, Timothy Pickering, esquire, secretary of state of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation; they, the said commissioners, having communicated to each

That part of the 12th article of the treaty of November 19th, 1794, (see ante, page 213,) which relates to the trade between the United States and the British West India Islands, suspended.

Explanation concerning the third article of the treaty of November 19th, 1794.

Reference to the rights secured to the British and Indians by that article. (See ante, page 207.)

Reference to the 8th article of the treaty of Greenville, concluded on the 3d of August, 1795, which prohibits the residence of persons, as traders, at the Indian towns, without a license from the United States. See the treaty of Greenville, chap. 26, No. 3, post.

Doubts concerning the compatibility of the third article of the treaty of November 19th, 1794, between the United States and Great Britain, and the 8th article of the treaty of Greenville, with respect to British and Indian rights.

The 3d article of the treaty between the United States and Great Britain, of the 19th of November, 1794, not to be affected by any treaty subsequently concluded with other nations or with the Indians.

This article, after mutual ratification, to make part of the treaty, between the United States and Great Britain, of November 19th, 1794.

Reference to the 28th article, (see ante, page 221,) of the treaty between the United States and Great Britain, of November 19th, 1794, which permits additional articles to that treaty. Difficulties concerning the source of the river St. Croix.

other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare; that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of his majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass by land, or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said treaty of amity, commerce, and navigation, and shall be permanently binding upon his majesty and the United States.

In witness whereof, we, the said commissioners of his majesty the king of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND, [L. S.]
TIMOTHY PICKERING. [L. S.]

SECOND EXPLANATORY ARTICLE.

Whereas, by the twenty-eighth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States, signed at London, on the nineteenth of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed, that they would sincerely endeavor so to form such articles, as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to, and make a part of that treaty: and whereas difficulties have arisen with respect to the execution of so much of the fifth article of the said treaty, as requires that the commissioners, appointed under the same, should, in their description, particularize the latitude and longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace, between his Britannic majesty and the United States, under the name of the river St. Croix, by reason whereof it is

expedient, that the said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by his Britannic majesty, and the United States of America, their plenipotentiaries for the purpose of treating of and concluding such articles, as may be proper to be added to said treaty, in conformity to the abovementioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare, in the name of his Britannic majesty, and of the United States of America, that the commissioners appointed under the 5th article of the said treaty, shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect, by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, that as soon as may be, after the decision of the said commissioners, measures shall be concerted between the government of the United States, and his Britannic majesty's governors, or lieutenant governors, in America, in order to erect and keep in repair a suitable monument, at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides, with punctuality and good faith.

The commissioners appointed in virtue of the 5th article (see ante, page 208) of the treaty between the United States and Great Britain, of November 19th, 1794, not obliged to particularize the latitude and longitude of the source of the St. Croix.

A monument to be erected at the source of the St. Croix.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce, and navigation, between his majesty and the United States, signed at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, and shall be permanently binding upon his majesty and the United States.

This article, after mutual ratification, to make part of the treaty of November 19th, 1794.

In witness whereof, we, the said undersigned plenipotentiaries of his Britannic majesty, and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms. Done at London, this fifteenth day of March, one thousand seven hundred and ninety-eight.

GRENVILLE, [L. s.]
RUFUS KING. [L. s.]

No. 5. Convention between the United States and Great Britain.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce, and navigation, concluded at the execution

of the 6th article of the treaty between the United States and Great Britain, of the 19th November, 1794; consequent suspension of proceedings under the 7th article of the same treaty; and mutual desire to obviate difficulties, &c.

The 6th article of the treaty between the United States and Great Britain, of November 19th, 1794, annulled; except, &c.

In lieu of the obligations imposed by the said 6th article, the United States agree to pay 600,000*l.* sterling, at the city of Washington, in three annual instalments of 200,000*l.* each, &c.

Payment to be made in money of the United States.

The 4th article of the definitive treaty of peace, concluded at Paris on the 3d of September, 1783, (see ante, page 204,) which declares there shall be no lawful impediment to the recovery of debts on each side, recognized and confirmed anew.

London, on the fourth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, and in consequence thereof the proceedings of the commissioners under the seventh article of the same treaty, having been suspended; the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named plenipotentiaries to treat and agree respecting the same, that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable Robert Banks Jenkinson, commonly called lord Hawkesbury, one of his majesty's most honorable privy council, and his principal secretary of state for foreign affairs: and the president of the United States, by and with the advice and consent of the senate thereof, has named for their plenipotentiary, Rufus King, esquire, minister plenipotentiary of the said United States to his Britannic majesty, who have agreed to and concluded the following articles:

ART. 1. In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said seventh article, the United States of America hereby engage to pay, and his Britannic majesty consents to accept, for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the times and places, and in the manner following, that is to say: the said sum of six hundred thousand pounds sterling shall be paid at the city of Washington, in three annual instalments of two hundred thousand pounds sterling each, and to such person or persons, as shall be authorized by his Britannic majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the said United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

ART. 2. Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between his Britannic majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts theretofore contracted; it is hereby declared, that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed, and declared to be binding and obligatory on his Britannic majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bona fide debts.

ART. 3. It is furthermore agreed and concluded that the commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce, and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, reassemble and proceed in the execution of their duties, according to the provisions of the said seventh article; except only, that instead of the sums awarded by the said commissioners being made payable at one time or times by them appointed, all sums of money awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years after the exchange of the ratifications of this convention.

ART. 4. This convention, when the same shall have been ratified by his majesty and by the president of the United States, and with the advice and consent of the senate thereof, and the respective ratifications duly exchanged, shall be binding and obligatory upon his majesty and the said United States.

In faith whereof, we, the undersigned plenipotentiaries of the Britannic majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our respective governments to be affixed thereto.

Done at London, the eighth day of January, one thousand eight hundred and two.

HAWKESBURY, [L.
RUFUS KING. [L.

CHAPTER 9.

Treaties between the United States of America and Prussia, concluded at different periods, up to the year 1814.

TRANSLATION.

ORIGINAL.

No. 1. A treaty of amity and commerce, between his majesty the king of Prussia, and the United States of America. Traite d'amitié et de commerce entre sa majesté le roi de Prusse, et les Etats Unis de l'Amérique.

His majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries; his majesty and the United States have judged that the said end cannot be better obtained, than by taking the most perfect equality and reciprocity for the basis of their agreement.

Sa majesté le roi de Prusse, et les Etats Unis de l'Amérique, désirant d'une manière permanente et équitable les règles qui doivent être observées relative à l'établissement de la correspondance et du commerce entre leurs deux pays, ont jugé que ce but ne pouvoit mieux être obtenu, qu'en posant pour base de leurs engagements une parfaite égalité et réciprocité.

With this view, his majesty the king of Prussia, has nominated and constituted, as his plenipotentiary, the baron Frederick William de Thulemeier, his privy counsellor of embassy, and envoy extraordinary with their high mightinesses the states general of the United Netherlands; and the United States have, on their part, given full powers to John Adams, esquire, late one of their ministers plenipotentiary for negotiating a peace, heretofore a delegate in congress from the state of Massachusetts, and chief justice of the same, and now minister plenipotentiary of the United States with his Britannic majesty; doctor Benjamin Franklin, late minister plenipotentiary at the court of Versailles, and another of their ministers plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a delegate in congress from the state of Virginia, and governor of the said state, and now minister plenipotentiary of the United States at the court of his most christian majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

ART. 2. The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade

Dans cette vuë sa majesté le roi de Prusse a nommé et constitué pour son plenipotentiare le baron Frédéric Guillaume de Thulemeier, son conseiller privé d'ambassade et envoyé extraordinaire auprès de leurs hautes puissances les etats généraux des Provinces Unies; et les Etats Unis ont de leur côté pourvu de leurs pleinpouvoirs le sieur John Adams, ci-devant l'un de leurs ministres plenipotentiaries pour traiter de la paix, delegué au congrès de la part de l'état de Massachusetts, et chef de justice du dit etat, actuellement ministre plenipotentiare des Etats Unis près sa majesté le roi de la Grand Bretagne; le docteur Benjamin Franklin, en dernier lieu leur ministre plenipotentiare à la cour de sa majesté très chrétienne, et aussi l'un de leurs ministres plenipotentiaries pour traiter de la paix; et le sieur Thomas Jefferson, ci-devant delegué au congrès de la part de l'état de Virginie et gouverneur du dit etat, actuellement ministre plenipotentiare à la cour de sa majesté très chrétienne, lesquels plenipotentiaries respectifs, après avoir échangé leurs pleinpouvoirs, et en consequence d'une mure déliberation, ont conclu, arrêté et signé les articles suivans:

ART. 1. Il y aura une paix ferme, inviolable, et universelle, et une amitié sincère, entre sa majesté le roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis d'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

ART. 2. Les sujets de sa majesté le roi de Prusse pourront fréquenter toutes les côtes et tous les pays des Etats Unis de l'Amérique, y résider et traf-

Firm and inviolable peace.

The subjects of Prussia may frequent the coasts and countries of the United States; may

there in all sorts of produce, manufactures, and merchandise; and shall pay within the said United States no other or greater duties, charges, or fees whatsoever, than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favored nations.

ART. 3. In like manner, the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

ART. 4. More especially each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens

quer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les dits Etats Unis, que ceux que les nations les plus favorisées sont, ou seront obligées de payer; et ils jouiront de tous les droits, privilèges, et exemption; dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les citoyens des Etats Unis et les citoyens et sujets des nations le plus favorisées.

ART. 3. Pareillement, les citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et tous les pays de sa majesté le roi de Prusse, y résider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits, dans les domaines de sa dite majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, privilèges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux lois et usages y établis, et aux quels sont soumis les sujets de sa majesté le roi de Prusse, et les sujets et citoyens des nations les plus favorisées.

ART. 4. En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises, à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera

reside and trade there; and allowed to enjoy all the rights and privileges of commerce granted to the most favored nations.

American citizens may freely trade to the Prussian dominions; may reside there; and are entitled to all the privileges of commerce and navigation granted to the most favored nations.

Each party to have a right to carry their own produce, &c. in their own or other vessels, to the dominions of the other, &c.

Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth, &c.

Subjects or citizens of either party, not to import or export prohibited merchandise, unless that privilege is allowed to some other nation.

The loading or unloading of vessels of each party, not to be constrained or impeded, in the ports of the other.

of that other freely to purchase them; and thence to take the produce, manufactures, and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favored nation. Nevertheless, the king of Prussia and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties, shall not import nor export the merchandise prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

ART. 5. The merchants, commanders of vessels, or other subjects or citizens, of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ART. 6. That the vessels of

permis à tous les sujets et citoyens de l'autre nation de les acheter librement; comme aussi d'y charger les productions, manufactures, et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement, que ceux qui sont ou seront payés par la nation la plus favorisée. Cependant, le roi de Prusse et les Etats Unis de l'Amérique, et chacun d'eux en particulier, se réservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des réglemens reciproques. Se réservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, des que la raison d'état l'exige. En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelqu'autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

ART. 5. Les marchands, commandans de vaisseaux, et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la jurisdiction de l'autre, de décharger aucune sorte de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus long-temps qu'il ne leur plaira.

ART. 6. Pour éviter que les

either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case, the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ART. 7. Each party shall endeavor, by all the means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ART. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except

vaisseaux de l'une des deux parties contractantes ne soient point inutilement molestés ou détenus dans les ports ou sous la juridiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soient chargées sur la navire, et qu'ensuite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau, saisis ou détenus par cette raison.

ART. 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre: et elle employera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes les vaisseaux et effets qui leur auront été enlevés dans l'étendue de sa dite juridiction.

ART. 8. Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenante à l'autre, mais n'ayant pas dessein d'entrer au port, ou y étant entrés, ne désirant pas de décharger leurs cargaisons, ou de rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts,

All lawful examination of goods for exportation, to be made before they are put on board; and no search of vessels at any time, except in case of fraud.

Each party to endeavor to protect the vessels and effects of the other, within their respective jurisdictions, by sea or land, &c.

Vessels of either party, coming on the coasts or entering the ports of the other, and not willing to break bulk, to be allowed freely to depart, &c.

those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators; which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

In cases of shipwreck of the vessels of either party, within the dominions of the other, friendly assistance to be given to persons, effects, &c.

ART. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only, as the said inhabitants would be subject to pay in a like case: and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

The ancient and barbarous right to wrecks, abolished between the parties.

The citizens or subjects of each party may dispose of their personal estate, by will or otherwise, and inherit, in the dominions of the other, &c.

ART. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects, or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dis-

charges et droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même, ou à d'autres établissemens, qui ont pour but la sûreté et la commodité des navigateurs; lesquels droits, charges, et impôts, seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les sujets ou citoyens de l'état où ils sont établis.

ART. 9. Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué, ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront, tant pour eux que pour leurs vaisseaux et effets, la même assistance qui auroit été fournie aux habitans du pays où l'accident arrive; et ils payeront seulement les mêmes charges et droits, auxquels les dits habitans auroient été assujettis en pareil cas. Et si la réparation du vaisseau exigeoit que la cargaison fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge ou droit, de ce qui sera rembarqué et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

ART. 10. Les citoyens ou sujets de l'une des deux parties contractantes, auront dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en

pose of the same at their will, their place, et en disposeront à paying such dues only as the leur volonté, en ne payant d'au- inhabitants of the country tres droits que ceux aux-quels wherein the said goods are, les habitants du pays où la suc- shall be subject to pay in like cession est devenue vacante, cases. And in case of the ab- sont assujettis en pareille oc- sence of the representative, such currence. Et en cas d'absence care shall be taken of the said des héritiers, on prendra aussi goods, and for so long a time, longtemps, des biens qui leur as would be taken of the goods sont échus, les mêmes soins qu'on auroit pris en pareille oc- of a native in like case, until casion des biens des natifs du the lawful owner may take pays, jusqu'à ce que le proprié- measures for receiving them. taire légitime ait agréé des ar- And if question shall arise rangemens pour recueillir l'hé- among several claimants to ritage. S'il s'éleve des contes- which of them the said goods tations entre différens preten- belong, the same shall be de- dans ayant droit à la succession, cided finally by the laws and elles seront décidées en dernier judges of the land wherein the ressort selon les loix et par les said goods are. And where, juges du pays où la succession on the death of any person est vacante. Et si par la mort holding real estate within the de quelque personne possédant territories of the one party, des biens-fonds sur le territoire such real estate would, by the de l'une des parties contrac- laws of the land, descend on a tantes, ces biens-fonds venoient citizen or subject of the other, à passer, selon les loix du pays, were he not disqualified by à un citoyen ou sujet de l'au- alienage, such subject shall be tre partie, si celui-ci, par sa allowed a reasonable time to sell the same, and to withdraw qualité d'étranger il est inhabile the proceeds without molesta- de les posséder, obtiendra un tion, and exempt from all rights delai convenable pour les ven- of *detracton* on the part of dre et pour en retirer le prove- the government of the respect- nu, sans obstacle, exempt de tout droit de retenue, de la part ive states. But this article du gouvernement des états re- shall not derogate in any man- spectifs. Mais cet article ne ner from the force of the laws derogera en aucune manière à already published, or hereafter la force des lois qui ont déjà été to be published by his majesty publiées ou qui le seront dans the king of Prussia, to prevent la suite, par sa majesté le roi the emigration of his subjects. de Prusse, pour prévenir l'emi- gration de ses sujets.

ART. 11. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects

ART. 11. Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans le états de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des sujets et

Where no one appears to claim inheritance, goods to be held in the custody of the law of the land.

On questions of inheritance, the law of the land to determine.

Citizens or subjects of each party, allowed a reasonable time to sell lands, &c. in the dominions of the other, which they cannot hold without naturalization.

This article not to derogate from the laws of Prussia concerning emigration.

Liberty of conscience secured; but no insult to be offered to religion.

subjects of either party, dying in the dominions of the other, to be decently buried, &c.

or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

citoyens de l'une des parties contractantes venoient à mourir dans la jurisdiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a coutume de faire les enterremens, ou dans tel autre lieu décent et convenable. et ils seront protégés contre toute violence et trouble.

Free trade allowed with an enemy.

ART. 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

ART. 12. Si l'une des parties contractantes étoit en guerre avec une autre puissance, la libre correspondance et le commerce des citoyens ou sujets de la partie qui demeure neutre envers les puissances belligérantes, ne seront point interrompus. Au contraire, et dans ce cas, comme en pleine paix, les vaisseaux de la partie neutre, pourront naviguer en toute sûreté dans les ports et sur les côtes des puissances belligérantes, les vaisseaux libres rendant les marchandises libres, en tant qu'on regardera comme libre tout ce que sera à bord d'un navire appartenant à la partie neutre, quand même ces effets appartiendroient à l'ennemi de l'autre. La même liberté s'étendra aux personnes qui se trouveront à bord d'un vaisseau libre, quand mêmes elles seroient ennemis de l'autre partie, excepté que ce fussent des gens de guerre, actuellement au service de l'ennemi.

Free ships to make free goods.

Free ships to protect persons, except soldiers in the actual service of an enemy.

No goods to be deemed contraband, so as to justify confiscation:

ART. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to

ART. 13. Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu que pour prévenir les difficultés et les discussions qui surviennent ordinairement par rapport aux marchandises ci-devant appelées de contrebande, telles que armes, munitions, et autres provisions de guerre de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des citoyens ou sujets de l'une des parties, et destinés pour

induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

l'ennemi de l'autre, ne sera censé de contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets et de les retenir pendant tout le temps que le preneur croira nécessaire pour prévenir les inconveniens et le dommage qui pourroient en resulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer a leur service, en tout, ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais que dans le cas énoncé, d'un vaisseau arrêté pour des articles ci-devant appellés contrebande, si le maître du navire consentoit à delivrer les marchandises suspectes, il aura liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtemps, mais aura toute liberté de poursuivre sa route.

But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay.

Military stores, detained, may be used by the captors, on paying the full value of them.

If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage.

ART. 14. And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sealetters, or passports, which shall express the name, the property, and burden of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require,) shall be renewed as of-

ART. 14. Dans le cas où l'une des deux parties contractantes se trouveroit engagée dans une guerre avec une autre puissance, et afin que les vaisseaux de la partie neutre soyent promptement et sûrement reconnus, on est convenu qu'ils devront être munis de lettres de mer ou passeports, exprimant le nom, le propriétaire, et le port du navire, ainsi que le nom et la demeure du maître. Ces passeports, qui seront expédiés en bonne et due forme (à déterminer par des conventions entre les parties, lorsque

One of the parties being at war, and the other at peace, the neutral party to be furnished with sealetters or passports, which are to be exhibited as well at sea as in port.

Vessels of the neutral party, being under convoy, are not to be molested. The word of the commander of the convoy sufficient.

Vessels of war of either party, visiting the merchant vessels of the other, not to approach within cannon shot, nor send more than two or three men on board, to examine the ship's papers.

All persons belonging to public and private armed vessels, to be answerable for injuries done to the effects, &c. of either party.

Commanders of private armed vessels to give bond.

Citizens or subjects of each party, their vessels, &c. not to be detained on the part of the other, otherwise.

ten as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessels be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ART. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ART. 16. It is agreed, that the subjects or citizens of each of the contracting parties, their vessels, and effects, shall not be liable to any embargo, or detention on the part of the other, for any military expedition, or

l'occasion le requerra) devront être renouvelés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisition tant en pleine mer que dans le port. Mais si le navire se trouve sous le convoi d'un ou plusieurs vaisseaux de guerre appartenants à la partie neutre, il suffira que l'officier commandant du convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

ART. 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires, de la partie neutre, navigans sans convoi, rencontreront quelque vaisseau de guerre public ou particulier de l'autre partie, le vaisseau de guerre n'approchera le navire neutre qu'au delà de la portée du canon, et n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, pour examiner les lettres de mer ou passeports. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insultent en quelque manière que ce soit l'équipage, les vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts; pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

ART. 16. Il a été convenu que les sujets ou citoyens de l'une des parties contractantes, leurs vaisseaux ni effets, ne pourront être assujettis à aucun embargo, ni retenus de la part de l'autre pour quelque expédi-

other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ART. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ART. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

ART. 19. The vessels of war, public and private, of both parties, shall carry freely, where-soever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of

tion militaire, usage public ou particulier de qui que ce soit. Et dans les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes dans la jurisdiction de l'autre, on procédera uniquement par ordre et autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ART. 17. S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront conduits dans un port de l'une des deux parties contractantes et remis à la garde des officiers du port, afin d'être restitués en entier au propriétaire légitime, des qu'il aura duement constaté son droit de propriété.

ART. 18. Lorsque les citoyens ou sujets de l'une des deux parties contractantes seront forcés par des tempêtes, par la poursuite des corsaires ou vaisseaux ennemis, ou par quelque autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la jurisdiction de l'autre, ils seront reçus, protégés et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la réparation de leurs vaisseaux.

ART. 19. Les vaisseaux de guerre publics et particuliers des deux parties contractantes, pourront conduire en toute liberté, par tout où il leur plaira, les vaisseaux et effets qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucuns

Recovery of debts, &c. to be prosecuted according to law only.

Vessels, &c. of either party, taken by an enemy or a pirate, and recaptured by the other, to be restored on proof.

Vessels of either party, driven by stress of weather, &c. into the ports of the other, to be protected, and the persons on board treated with humanity, &c.

Vessels of war of each party may freely enter and depart from the ports of the other with their prizes:

the customs, or any others, nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But no vessel which shall have made prizes on the subjects of his most christian majesty the king of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempests, or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most christian majesty and the said United States.

Except captures made from the subjects of the king of France. See treaty with his most christian majesty, ante, No. 1, article 17, page 87.

Citizens of one party not to take commissions, or letters of marque, from a third power, to act against the other.

Neither party to furnish military or naval succor to a third power, to aid it against the other.

Regulations to be observed in case of war against a common enemy.

Vessels of one party, recaptured from an enemy of the

ART. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force, to the enemy of the other, to aid them offensively or defensively against that other.

ART. 21. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been

impôts, charges ou droits aux officiers de l'amirauté, des douanes ou autres. Ces prises ne pourront être non plus ni ar-rêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par le vaisseau preneur aux endroits portés par les commissions, dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais tout vaisseau qui aura fait des prises sur les sujets de sa majesté très chrétienne le roi de France, ne sauroit obtenir un droit d'asile dans les ports ou havres des Etats Unis; et s'il étoit forcé d'y entrer par des tempêtes ou dangers de mer, il sera obligé d'en repartir le plutôt possible, conformément à la teneur des traités subsistants entre sa majesté très chrétienne et les Etats Unis.

ART 20. Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

ART. 21. S'il arrivoit que les deux parties contractantes fussent en même temps en guerre contre un ennemi commun, on observera de part et d'autre les points suivants:

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre, n'ont pas

in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor.

2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors.

3. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

4. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the state to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted.

5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

été au pouvoir de l'ennemi au de là de vingt-quatre heures, ils seront restitués au premier propriétaire moyennant le paiement du tiers de la valeur du bâtiment et de la cargaison; si au contraire le vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartient en entier à celui qui l'a repris.

2. Dans le cas qu'un navire est repris par un vaisseau de guerre de l'une des puissances contractantes, il sera rendu au propriétaire, moyennant qu'il paye un trentième du navire et de la cargaison, si le bâtiment n'a pas été plus de vingt-quatre heures au pouvoir de l'ennemi, et le dixième de cette valeur, si l'y a été plus long-temps, lesquelles sommes seront distribuées en guise de gratification à ceux qui l'auront repris.

3. Dans ces cas la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient à celui qui a repris le navire.

4. Les vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leurs prises dans les ports respectifs; cependant ces prises ne pourront y être déchargées ni vendues, qu'après que la légitimité de la prise aura été décidée suivant les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite.

5. Il sera libre à chacune des parties contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers, à l'égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

other, by a private armed vessel, within twenty-four hours after being taken, to be restored on payment of one-third value of the vessel and cargo; if after twenty-four hours, wholly a prize. In case the recapture should be by a public vessel of either party, within twenty-four hours after the taking, restoration to be made on payment of one-thirtieth, and, if longer, one-tenth of the value of vessel and cargo. Proof and surety required before restitution.

The legality of prizes to be determined according to the laws of each party, respectively.

In case of a common enemy, or both being neutral, the vessels of war of each party to afford convoy.

ART. 22. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

[The following article to be valid in time of war. See article 24, page 242, post.]

In case of war, nine months allowed to merchants of each nation to settle their affairs.

ART. 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in

Women, children, scholars, cultivators, artisans, &c. not to be molested in case of war.

Private property to be respected by the armed force of either party during hostilities.

Merchant ves-

ART. 22. Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui sont avec eux la même route, et ils les défendront, aussi long-temps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et défendroient les navires de leur propre nation.

ART. 23. S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux états qui résideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers et pêcheurs, qui ne sont point armés et qui habitent des villes, villages ou places qui ne sont pas fortifiés, et en général tous ceux dont la vocation tend à la subsistance et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leurs personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement détruits, ni leurs champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les événemens de la guerre; mais si l'on se trouve dans la nécessité de prendre quelque chose de leurs pro-

exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

priétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable. Tous les vaisseaux marchands et commerçans, employés à l'échange des productions de différens endroits, et par conséquent destinés à faciliter et répandre les nécessités, les commodités et les douceurs de la vie, passeront librement et sans être molestés. Et les deux puissances contractantes s'engagent à n'accorder aucune commission à des vaisseaux armés en course, qui les autorisât à prendre ou à détruire ces sortes de vaisseaux marchands, ou à interrompre le commerce.

sels allowed to pass free.

No commissions to be given to interrupt trading vessels.

[The following article to be valid in time of war. See the conclusion of it.]

ART. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men open and extensive enough for air and exercise, and lodged in barracks as roomy and good as

ART. 24. Afin d'adoucir le sort des prisonniers de guerre, et ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou réservés dans des habitations étroites et malsaines, les deux parties contractantes s'engagent solennellement l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront aucun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amérique, dans les territoires respectifs des parties contractantes, un séjour situé dans un air sain; qu'ils ne seront point confinés dans des cachots, ni dans des prisons, ni dans des vaisseaux de prison; qu'ils ne seront pas mis aux fers, ni garrottés, ni autrement privés de l'usage de leurs membres; que les officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts

Prisoners of war not to be sent into inclement countries, nor crowded into noxious places; neither party will send them to Asia or Africa; nor confine them in dungeons, nor put them in irons, &c. officers to be enlarged on parole, and together with the private, to be otherwise well provided for.

are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be consi-

qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de la quelle se trouvent les prisonniers. Que cette puissance fera pourvoir journallement les officiers d'autant de rations, composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter réciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes ne seront point confondus ou balancés avec d'autres comptes, ni la solde qui en est due, retenue comme compensation ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis à chacune des deux puissances d'entretenir un commissaire de leur choix; dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre; ces commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le désireront; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir. Enfin il leur sera libre encore de faire leurs rapports par lettres ouvertes, à ceux qui les employ-

Expense of supporting prisoners of war to be defrayed by each party respectively, at the close of the war.

Commissaries of prisoners allowed on each side.

Commissaries may visit prisoners and distribute comforts, &c.

Prisoners violating parole, or escaping, to forfeit future indulgence in relation to enlargement, &c.

The pretence that war dissolves all treaties, &c. not to affect this and the

dered as annulling or suspend-
ing this and the next preceding
article; but, on the contrary,
that the state of war is precisely
that for which they are provid-
ed; and during which they are
to be as sacredly observed as the
most acknowledged articles in
the law of nature or nations.

ent; mais si un officier man-
quoit à sa parole d'honneur, ou
qu'un autre prisonnier sortit des
limites qui auront été fixées à
son cantonnement, un tel offi-
cier ou un autre prisonnier sera
frustré individuellement des
avantages stipulés dans cet arti-
cle, pour sa relaxation sur pa-
role d'honneur ou pour son
cantonnement. Les deux pu-
issances contractantes ont de-
claré en outre, que, ni le pré-
texte que la guerre rompt les
traités, ni tel autre motif quel-
conque, ne seront censés annul-
ler ou suspendre cet article et
le précédent; mais qu'au con-
traire le temps de la guerre est
précisément celui pour lequel
ils ont été stipulés et durant
lequel ils seront observés aussi
saintement que les articles les
plus universellement reconnus
par le droit de la nature et des
gens.

preceding
article; (the
23d and
24th.)

ART. 25. The two contract-
ing parties grant to each other
the liberty of having each in the
ports of the other, consuls, vice-
consuls, agents, and commissar-
ies of their own appointment,
whose functions shall be regu-
lated by particular agreement
whenever either party shall
choose to make such appoint-
ment; but if any such consuls
shall exercise commerce, they
shall be submitted to the same
laws and usages to which the
private individuals of their na-
tion are submitted in the same
place.

ART. 25. Les deux parties
contractantes se sont accordé
mutuellement la faculté de ten-
nir dans leurs ports respectifs,
des consuls, vice consuls, agens
et commissaires de leur choix
et dont les fonctions seront de-
terminées par un arrangement
particulier, lorsque l'une des
deux puissances aura nommé à
ces postes. Mais dans le cas
que tel, ou autre de ces consuls,
veuille faire le commerce, il
sera soumis aux mêmes loix et
usages, aux-quels sont soumis
les particuliers de sa nation à
l'endroit où il réside.

Each party
may have con-
suls, &c. in
the ports of
the other.

Consuls not to
have peculiar
privileges in
commerce.

ART. 26. If either party shall
hereafter grant to any other na-
tion, any particular favor in
navigation or commerce, it shall
immediately become common
to the other party, freely, where
it is freely granted to such o-
ther nation, or on yielding the
compensation where such na-
tion does the same.

ART. 26. Lorsque l'une des
deux parties contractantes ac-
cordera dans la suite quelque
faveur particulière en fait de
navigation ou de commerce à
d'autres nations, elle devien-
dra aussitôt commune à l'autre
partie contractante, et celle-ci
jouira de cette faveur, gratuite-
ment, si la concession est gra-

Favors grant-
ed to any oth-
er nation, in
navigation or
commerce, by
one party, shall become
common to
the other, on
the same con-
ditions.

This treaty to endure for ten years from the year 1786.

ART. 27. His majesty the king of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

Ratifications to be exchanged within a year.

In testimony whereof, the plenipotentiaries before mentioned have hereto subscribed their names, and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

B. FRANKLIN,
Passy, July 9, 1785.

TH. JEFFERSON,
Paris, July 28, 1785.

JOHN ADAMS,
London, August 5, 1785.

F. G. DE THULEMEIER, [L. S.]
A la Haye, le 10 Septembre, 1785.

[L. S.]

B. FRANKLIN,
Passy, July 9, 1785.

TH. JEFFERSON,
Paris, July 28, 1785.

JOHN ADAMS,
London, August 5, 1785.

F. G. DE THULEMEIER, [L. S.]
A la Haye, le 10 Septembre, 1785.

[L. S.]

[L. S.]

[L. S.]

[L. S.]

tuite, ou en accordant la même compensation si la concession est conditionnelle.

ART. 27. Sa majesté le roi de Prusse et les Etats Unis de l'Amérique sont convenus que le présent traité aura son plein effet pendant l'espace de dix ans à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre entre eux, les articles ci-dessus stipulés pour régler leur conduite en temps de guerre, conserveront toute leur force, jusqu' à la conclusion du traité qui retablira la paix. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées, dans l'espace d'une année, à compter du jour de la signature.

En foi de quoi, les plénipotentiaires susnommés ont signé le présent traité et y ont apposé le cachet de leurs armes, aux lieux de leur domicile respectif, ainsi qu'il sera exprimé ci-dessous.

Treaty of amity and commerce between the United States and Prussia.

Mutual desire of the parties to continue the good understanding between the two countries, by renewing the treaty of the 10th of September,

No. 2. Treaty of amity and commerce between his majesty the king of Prussia, and the United States of America.

His majesty the king of Prussia, and the United States of America, desiring to maintain, upon a stable and permanent footing, the connexions of good understanding, which have hitherto so happily subsisted between their respective states, and for this purpose to renew the treaty of amity and commerce, con-

Traite d'amitié et de commerce entre sa majesté le roi de Prusse, et les Etats Unis de l'Amérique.

Sa majesté le roi de Prusse et les Etats Unis de l'Amérique, désirant d'entretenir sur un pied stable et permanent les liaisons de bonne intelligence, qui ont si heureusement subsisté jusqu'ici, entre leurs états respectifs, et de renouveler pour cet effet le traité d'amitié et de commerce, qui a été con-

cluded between the two powers, at the Hague, the 10th of September, 1785, for the term of ten years, his Prussian majesty has nominated and constituted as his plenipotentiaries, the count Charles William de Finckenstein, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle, and commander of that of St. John of Jerusalem; the baron Philip Charles d'Alvensleben, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle, and of that of St. John of Jerusalem; and the count Christian Henry-Curt de Haugwitz, his minister of state, of war, and of the cabinet, knight of the orders of the black eagle, and of the red eagle; and the president of the United States has furnished with their full powers, John Quincy Adams, a citizen of the United States, and their minister plenipotentiary at the court of his Prussian majesty; which plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded, settled, and signed the following articles:

ART. 1. There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace, and a sincere friendship, between his majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

ART. 2. The subjects of his majesty the king of Prussia, may frequent all the coasts and countries of the United States of America, and reside and trade there, in all sorts of pro-

clu entre les deux puissances a la Haye, le 10 Septembre 1785, pour le terme de dix années, sa majesté Prussienne a nommé et constitué ses plénipotentiaires, le sieur Charles Guillaume, comte de Finckenstein, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et commandeur de celui de St. Jean de Jérusalem; le sieur Philippe Charles, baron d'Alvensleben, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge, et de celui de St. Jean de Jérusalem; et le sieur Chretien Henri-Curce, comte de Haugwitz, son ministre d'état, de guerre, et de cabinet, chevalier des ordres de l'aigle noir, et de l'aigle rouge; et les president des Etats Unis a muni de leur plein-pouvoir Jean Quincy Adams, citoyen des Etats Unis, et leur ministre plénipotentiaire à la cour de sa majesté Prussienne; lesquels plénipotentiaires après avoir échangé leurs pleinpouvoirs, trouvés en bonne et dûe forme, ont conclu, arrêté et signé les articles suivans:

ART. 1. Il y aura dans la suite, comme par le passé, une paix ferme, inviolable et universelle, et une amitié sincère entre sa majesté le roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis de l'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

ART. 2. Les sujets de sa majesté le roi de Prusse pourront frequenter toutes les côtes et les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de pro-

1785. See ante, No. 1, page 227.

Firm and inviolable peace, &c.

The subjects of Prussia may resort to the coasts, &c. of the United States; may reside and trade there;

and enjoy, in these respects, all the privileges allowed to the most favored nations.

duce, manufactures, and merchandise, and shall pay there no other or greater duties, charges, or fees whatsoever, than the most favored nations are, or shall be obliged to pay. They shall also enjoy, in navigation and commerce, all the rights, privileges, and exemptions, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages, to which are submitted the citizens of the United States, and the most favored nations.

The citizens of the United States may frequent the coasts of Prussia, reside and trade there; and enjoy, in these respects, all the privileges allowed to the most favored nations.

ART. 3. In like manner the citizens of the United States of America, may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless, to the established laws and usages, to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Each party may carry its own produce in its own or other vessels, to the dominions of the other, &c.

ART. 4. More especially, each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures,

ductions, manufactures, et marchandises. et n'y payeront d'autres ni de plus forts impôts, charges, ou droits, que ceux que les nations les plus favorisées sont ou seront obligées de payer. Ils jouiront aussi dans la navigation, et le commerce, de tous les droits, privilèges, et exemptions dont jouit ou jouira la nation la plus favorisée, se soumettant néanmoins aux loix et usages établis, auxquels sont soumis les citoyens des États Unis, et les nations les plus favorisées.

ART. 3. Pareillement les citoyens des États Unis de l'Amérique pourront frequenter toutes les côtes et tout les pays de sa majesté le roi de Prusse, y resider et trafiquer en toutes sortes de productions, manufactures et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les domaines de sa dite majesté, que ceux que la nation la plus favorisée est ou sera obligée de payer, et ils jouiront de tous droits, privilèges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée, se soumettant néanmoins aux loix et usages établis, auxquels sont soumis les sujets de sa majesté le roi de Prusse et les sujets et citoyens des nations les plus favorisées.

ART. 4. En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures, et marchandises à bord de ces propres batimens, ou de tel autre, dans toutes les parties des domaines de l'autre, ou il sera permis à tout les sujets et citoyens de l'autre nation de les acheter librement, comme aussi d'y

and merchandise of the other, charger les productions, manu- which all the said citizens or factures, et marchandises de subjects shall in like manner be l'autre, que tous les dits sujets free to sell to them, paying in ou citoyens auront la liberté de both cases, such duties, charg- leur vendre, en payant dans l'un es, and fees only, as are or shall et l'autre cas tels impôts, droits, be paid by the most favored et charges seulement, qui sont nation. Nevertheless, his ma- ou seront payés par la nation jesty the king of Prussia and la plus favorisée: Cependant, the United States, respectively, sa majesté le roi de Prusse et reserve to themselves the right les Etats Unis de l'Amérique where any nation restrains the se reservent le droit, au cas que transportation of merchandise quelque nation restreigne le to the vessels of the country transport des marchandises aux of which it is the growth or vaisseaux des pays dont elles manufacture, to establish against sont la production, ou la manu- such nation retaliating regula- facture, d'établir envers cette tions; and also the right to pro- nation des réglemens reci- hibit in their respective coun- proques, se reservant de plus le tries the importation and expor- droit de prohiber dans leurs tation of all merchandise what- pays respectifs l'importation soever, when reasons of state ou l'exportation de toute mar- shall require it. In this case- chandise quelconque, des que la the subjects or citizens of ei- raison d'état l'exige. En ce- ther of the contracting parties- cas les sujets ou citoyens d'une shall not import or export the des parties contractantes ne merchandise prohibited by the pourront importer ni exporter other. But if one of the con- les marchandises prohibées par- tracting parties permits any l'autre. Mais si l'une des parties other nation to import or ex- contractantes permet à port the same merchandise, the quelque autre nation d'importer citizens or subjects of the oth- ou d'exporter ces mêmes mar- er shall immediately enjoy the chandises, les citoyens ou su- same liberty. jets de l'autre partie contrac- tante jouiront tout aussitôt d'une liberté pareille.

ART. 5. The merchants, commanders of vessels, or oth- er subjects or citizens of either party, shall not, within the ports or jurisdiction of the oth- er, be forced to unload any sort of merchandise into any other vessels, nor to receive them in- to their own, nor to wait for their being loaded longer than they please.

ART. 6. That the vessels of either party, loading within the ports or jurisdiction of the oth- er, may not be uselessly ha-

ART. 5. Les marchands, commandans de vaisseaux, et au- tres sujets ou citoyens de cha- cune des deux nations, ne se- ront pas forcés dans les ports ou dans la jurisdiction de l'au- tre, de décharger aucunes sortes des marchandises dans d'au- tres vaisseaux, ni de les rece- voir à bord de leurs propres na- vires, ni d'attendre leur charge- ment, plus longtems qu'il ne leur plaira.

ART. 6. Pour éviter que les vaisseaux de l'une des deux parties contractantes ne soient inutilement molestés, ou dé-

Reservation of a right to retaliate on nations that restrain the transportation of goods to vessels of the country, of which such goods are the manufacture, &c.

Prohibited merchandise not to be imported or exported by either party, unless another nation is allowed to do it.

Commanders of vessels, &c. not to be constrained in relation to the loading and unloading of their vessels, &c.

Lawful examinations of goods to take place before they are put on board.

No search of vessels in port unless articles have been clandestinely and illegally laden therein, &c.

The vessels and effects of each party to be protected within the jurisdiction of the other.

Vessels of either party, coming on the coast, or into the ports of the other, and not willing to break bulk, to be permitted freely to depart.

rassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

ART. 7. Each party shall endeavor, by all the means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ART. 8. The vessels of the subjects or citizens of either party, coming on any coast, belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered

tenus, dans les ports ou sous la juridiction de l'autre, il a été convenu, que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soient chargés sur le navire, et qu'ensuite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordres, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises ou le vaisseau saisis ou détenus par cette raison.

ART. 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux, et autres effets appartenant aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre, et elle employera tous ses efforts pour recouvrer, et faire restituer aux propriétaires légitimes, les vaisseaux et effets, qui leur auront été enlevés dans l'étendue de sa dite juridiction.

ART. 8. Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenant à l'autre, mais n'ayant pas dessein d'entrer au port, ou, qui, en y entrant, ne voudroient pas décharger leurs cargaisons, ou rompre leur charge, aurons la liberté de repartir, et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts, charges, ou droits quel-

into port, and appropriated to conques, excepté ceux établis the maintenance of the port sur les vaisseaux une fois en- itself, or of other establish- très dans le port, et destinés a- ments for the safety and con- l'entretien du port même, ou à venience of navigators, which d'autres établissemens, qui ont duties, charges, and fees, shall pour but la sureté et la com- be the same, and shall be paid modité des navigateurs; les- on the same footing, as in the quels droits, charges et impôts case of subjects or citizens of seront les mêmes, et se paye- the country where they are ront sur le même pied qu'ils sont acquittés par les sujets ou established. citoyens de l'état ou ils sont é- tablis.

ART. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ART. 10. The citizens or subjects of each party, shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others

ART. 9. Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué ou souffert quelque autre dommage, sur les côte ou sous la domination de l'autre, les sujets ou citoyens respectifs recevront tant pour eux, que pour leurs vaisseaux et effets, la même assistance qui auroit été fournie aux habitants du pays ou l'accident arrive, et ils payeront seulement les mêmes charges et droits auxquels les dits habitans auroient été assujettis en cas pareil. Et si la réparation du vaisseaux exigeoit que la cargaison fut déchargé en tout ou en partie, ils ne payeront aucun impôt, charge, ou droit, de ce qui sera rembarqué et importé. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

ART. 10. Les citoyens ou sujets de l'une des parties contractantes auront, dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation, ou autrement, et leurs héritiers, étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en per-

In cases of shipwreck, each party to afford to the other, such assistance as would be given to its own citizens or subjects on like occasions.

The ancient and barbarous right to wrecks, abolished between the parties.

The rights of devise, donation, and inheritance, with respect to personal effects, secured to each party in the dominions of the other.

acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases.

A claimant not appearing to inherit the goods of an alien, they are to be kept in custody of the law of the land, &c.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Citizens and subjects of each party, allowed to dispose of real estates in the dominions of the other, where they cannot inherit on account of being aliens.

And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation, and exempt from all rights of *detractation* on the part of the government of the respective states. But this article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published, by his majesty the king of Prussia, to prevent the emigration of his subjects.

This article not to interfere with the laws of Prussia concerning emigration.

Freedom of conscience, &c. allowed; but no insult to the religion of others.

ART. 11. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, and no person shall be molested in that respect, for any cause other than an insult

sonne, soit par d'autres agissant en leur place, et en disposant à leur volonté, en ne payant d'autres droits, que ceux auxquels les habitants du pays, où la succession est devenu vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héritiers, on prendra provisoirement des biens qui leur sont échus les mêmes soins, qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agréé des arrangements pour recueillir l'héritage. S'il s'élève des contestations entre différens prétendants ayant droit à la succession, elles seront décidées en dernier ressort selon les loix et par les juges du pays où la succession est vacante. Et si, par la mort de quelque personne, possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient à passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie; celui-ci, si, par sa qualité d'étranger, il est inhabile de les posséder, obtiendra un délai convenable pour le provenu sans obstacle, et exempte de tout droit de retenue de la partie du gouvernement des états respectifs. Mais cet article ne dérogera en aucune manière à la force des loix qui ont déjà été publiées, ou qui le seront dans la suite par sa majesté le roi de Prusse pour prévenir l'emigration de ses sujets.

ART. 11. Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les états de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour in-

on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

sulte faite à la religion de l'autre. Du plus, si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la jurisdiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a la coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protégés contre toute violence et trouble.

Citizens or subjects dying within the jurisdiction of either party, to be decently buried, &c.

ART. 12. Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which *free ships make free goods*, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree either separately between themselves, or jointly with other powers alike interested, to concert with the great maritime powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if, in the interval, either of the contracting parties should be engaged in a war, to which the other should remain neutral, the ships of war and privateers of the belligerent power shall conduct themselves towards the merchant vessels of the neutral power, as favorably as the course of the war then existing may permit, observing the principles and rules of the law of nations, generally acknowledged.

ART. 12. L'expérience ayant démontré, que le principe adopté dans l'article 12. du traité de 1785, selon lequel *les vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisamment respecté dans les deux dernières guerres, et nommément dans celle qui dure encore, les deux parties contractantes se réservent de s'entendre après le retour de la paix générale, soit séparément entr'elles, soit conjointement avec d'autres puissances intéressés pour concerter avec les grandes puissances maritimes de l'Europe, tels arrangements et tels principes permanens, qui puissent servir à consolider la liberté et la sûreté de la navigation et du commerce neutres dans les guerres futures. Et si, pendant cet intervalle, l'une des parties contractantes se trouve engagée dans une guerre à laquelle l'autre reste neutre, les vaisseaux de guerre et les armateurs de la puissance belligerente, se comporteront, à l'égard de batimens marchands de la puissance neutre, aussi favorablement que la raison de guerre, pour lors existante pourra le permettre, en observant les principes et les règles du droit des gens généralement reconnus.

The principle adopted in the treaty of 1785, (see ante, No. 1, page 234.) relative to free ships making free goods, declared not to have been sufficiently respected by belligerents.

The parties determined to concert measures for the security of neutral navigation.

In the mean time, one of the parties being at war, is to conduct itself towards the other, being neutral, according to the law of nations.

ART. 13. And in the same case, of one of the contracting parties being engaged in war

ART. 13. Dans le cas où l'une des parties contractantes se trouveroit en guerre avec

Articles denominated contraband, not to be con-

seized, condemned, or lost to the owner:

But such contraband articles may be stopped, on paying for loss occasioned by detention.

Contraband articles may be used by the captors on paying for them.

Masters of vessels stopped for having contraband goods on board, allowed to proceed on delivering them up.

Specification of contraband goods.

with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But, in the case supposed, of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles, and bridles, beyond the quantity necessary for the use of the

une autre puissance, il a été convenu, que pour prévenir les difficultés, et les discussions, qui surviennent ordinairement par rapport au marchandises de contrebande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des sujets ou citoyens de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins, il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le tems que le preneur croira nécessaire, pour prévenir les inconveniens et les dommages qui pourroient en résulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes, qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer à leur service, en tout ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais si dans le cas enoncé d'un vaisseau arrêté pour des articles de contrebande, le maître du navire consent à delivrer les marchandises suspectes, il aura la liberté de la faire, et le navire ne sera plus amené dans le port, ni detenu plus longtems, mais aura toute liberté de pour suivre sa route.

Seront censés objets de contrebande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, bales, fusils, pierres à feu, mèches, poudre, salpêtre, souffre, cuirasses, piques, épées, ceinturons, poches à cartouches, selles et brides,

ship, or beyond that which every man, serving on board the vessel, or passenger, ought to have; and, in general, whatever is comprised under the denominations of arms and military stores, of what description soever, shall be deemed objects of contraband.

ART. 14. To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed, that they shall be provided with the sealetters and documents hereafter specified:

1. A passport, expressing the name, the property, and the burden of the vessel, as also the name and dwelling of the master; which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whenever required, as well in the open sea as in port. But if the vessel be under convoy, of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter party; that is to say, the contract passed for the freight of the whole vessel; or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name, and in detail, of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

au delà de la quantité nécessaire pour l'usage du vaisseau, et au delà de celle que doit avoir chaque homme servant sur le vaisseau, ou passager, et en général tout ce qui est compris sous la denomination d'armes et de munitions de guerre, de quelque espèce qu'elles puissent être.

ART. 14. Pour assurer aux vaisseaux des deux parties contractantes, l'avantages d'être promptement et sûrement reconnus en tems de guerre, on est convenu qu'ils devront être munis des lettres de mer et documens spécifiés ci-apres:

1. D'un passeport exprimant le nom, le propriétaire et le port du navire, ainsi que le nom et le domicile du maître. Ces passeports, qui seront expédiés en bonne et dûe forme, devront être renouvelés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisition, tant en pleine mer, que dans le port. Mais si le navire se trouve sous le convoi d'un, ou de plusieurs vaisseaux de guerre, appartenants à la partie neutre, il suffira que l'officier commandant le convoi déclare que le navire est de son parti; moyennant quoi cette simple déclaration sera censée établir le fait et dispensera les deux parties de toute visite ultérieure.

2. De la certe-parte, c'est à dire, du contrat passé pour le frêt de tout le navire, ou des connoissemens donnés pour la cargaison en général. Et

3. Du rôle d'équipage, contenant l'indication nominale et détaillée des personnes, qui composent l'équipage du navire. Ces documens seront toujours expédiés dans la forme établi à l'endroit d'où le navire aura mis à la voile.

Vessels of each party, in time of war, to be characterized by particular documents.

First: A passport, to be exhibited when required.

Vessels of either party, under convoy, to be permitted to pass, on the word of the commanding officer.

Secondly: A charter party.

Thirdly: A list of the ship's company.

These documents not indispensable for three months after the information of the declaration of war, &c.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels, belonging to the neutral party, as shall have sailed from its ports before, or within three months after, the government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals, authorized to judge of the case, may deem sufficient.

Vessels of war of one party, visiting vessels of the other, under the right of search, not to send more than two or three men in a boat, to examine papers, &c.

Persons belonging to vessels of war, liable for misconduct in their persons and property.

Commanders of private armed vessels to give bond.

ART. 15. And to prevent entirely all disorder and violence, in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not send more than two or three men, in their boat, on board the said neutral vessel, to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible, in their persons and property, for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Comme leur production ne doit être exigée que dans le cas ou l'une des parties contractantes seroit en guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver le neutralité des vaisseaux, de leurs équipages et de leurs cargaisons, ils ne seront pas censés absolument nécessaires à bord des navires de la partie neutre, qui seront sortis de ses ports, avant, ou trois mois après, que le gouvernement aura en connaissance de l'état de guerre ou se trouve la partie belligrénte. Pendant cet intervalle le navire pourra, au défaut des documens ci-dessus spécifiés, prouver sa neutralité par tel autre témoignage, que les tribunaux, appelés à juger du cas trouveront suffisans.

ART. 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque les navires de la partie neutre, navigant sans convoi, rencontreront quelque vaisseau de guerre, public ou particulier, de l'autre partie, le vaisseau de guerre n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord du navire neutre pour examiner les passeports et documens. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insulteront en quelque manière que ce soit, l'équipage, les vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts, pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armes en course, avant qu'ils reçoivent leurs commissions.

ART. 16. In times of war,

ART. 16. Dans les tems de

or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favored nations, but without having the right to claim the exemption in their favor stipulated in the 16th article of the former treaty of 1785. But, on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them, an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ART. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated, in the twenty-first article, for cases of recapture.

ART. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they

guerre, et le cas de nécessité urgente, où l'une des parties contractantes se verroit obligée d'établir un embargo général, soit dans tous les ports de sa domination, soit dans certains ports particuliers, les vaisseaux de l'autre partie resteront assujettis à cette mesure, sur le même pied que le seront les navires des nations les plus avantagées, sans pouvoir réclamer l'exemption, qui avoit été stipulée en leur faveur dans l'article 16 de l'ancien traité de 1785. Mais, d'un autre côté, les propriétaires des vaisseaux, qui auront été retenus, soit pour quelque expédition militaire, soit pour tel autre usage que ce soit, obtiendront du gouvernement qui les aura employés, une indemnité équitable, tant pour le fret que pour les pertes occasionnées par le retard.

De plus et dans tous les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes, dans la jurisdiction de l'autre, on procedera uniquement par ordre, et par autorité de la justice, et suivant les voyes ordinaires en pareil cas usitées.

ART. 17. S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront restitués au premier propriétaire, aux conditions qui seront stipulés ci-après dans l'article vingt-un, pour les cas de reprise.

ART. 18. Lorsque les citoyens ou sujets de l'une des deux parties contractantes, seront forcés par des tempêtes, ou par la poursuite des corsaires ou vaisseaux ennemis, ou par quelque autre accident, à se

Vessels of each party, subject to general embargo on the footing of the most favored nations.

Exemption stipulated in the 16th article of the treaty of 1785, (see ante, No. 1, page 236,) annulled.

Indemnity stipulated for vessels detained for public uses.

Arrests of the citizens or subjects of one party, within the jurisdiction of the other, to take place according to law only.

Recaptured vessels and effects to be restored on the conditions prescribed in article 21. (See page 257, post.)

Citizens or subjects of either party, seeking an asylum in the ports of the other, from tempests, pirates, &c. to be treated

with kindness, shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

Vessels of war of either party, allowed to enter and freely depart the ports of the other with their prizes, &c.

ART. 19. The vessels of war, public and private, of both parties, shall carry freely, wherever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again, at any time, by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But, conformably to the treaties* existing between the United States and Great Britain, no vessel that shall have made

[* See ante, chap. 8, No. 4, art. 24, page 219.]

Vessels that have made a prize on British subjects, not entitled to shelter in the ports of the United States.

a prize upon British subjects, shall have a right to shelter in the ports of the United States; but, if forced therein by tempests, or any other danger, or accident of the sea, they shall be obliged to depart as soon as possible.

ART. 20. No citizen or subject of either of the contracting parties shall take from any power, with which the other may be at war, any commission

réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la juridiction de l'autre, ils seront reçus, protégés, et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions, et de toutes choses nécessaires, pour leur subsistance, santé et commodité, et pour la réparation de leurs vaisseaux.

ART. 19. Les vaisseaux de guerre, publics et particuliers, des deux parties contractantes, pourront conduire en toute liberté partout où il leur plaira, les vaisseaux et effets, qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucunes impôts, charges ou droits, aux officiers de l'amirauté, des douanes, ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout tems par le vaisseau preneur aux endroits portés par les commissions, dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais, conformément aux traités subsistans entre les Etats Unis et le Grande Brétagne, tout vaisseau qui aura fait une prise sur des sujets de cette dernière puissance, ne sauroit obtenir un droit d'asile dans les ports des Etats Unis, et s'il est forcé d'y relâcher par des tempêtes ou quelque autre danger ou accident de mer, il sera obligé d'en repartir le plus tôt possible.

ART. 20. Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance, avec laquelle l'autre pourroit être en guerre, ni com-

or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give, any part of its naval or military force to the enemy of the other, to aid them, offensively or defensively, against the other.

mission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prêtera ou donnera une partie de ses forces navales ou militaires, à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

take commissions to act against the former: And neither party to give naval or military aid to an enemy of the other.

ART. 21. If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

ART. 21. S'il arrivoit que les deux parties contractantes fussent en mêmes tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivans:

Points to be observed in case of war against a common enemy:

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war; and one-sixth part, if made by a privateer.

1. Lorsqu'un navire de l'une des deux nations sera repris par les vaisseaux de guerre ou armateurs de l'autre, avant d'avoir été conduit dans un port ennemi ou neutre, il sera restitué avec sa cargaison au premier propriétaire, moyennant une retribution d'un huitième de la valeur du navire et de la cargaison, si la reprise a été faite par un vaisseau de guerre, et d'un sixième, si elle a été faite par un armateur.

Vessels of one party, retaken from an enemy of the other, before being carried into port, to be restored, on payment of one-eighth part of vessel and cargo to a public vessel, and one-sixth to a privateer.

2. The restitution, in such cases, shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

2. Dans ces cas, la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part, qui en revient à ceux qui ont repris le navire.

Restitution to be made after proof and surety.

3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted, with their prizes, into the respective ports of each; but the said prizes shall not be discharged, or sold there, until their legality shall have been decided according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

3. Les vaisseaux de guerre, publics et particuliers, des deux parties contractantes seront admis réciproquement, avec leurs prises, dans les ports respectifs, cependant ces prises ne pourront y être déchargées, ni vendues, qu'après que la légitimité de la prise aura été décidée suivant les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite.

Vessels of war of each party, to be reciprocally admitted into port, with their prizes, which are to be tried and condemned according to the laws of the state to which the captor belongs.

4. It shall be free to each party to make such regulations

4. Il sera libre à chacune des parties contractantes de

Each party at liberty to

make regulations concerning prizes carried into the ports of the other. as they shall judge necessary, faire tels réglemens qu'elles for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties. jugeront nécessaires relative- ment à la conduite que devront tenir respectivement leurs vaisseaux de guerre public et particuliers à l'égard des bâtimens qu' ils auront pris et amenés dans les ports des deux puissances.

Both parties having a common enemy, or both being neutral, each, upon all occasions, to afford the vessels of the other convoy. **ART. 22.** When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are. **ART. 22.** Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion sous leur protection les navires de l'autre, qui font avec eux la même route, et ils les défendront aussi longtems qu'ils feront voile ensemble contre toute force et violence, et de la même manière qu'ils protégeroient et défendroient les navires de leur propre nation.

[The following article to be valid in time of war. See article 24, page 260, post.]

In case of war between the parties, nine months allowed to merchants, respectively, to settle their affairs, &c. **ART. 23.** If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields **ART. 23.** S'il survient une guerre entre les parties contractantes, les marchands de l'une des deux états, qui résideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives et arranger leurs affaires, après quoi ils pourront partir en toute liberté, et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers, et pêcheurs, qui ne sont point armés, et qui habitent des villes, villages, ou places non fortifiées, et en général tous ceux dont la vocation tend à la subsistencé, et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leur personnes, ni

Women, children, scholars, cultivators of the earth, artisans, &c. not to be molested, in case of war, by the armed force of the party into whose power they may fall, &c.

wasted by the armed force of leurs maisons, ou leurs bien
the enemy, into whose power, incendiés, ou autrement de-
by the events of war, they may truits, ni leurs champs ravagés
happen to fall; but if any thing par les armées de l'ennemi, au
is necessary to be taken from pouvoir duquel ils pourroient
them for the use of such armed tomber par les evenemens de la
force, the same shall be paid guerre, mais si l'on se trouve
for at a reasonable price. dans la nécessité de prendre
quelque chose de leurs
propriétés pour l'usage de l'ar-
mée ennemie, la valeur en sera
payée à une prix raisonnable.

[The following article to be valid in time
of war. See the conclusion of it.]

ART. 24. And to prevent the
destruction of prisoners of war,
by sending them into distant
and inclement countries, or by
crowding them into close and
noxious places, the two con-
tracting parties solemnly pledge
themselves to the world and to
each other, that they will not
adopt any such practice; that
neither will send the prisoners,
whom they may take from the
other, into the East Indies or
any other parts of Asia, or Af-
rica; but they shall be placed in
some parts of their dominions
in Europe or America, in whole-
some situations; that they shall
not be confined in dungeons,
prison ships, nor prisons, nor
be put into irons, nor bound,
nor otherwise restrained in the
use of their limbs; that the of-
ficers shall be enlarged on their
paroles within convenient dis-
tricts, and have comfortable
quarters, and the common men
be disposed in cantonments,
open and extensive enough for
air and exercise, and lodged in
barracks as roomly and good
as are provided by the party,
whose power they are, for their
own troops; that the officers
shall also be daily furnished, by
the party in whose power they
are, with as many rations, and
of the same articles and quality,
as are allowed by them, either
in kind, or by commutation, to
officers of equal rank in their
own army; and all others shall

ART. 24. Afin d'adoucir le
sort des prisonniers de guerre,
et de ne les point exposer à
être envoyés dans des climats
éloignés et rigoureux, ou resser-
rés dans des habitations étroites
et malsaines, les deux parties
contractantes s'engagent so-
lemnnellement l'une envers l'au-
tre et à la face de l'univers, qu'
elles n'adopteront aucun de ces
usages, que les prisonniers
qu'elles pourroient faire l'une
sur l'autre ne seront transportés
ni aux Indes Orientales, ni
dans aucune contrée de l'Asie,
ou de l'Afrique; mais, qu'on
leur assignera en Europe ou
en Amérique, dans les terri-
toires respectifs des parties con-
tractantes, un séjour situé dans
un air sain, qu'ils ne seront
point confinés dans des ca-
votés, ni dans des prisons, ni
dans des vaisseaux de prison,
qu'ils ne seront pas mis aux fers,
ni garotés, ni autrement privés
de l'usage de leurs membres;
que les officiers seront rela-
chés sur leur parole d'hon-
neur dans l'enceinte de certains
districts qui leur seront fixés et
qu'on leur accordera des loge-
mens commodes; que les sim-
ples soldats seront distribués
dans des cantonnemens ouverts,
assez vastes pour prendre l'air,
et l'exercise, et qu'ils seront lo-
gés dans des barraques aussi
spacieuses et aussi commodes,
que le sont celles des troupes
de la puissance au pouvoir de

Prisoners of
war not to be
sent to in-
clement coun-
tries, nor
crowded into
noxious pla-
ces.

Prisoners of
war not to be
sent to Asia,
or Africa, &c.;
nor to be con-
fined in dun-
geons, &c.

Officers to be
paroled, &c.

Privates to be
well lodged,
&c.

Prisoner offi-
cers and pri-
vates to be as
well provided
for, as officers

and privates of the same grade in the service of the party in whose hands they are.

Expense of subsisting prisoners, to be defrayed by the party whose citizens or subjects they are, &c.

Each party allowed to keep commissaries of prisoners in their own dominions of the other.

Commissaries allowed to visit prisoners, distribute comforts, &c.

Officers and others breaking parole, or escaping, to forfeit indulgence with respect to enlargement.

The pretence that war dissolves all treaties, &c. not to affect this and the preceding article, (the 23d and 24th.)

be daily furnished by them with such rations as they shall allow to a common soldier in their own service; the value of which shall be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners, at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment of prisoners in possession of the other; which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends; and shall be free to make his reports, in open letters, to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

laquelle se trouvent les prisonniers; que cette puissance fera pourvoir journellement les officiers d'autant de rations, composés des mêmes articles et de la même qualité, dont jouissent les officiers du même rang qui sont à son propre service, qu'elle fournira également à tous les autres prisonniers, une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte, à arrêter réciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes ne seront point confondus; ou balancés avec d'autres compte, ni la solde qui en est due, retenue, comme compensation, ou représailles, pour tel autre article, ou telle autre prétention réelle, ou supposée. Il sera permis à chacune des deux puissances d'entretenir un commissaire de leur choix, dans chaque cantonnement des prisonniers, qui sont au pouvoir de l'autre. Ces commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le désiront, ils pourront également recevoir et distribuer les douceurs, que les parens ou amis des prisonniers leur feront parvenir; enfin il leur sera libre encore, de faire leurs rapports, par lettres ouvertes, à ceux qui les emploient. Mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites, qui auroit été fixées à son cantonnement, un tel officier ou autre prisonnier sera frustré individuellement des avantages stipulés dans cet article pour sa relaxation sur parole d'honneur, ou pour son cantonnement. Les deux puissances contractantes ont de-

clarés en outre, que ni le pre-
texte que la guerre rompt les
traités, ni tel autre motif quel-
conque, ne sera censé annuler,
ou suspendre cet article, et le
précédent, mais qu'au contraire,
le tems de la guerre est précisé-
ment celui pour lequel ils ont
été stipulées, et durant lequel
ils seront observés aussi sainte-
ment, que les articles les plus
universellement reconnus par
le droit de la nature et des gens.

ART. 25. The two contract-
ing parties have granted to each
other the liberty of having, each
in the ports of the other, con-
suls, vice consuls, agents, and
commissaries, of their own ap-
pointment, who shall enjoy the
same privileges and powers as
those of the most favored na-
tions. But if any such consul
shall exercise commerce, they
shall be submitted to the same
laws and usages to which the
private individuals of their na-
tion are submitted in the same
place.

ART. 26. If either party shall
hereafter grant, to any other na-
tion, any particular favor in
navigation or commerce, it shall
immediately become common
to the other party; freely, where
it is freely granted to such other
nation, or on yielding the same
compensation, when the grant
is conditional.

ART. 27. His majesty the
king of Prussia, and the United
States of America, agree, that
this treaty shall be in force dur-
ing the term of ten years from
the exchange of the ratifica-
tions; and if the expiration of
that term should happen during
the course of a war between
them, then the articles before
provided for the regulation of
their conduct during such a

ART. 25. Les deux parties
contractantes, se sont accordé
mutuellement la faculté de tenir
dans leurs ports respectifs des
consuls, vice consuls, agens, et
commissaires de leurs choix, et
ils y jouiront des mêmes privi-
lèges et pouvoirs dont jouissent
ceux des nations les plus favo-
risées. Mais dans le cas où tel
ou autre de ces consuls veuille
faire le commerce, il sera sou-
mis au mêmes loix et usages
auxquels sont soumis les parti-
culiers de sa nation à l'endroit
où il réside.

ART. 26. Lorsque l'une des
deux parties contractantes ac-
cordera dans la suite quelque
faveur particulière en fait de
navigation ou de commerce à
d'autres nations, elle deviendra
aussitôt commune à l'autre par-
tie contractante, et celle-ci jou-
ira de cette faveur gratuite-
ment, si la concession est gra-
tuite, ou en accordant la même
compensation si la concession
est conditionnelle.

ART. 27. Sa majesté le roi
de Prusse, et les Etats Unis de
l'Amérique, sont convenus que
le présent traité aura son plein
effet pendant l'espace de dix
années à compter du jour de
l'échange des ratifications, et
que si l'expiration de ce terme
arriveoit dans le cours d'une
guerre entr'eux, les articles
ci-dessus stipulés pour régler
à leur conduite en tems de guerre

Each party al-
lowed to have
consuls in the
ports of the
other.

Consuls to
have no pecu-
liar privileges
in commerce.

Either party
granting a fa-
vor, in com-
merce, to a
third power, it
shall become
common to the
other, on the
same condi-
tions.

This treaty to
be in force for
ten years
from the year
1800, &c.

war, shall continue in force until the conclusion of the treaty which shall restore peace.

Ratifications to be exchanged within one year.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature; or sooner, if possible.

In testimony whereof, the plenipotentiaries beforementioned, have hereto subscribed their names, and affixed their seals.

Done at Berlin, the eleventh of July, in the year one thousand seven hundred and ninety-nine.

[L.S.] John Quincy Adams.
[L.S.] Charles Guillaume,
comte de Finckenstein.
[L.S.] Philip Charles D'Alvensleben.
[L.S.] Chretien Henry-Curce,
comte de Haugwitz.

conservèrent toute leur force jusqu' à la conclusion du traité qui rétablira la paix.

Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace d'une année à compter du jour de la signature; ou plutôt, si faire se peut.

En foi de quoi, les plenipotentiaries susnommés ont signé le present traité, et y ont apposé le cachet de leurs armes.

Fait à Berlin, le onze Juillet, l'an mille sept cents quatre vingt dix neuf.

[L.S.] John Quincy Adams.
[L.S.] Charles Guillaume,
comte de Finckenstein.
[L.S.] Philippe Charles D'Alvensleben.
[L.S.] Chretien Henri-Curce,
comte de Haugwitz.

CHAPTER 10.

Treaty between the United States of America and Spain.

Treaty of friendship, limits and navigation, between the United States and Spain.

No. 1. Treaty of friendship, limits, and navigation, between the United States of America, and the king of Spain.

Tratado de amistad, limites, y navegacion, entre los Estados Unidos de America, y el rey de Espana.

Mutual desire of consolidating friendship and good correspondence.

His catholic majesty, and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

Deseando S. M. catolica, y los Estados Unidos de America consolidar de un modo permanente la buena correspondencia y amistad que felizmente reyna entre ambas partes, han resuelto fixar por medio de un convenio varios puntos, de cuyo arreglo resultará un beneficio general, y una utilidad reciproca à los dos paises.

With this intention, his catholic majesty has appointed the most excellent lord, don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez Zarzosa; prince de la paz; duke de la Alcludia; lord of the Soto de Roma, and of the state of Albalá; grandee of Spain of the first class; perpetual regidor of

Con esta mira han nombrado S. M. catolica al excelentissimo sor. dn. Manuel de Godoy, y Alvarez de Faria, Rios, Sanchez Zarzosa; principe de la paz; duque de la Alcludia; senor del Soto de Roma, y del estado de Albalá; grande de España de primera clase; regidor perpetuo de la ciudad de

the city of Santiago; knight of the illustrious order of the gold- en fleece, and great cross of the royal and distinguished Spanish order of Charles the 3d. commander of Valencia del Ventoso Rivera, and A- cencchal in that of Santiago; knight and great cross of the religious order of St. John; counsellor of state; first secretary of state and despacho; reyna nuestra; sra. superintendente general de correos y intendant general of the posts and highways; protector of the royal academy of the noble arts, and of the royal societies of natural history, botany, chemistry, and astronomy; gentleman of the king's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c. &c. and the president of the United States, with the advice and consent of their senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to his catholic majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

ART. 1. There shall be a firm and inviolable peace and sincere friendship between his catholic majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places.

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the north-

signe orden del toyson de Oro; gran cruz de la rl. y distinguida Española de Carlos III. comendador de Valencia del Ventoso Rivera, y Acencchal en la de Santiago; caballero gran cruz de la religion de Sn. Juan; consejero de estado; primer secretario de estado y del despacho; secretario de la reyna nuestra; sra. superintendente general de correos y protector de la academia de las nobles artes, y gabinete de historia natural, jardin botanico, y observatorio astronomico; gentilhomme de camara con ejercicio; capitán general de los rles. exercitos; inspector y sargento mayor del rl. cuerpo de guardias de corps, &c. &c. y el presidente de los Estados Unidos, con consentimiento y aprobacion del senado, a don Tomas Pinckney, ciudadano de los mismos Estados, y su enviado extraordinario cerca de S. M. catolica, y ambos plenipotenciarios han ajustado y firmado los articulos siguientes:

ART. 1. Habrá una paz solida e inviolable, y una amistad sincera entre S. M. catolica sus sucesores y subditos, y los Estados Unidos y sus Ciudadanos sin excepcion de personas, o lugares.

ART. 2. Para evitar toda disputa en punto a los limites que separan los territorios de las partes contratantes, se han convenido, y declarado en el presente articulo lo siguiente, a saber: Que el limite meridional de los Estados Unidos, que separa su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se demarcará por una linea que

Firm and inviolable peace.

Designation of the southern boundary line of the United States, which divides their territory from the Spanish colonies of East and West Florida.

Garrisons, &c. of either party, in the territory of the other, to be withdrawn within six months after the ratification of this treaty, &c.

ernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint; thence strait to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

Each party to furnish a commissioner and surveyor, to meet at Natchez, within six months after ratification, to run the boundary line, to make plats, keep journals, &c. which are to be considered as part of this convention.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein.* And if, on any ac-

The commissioners and surveyors allowed to have

count, it should be found necessary that the said commissioners and surveyors should be

empieze en el rio Misisipi, en la parte mas septentrional del grado treinta y uno al norte del equador, y que desde alli siga en derecha al este, hasta el medio del rio Apalachicola ó Catahouche; desde alli por la mitad de este rio hasta su union con el Flint; de alli en derecha hasta el nacimiento del rio Sta. Maria; y de alli baxando por el medio de este rio hasta el oceano Atlantico. Y se han convenido las dos potencias en que si hubiese tropa, guarniciones, ó establecimientos de la una de las dos partes en el territorio de la otra, segun los limites que se acaban de mencionar, se retirarán de dicho territorio en el termino de seis meses despues de la ratificacion de este tratado, ó antes si fuese posible, y que se les permitirá llevar consigo todos los bienes y efectos que posehan.

ART. 3. Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geometra que se juntarán en Natchez en la orilla izquierda del Misisipi, antes de expirar el termino de seis meses despues de la ratificacion de la convencion presente; y procederán á la demarcacion de estos limites conforme á lo estipulado en el articulo anterior. Levantarán planos, y formarán diarios de sus operaciones, que se reputarán como parte de este tratado, y tendran la misma fuerza que si estuvieran insertas en el. Y si por qualquier motivo se creyese necesario que los dichos comisarios y geometras fuesen acompanados con guardias, se les darán en nume-

* On the 24th of May, 1796, in conformity with this stipulation, Andrew Ellicott was appointed commissioner, and Thomas Freeman surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in the second article of the treaty. Mr. Ellicott published his journal at large in the year 1805.

accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas, and the commanding officer of the troops of the United States, in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point, as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ART. 4. It is likewise agreed, that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel, or bed of the river Mississippi, from the northern boundary of the said states, to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed, that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.*

ART. 5 The two high contracting parties shall, by all the means in their power, maintain

igual por el general que mande las tropas de S. M. en las dos Floridas, y el comandante de las tropas de los Estados Unidos en su territorio del sudoeste, que obrarán de acuerdo y amistosamente, asi en este punto como en el de apron-shall act by common consent, to de viveres é instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execucion de este articulo.

ART. 4. Se han convenido igualmente que el limite occidental del territorio de los Estados Unidos que los separa de la colonia Española de la Luisiana está en medio del canal ó madre del rio Misisipi desde el limite septentrional de dichos estados hasta el complemento de los treinta y un grados de latitud al norté del equador; y S. M. catolica ha convenido igualmente en que la navegacion de dicho rio en toda su extension desde su origen hasta el oceanâ, será libre solo â sus subditos y â los ciudadanos de los Estados Unidos â menos que por algun tratado particular haga extensiva esta libertad â subditos de otras potencias.

ART. 5. Las dos altas partes contratantes procurarán por todos los medios posibles mante-

guards of American and Spanish troops, &c.
The western boundary of the United States, separating the Spanish colony of Louisiana from their territories, to be in the middle of the channel, or bed, of the river Mississippi.
The entire navigation of the Mississippi, free only to American and Spanish subjects.
Peace and harmony to be maintained among the In-

* According to the definitive treaty of peace between the United States and Great Britain, (see ante, No. 3, art. 3, page 205,) "the navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States." Whatsoever right his catholic majesty had to interdict the free navigation of the Mississippi to any nation, at the date of the treaty of San Lorenzo el Real, (the 27th of October, 1795,) that right was wholly transferred to the United States in virtue of the cession of Louisiana from France, by the treaty of Paris, of the 30th April, 1803. See ante, No. 6, art. 1, pages 135, 136. And as the definitive treaty of peace with Great Britain was concluded previously to the transfer to the United States of the right of Spain to the dominion of the river Mississippi, and, of course, prior to the United States' possessing the Spanish right, it would seem that the stipulation contained in the 8th article of the definitive treaty with Great Britain, as quoted, could not have included any greater latitude of navigation on the Mississippi, than that which the United States were authorized to grant on the 3d of September, 1783. The additional right of sovereignty which was acquired over the river by the cession of Louisiana, was paid for by the American government; and, therefore, any extension of it to a foreign power could scarcely be expected without an equivalent.

dians inhabiting the country adjacent to the Floridas.

Mutual stipulation for restraining, by force, all hostilities between the Indians residing within the boundaries of the parties respectively.

No treaties, except treaties of peace, to be made by one party, with the Indians living within the boundary of the other, &c.

Advantages of the Indian trade to be common, &c.

Each party to protect the vessels of the other within its jurisdiction, by sea or land; and to restore vessels and effects by whomsoever taken:

peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain, by force, all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his catholic majesty, or his Indians, in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties, and the said nations of Indians, it is hereby agreed, that in future no treaty of alliance or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land,

ner la paz, y buena armonia entre las diversas naciones de Indios que habitan los terrenos adyacentes a las lineas y rios que en los articulos anteriores forman los limites de las dos Floridas; y para conseguir mejor este fin se obligan expresamente ambas potencias a reprimir con la fuerza todo genero de hostilidades de parte de las naciones Indias que habitan dentro de la linea de sus respectivos limites: de modo que ni la España permitirá que sus Indios ataquen a los que vivan en el territorio de los Estados Unidos o a sus ciudadanos, ni los estados que los suyos hostilizan a los subditos de S. M. catolica o a sus Indios de manera alguna.

Existiendo varios tratados de amistad entre las expresadas naciones y las dos potencias, se han convenido en no hacer en lo venidero alianza alguna o tratado, (excepto los de paz,) con las naciones de Indios que habitan dentro de los limites de la otra parte, aunque procuraran hacer comun su comercio en beneficio amplio de los subditos y ciudadanos respectivos, guardandose en todo la reciprocidad mas completa, de suerte que sin los dispendios que han causado hasta ahora dichas naciones a las dos partes contratantes, consigan ambas todas las ventajas que debe producir la armonia con ellas.

ART. 6. Cada una de las dos partes contratantes procurará por todos los medios posibles proteger y defender todos los buques y qualesquiera otros efectos pertenecientes a los subditos y ciudadanos de la otra que se hallen en la exten-

and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

sion de su jurisdiccion por mar ô por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir à los propietarios legitimos los buques y efectos que se les hayan quitado en la extension de dicha jurisdiccion, estén ô no en guerra con la potencia cuyos subditos hayan interceptado dichos efectos.

ART. 7. And it is agreed, that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ART. 7. Se ha convenido que los subditos y ciudadanos de una de las partes contratantes, sus buques, ô efectos no podran sugetarse à ningun embargo ô detencion de parte de la otra, à causa de alguna expedicion militar, uso publico ô particular de qualquiera que sea. Y en los casos de aprehension detencion ô arresto, bien sea por deudas contrahidas û ofensas cometidas por algun ciudadano ô subdito de una de las partes contratantes en la jurisdiccion de la otra, se procederá unicamente por orden y autoridad de la justicia, y segun los tramites ordinarios seguidos en semejantes casos. Se permitirá à los ciudadanos y subditos de ambas partes emplear los abogados, procuradores, notarios, agentes ô factores que juzguen mas à proposito en todos sus asuntos y en todos los pleytos que podrán tener en los tribunales de la otra parte, à los quales se permitirá igualmente el tener libre acceso en las causas, y estará presentes à todo exâmen y testimonios que podran ocurrir en los pleytos.

Citizens and subjects, vessels and effects, not liable to embargo, or detention, for any military expedition, &c. by either party.

Arrests, &c. for debts and offences, to take place only according to law.

Citizens and subjects of either party allowed to employ such advocates, &c. in the trial of causes, as they may judge proper, &c.

ART. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for

ART. 8. Quando los subditos y habitantes de la una de las dos partes contratantes con sus buques, bien sean publicos ô de guerra, bien particulares ô mercantiles se viesen obligados por una tempestad, por escapar de piratas ô de enemigos, ô por

Vessels of either party, forced by stress of weather, &c. into the ports, &c. of the other,

to be received with kindness, allowed to refresh, and freely to depart.

seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the subsistence of their persons, or reparation of their ships, and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Property taken from pirates to be restored to the true owner, on proof.

ART. 9. All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers, on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

In cases of wrecks, &c. each party to afford the other the same assistance it would give to its own citizens or subjects under similar circumstances, &c.

ART. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall

qualquiera otra necesidad urgente á buscar refugio y abrigo en alguno de los rios, bahias, radas, ó puertos de una de las dos partes, seran recibidos y tratados con humanidad, y gozaran de todo fabor, proteccion, y socorro, y les será licito proveerse de refrescos, viveres, y demas cosas necesarias para su sustento, para componer sus buques, y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ó impedira de modo alguno el salir de dichos puertos ó radas, antes bien podran retirarse y partir como y quando les pareciere sin ningun obstaculo ó impedimento.

ART. 9. Todos los buques y mercaderias de qualquiera naturaleza que sean, que se hubiesen quitado á algunos piratas en alta mar y se traxesen á algun puerto de una de las dos potencias, se entregaran allí á los oficiales ó empleados en dicho puerto, á fin de que los guarden y restituyan integramente á su verdadero propietario luego que hiciese constar debida y plenamente que era su legitima propiedad.

ART. 10. En el caso de que un buque perteneciente á una de las dos partes contratantes naufragase, varase, ó sufriese alguna averia en las costas ó en los dominios de la otra, se socorrera á los subditos ó ciudadanos respectivos, asi á sus personas como á sus buques y efectos, del mismo modo que se haria con los habitantes del pais donde suceda la desgracia, y pagarán solo las mismas cargas y derechos que se hubieran exigido de dichos habitantes en semejante caso. Y si fuese necesario para componer el buque que se descargue el cargamento en todo ó en parte, no paga-

pay no duties, charges, or fees, on the part which they shall relate and carry away.

ART. 11. The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *de traction* on the part of the government of the respective states.

rán impuesto alguno, carga, ó derecho de lo que se buelva á embarcar para ser exportado.

ART. 11. Los ciudadanos ó subditos de una de las dos partes contratantes tendran en los estados de la otra la libertad de disponer de sus bienes personales bien sea por testamento, donacion, ó otra manera, y si sus herederos fuesen subditos ó ciudadanos de la otra parte contratante, sucederán en sus bienes ya sea en virtud de testamento ó *ab intestato*, y podran tomar posesion, bien en persona, ó por medio de otros que hagan sus veces, y disponer como les pareciere sin pagar mas derechos que aquellos que deben pagar en caso semejante los habitantes del pais donde se verificase la herencia.

Y si estuviesen ausentes los herederos se cuidará de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante ocasion con los bienes de los naturales del pais, hasta que el legitimo propietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre diferentes competidores que tengan derecho á la herencia, serán terminadas en ultima instancia segun las leyes, y por los jueces del pais en que va case la herencia. Y si por la muerte de alguna persona que poseyese bienes raices sobre el territorio de una de las partes contratantes, estos bienes raices llegasen á pasar segun las leyes del pais á un subdito ó ciudadano de la otra parte, y este por su calidad de extranero fuese inhabil para poseherlos, obtendrá un termino conveniente para venderlos y recoger su producto sin obstaculo, esento de todo derecho de retencion

Right of devise, donation, and of inheritance, with respect to personal goods, secured to the citizens or subjects of each party, in the dominions of the other, &c.

In the absence of a claimant, goods to be in the custody of the law of the land, by which all disputes concerning them are to be finally decided.

Aliens, citizens, or subjects, of either party, allowed to dispose of real estate descending to them in the dominions of the other, &c.

Merchant ships of one party, making for a port of an enemy of the other, obliged to exhibit passports and certificates, &c.

ART. 12. The merchant ships of either of the parties, which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

In case of war between the parties, one year, after proclamation of it, allowed to citizens and subjects, respectively, to settle their affairs, &c.

ART. 13. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year, after the proclamation of war, shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandises: and if any thing be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

No subject of Spain to take a commission from a third power with whom the United States are at war, to cruise against the citizens, &c. of the latter:

ART. 14. No subject of his catholic majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants, of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor any American citizen to take a commission from a power with which Spain is at

Nor shall any citizen, subject, or inhabitant, of the said United States, apply for, or take, any commission, or letters of marque, for arming any ship or

departe del gobierno de los estados respectivos.

ART. 12. A los buques mercantes de las dos partes que fuesen destinados á puertos pertenecientes á una potencia enemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará á presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus pasaportes sino tambien los certificados que probaran expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

ART. 13. A fin de faborecer el comercio de ambas partes, se ha convenido que en el caso de romperse la guerra entre las dos naciones, se consederá el termino de un año despues de su declaracion, á los comerciantes en las villas y ciudades que habitan, para juntar y transportar sus mercaderias, y si se les quitase alguna parte de ellas, ó hiciese algun daño durante el tiempo prescrito arriba por una de las dos potencias sus pueblos ó subditos, se les dará en este punto entera satisfaccion por el gobierno.

ART. 14. Ningun subdito de S. M. catolica tomará encargo ó patente para armar buque ó buques que obren como corsarios contra dichos Estados Unidos, ó contra los ciudadanos pueblos y habitantes de los mismos, ó contra su propiedad ó la de los habitantes de alguno de ellos de qualquier principe que sea con quien estubieren en guerra los Estados Unidos.

Y igualmente ningun ciudadano ó habitante de dichos Estados Unidos pedirá ó aceptará encargo ó patente para armar algun buque ó buques

ships to act as privateers against the subjects of his catholic majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ART. 15. It shall be lawful for all and singular the subjects of his catholic majesty, and the citizens, people, and inhabitants, of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with his catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; con-

con el fin de perseguir los subditos de S. M. catolica, ó apoderarse de su propiedad, de qualquier principe ó estado que sea con quien estuviere en guerra S. M. catolica. Y si algun individuo de una ó de otra nacion tomase semejantes encargos ó patentes será castigado como pirata.

ART. 15. Se permitirá á todos y á cada uno de los subditos de S. M. catolica, y á los ciudadanos pueblos y habitantes de dichos Estados, que puedan navegar con sus embarcaciones con toda libertad, y seguridad sin que haya la menor excepcion por este respeto, aunque los propietarios de las mercaderias cargadas en las referidas embarcaciones vengan del puerto que quieran, y las traygan destinadas á qualquiera plaza de una potencia actualmente enemiga ó que lo sea despues, asi de S. M. catolica como de los Estados Unidos. Se permitirá igualmente a los subditos y habitantes mencionados navegar con sus buques y mercaderias, y frequentar con igual libertad y seguridad las plazas y puertos de las potencias enemigas de las partes contratantes, ó de una de ellas sin oposicion ú obstaculo, y de comerciar no solo desde los puertos de dicho enemigo á un puerto neutro directamente, si no tambien desde uno enemigo á otro tal, bien se encuentre baxo su jurisdiccion, ó baxo la de muchos; y se estipula tambien por el presente tratado que los buques libres aseguraran igualmente la libertad de las mercaderias, y que se juzgarán libres todos los efectos que se hallasen á bordo de los buques que perteneciesen á los subditos de una de las partes contratantes, aun quando el carga-

war, to cruise against the persons and property of Spaniards.

Offenders to be punished as pirates.

Free trade allowed with an enemy:

And from one enemy port to another enemy port, either directly or indirectly.

Free ships to make free goods:

Contraband goods excepted.

Free ships to protect persons, unless they are soldiers in the actual service of an enemy.

Specification of contraband goods.

Discrimination as to articles not contraband.

traband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ART. 16. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended, arms, great guns, bombs with the fusees, and the other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers; musquet rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods; that is to say: all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, cop-

mento por entero ó parte de el fuese de los enemigos de una de las dos, bien entendido sin embargo que el contrabando se exceptua siempre. Se ha convenido asi mismo que la propia libertad gozaran los sugetos que pudiesen encontrarse á bordo del buque libre, aun quando fuesen enemigos de una de las dos partes contratantes; y por lo tanto no se podrá hacerlos prisioneros ni separarlos de dichos buques á menos que no tengan la qualidad de militares, y esto hallandose en aquella sazón empleados en el servicio del enemigo.

ART. 16. Esta libertad de navegacion y de comercio debe extenderse á toda especie de mercaderias exceptuando solo las que se comprehenden baxo el nombre de contrabando, ó de mercaderias prohibidas, quales son las armas, cañones, bombas con sus mechas, y demas cosas pertenecientes á lo mismo, balas, polvora, mechas, picas, espadas, lanzas, dardos, alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla y otras armas de esta especie propias para armar á los soldados, portamosquetes, bandoleras, caballos con sus armas, y otros instrumentos de guerra sean los que fueren. Pero los generos y mercaderias que se nombrarán ahora, no se comprehenderán entre los de contrabando ó cosas prohibidas, á saber: toda especie de paños y qualesquiera otras telas de lana, lino, seda, algodón, ú otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbran hacer, el oro y la plata labrada en moneda ó no, el estaño, hierro, latón, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la

per, brass, coals; as also wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese, and butter, beer, oils, wines, sugars, and all sorts of salts: and, in general, all provisions which serve for the sustenance of life: furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband; much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: as likewise, all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And, except the cases in which any ship of war, or squadron, shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs, may

avena, y qualquiera otro genero de legumbres. El tabaco y toda la especieria, carne salada y ahumada, pescado salado, queso y manteca, cerbeza, aceytes, vinos, azucar, y toda especie de sal, y en general todo genero de provisiones que sirven para el sustento de la vida. Ademas toda especie de algodón, cañamo, lino, alquitran, pez, cuerdas, cables, velas, telas para velas, ancoras, y partes de que se componen. Mastiles, tablas, maderas de todas especies, y cualesquiera otras cosas que sirvan para la construccion y reparacion de los buques, y otras cualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ó por mar, no serán reputadas de contrabando, y menos las que están ya preparadas para otros usos. Todas las cosas que se acaban de nombrar deben ser comprehendidas entre las mercaderias libres, lo mismo que todas las demas mercaderias y efectos que no estan comprehendidos y nombrados expresamente en la enumeracion de los generos de contrabando, de manera que podran ser transportados y conducidos con la mayor libertad por los subditos de las dos partes contratantes á las plazas enemigas, exceptuando sin embargo las que se hallasen en la actualidad sitiadas, bloqueadas, ó embestidas, y los casos en que algun buque de guerra ó esquadra que por efecto de averia, ú otras causas se halle en necesidad de tomar los efectos que conduzca el buque ó buques de comercio, pues en tal caso podra detenerlos para aprovisionarse, y dar un recibo para que la potencia cuyo sea el buque que tome los efectos

Entire freedom of commerce in articles not contraband, except to blockaded places.

Public ships of war of either party, in distress at sea, allowed to supply their vessels with necessaries from the cargoes of merchant vessels of the other, giving receipts for the same, for the purpose of payment, &c.

pay for the articles so taken, los pague según el valor que according to the price thereof, tendrian en el puerto adonde at the port to which they may se dirigiese el propietario, se appear to have been destined gun lo expresen sus cartas de by the ship's papers: and the navegacion: obligandose las two contracting parties engage, dos partes contratantes à no de- that the vessels shall not be de- tener los buques mas.de lo que tained longer than may be ab- sea absolutamente necesario pa- solutely necessary for their ra aprovisionarse, pagar inme- said ships to supply themselves diatamente los recibos, y in- with necessaries. That they demnizar todos los daños que will immediately pay the value sufra el propietario à conse- of the receipts, and indemnify quencia de semejante suceso. the proprietor for all losses which he may have sustained in consequence of such transac- tion.

One of the parties being engaged in war, the vessels of the other must be furnished with sealetters or passports, &c.

ART. 17. To the end, that all manner of dissentions, and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party, must be furnished with sealetters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties; which passport shall be made out and granted according to the form* annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

[* The form of this passport, on diligent search, cannot be found in the department of state, and is not annexed to the original treaty.]

Ships that are laden, to be provided also with certificates, &c. in the accustomed form.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on

ART. 17. A fin de evitar entre ambas partes toda especie de disputas y quejas, se ha convenido que en el caso de que una de las dos potencias se hallase empeñada en una guerra, los buques y bastimentos pertenecientes à los subditos ó pueblos de la otra, deberán llevar consigo patentes de mar ó pasaportes que expresen el nombre, la propiedad, y el porte del buque, como tambien el nombre y morada de su dueño y comandante de dicho buque, para que de este modo conste que pertenece real y verdaderamente à los subditos de una de las dos partes contratantes; y que dichos pasaportes deberán expedirse según el modelo adjunto al presente tratado. Todos los años deberán renovarse estos pasaportes en el caso de que el buque vuelva à su país en el espacio de un año.

Igualmente se ha convenido en que los buques mencionados arriba, si estuviesen cargados, deberan llevar no solo los pasaportes sino tambien certificados que contengan el pormenor del cargamento, el lugar de donde ha salido el buque, y la declaracion de las mercaderias de contrabando que pudiesen hal-

board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one shall think it fit or adviseable to express in the said certificates, the person to whom the goods on board belong, he may freely do so; without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

larse à bordo; cuyos certificados deberan expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese à la vela, y si se juzgase útil y prudente expresar en dichos pasaportes la persona propietaria de las mercaderias se podra hacer libremente, sin cuyos requisitos será conducido à uno de los puertos de la potencia respectiva, y juzgado por el tribunal competente, con arreglo à lo arriba dicho, para que examinadas bien las circunstancias de su falta, sea condenado por de buena presa si no satisfaciese legalmente con los testimonios equivalentes en un todo,

Vessels not being furnished with passports and certificates, may be condemned as prize, unless equivalent proof of property be furnished.

ART. 18. If the ships of the said subjects, people, or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchantship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

ART. 18. Quando un buque perteneciente à los dichos subditos pueblos y habitantes de una de las dos partes fuese encontrado navegando à lo largo de la costa ò en plena mar por un buque de guerra de la otra ò por un corsario, dicho buque de guerra ò corsario, à fin de evitar todo desorden, se mantendrá fuera del tiro de cañon, y podrá enviar su chalupa à bordo del buque mercante, hacer entrar en el dos ò tres hombres à los quales enseñara el patron ò comandante del buque su pasaporte y demas documentos, que deberan ser conformes à lo prevenido en el presente tratado, y probara la propiedad del buque; y despues de haber exhibido semejante pasaporte y documentos, se les dejará seguir libremente su viage, sin que les sea licito el molestarle ni procurar de modo alguno darle caza, ò obligarle à dejar el rumbo que seguia.

Vessels of war of either party, visiting merchantmen of the other, under the right of search, to remain out of cannon shot, and board, in a boat, with two or three men only.

ART. 19. Consuls shall be reciprocally established, with the privileges and powers

ART. 19. Se establecerán consules reciprocamente con los privilegios y facultades que

Each party permitted to establish con-

suls in the ports of the other, &c.

Free access allowed, for the purposes of justice, for the citizens or subjects of each party, to the courts within the dominions of the other.

Differences occasioned by losses sustained by American citizens, from Spanish captures, to be referred for decision to commissioners.

Three commissioners; and the mode of appointing them.

which those of the most favored nations enjoy, in the ports where their consuls reside, or are permitted to be.

ART. 20. It is also agreed, that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ART. 21. In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between Spain and France, it is agreed, that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: His catholic majesty shall name one commissioner, and the president of the United States, by and with the advice and consent of their senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original com-

gozaren los de las naciones mas favorecidas en los puertos donde los tubieren estas, ò les sea lícito el tenerlos.

ART. 20. Se ha convenido igualmente que los habitantes de los territorios de una y otra parte respectivamente seran admitidos en los tribunales de justicia de la otra parte, y les será permitido el entablar sus pleytos para el recobro de sus propiedades, pago de sus deudas, y satisfaccion de los daños que hubiesen recibido bien sean las personas contra las quales se quejasen subditos ò ciudadanos del pais en el que se hallen: ò bien sean qualesquiera otros sugetos que se hayan refugiado allí; y los pleytos y sentencias de dichos tribunales seran las mismas que hubieran sido en el caso de que las partes litigantes fuesen subditos ò ciudadanos del mismo pais.

ART. 21. A fin de concluir todas las disensiones sobre las pérdidas que los ciudadanos de los Estados Unidos hayan sufrido en sus buques y cargamentos apresados por los vasallos de S. M. catolica durante la guerra que se acaba de finalizar entre España y Francia, se ha convenido que todos estos casos se determinaran finalmente por comisarios que se nombrarán de esta manera. S. M. catolica nombrará uno, y el presidente de los Estados Unidos otro con consentimiento y aprobacion del senado; y estos dos comisarios nombraran un tercero de comun acuerdo: pero si no pudieren acordarse, cada uno nombrará una persona, y sus dos nombres puestos en suerte se sacarán a presencia de los dos comisarios, resultando por tercero aquel cuyo nombre hubiese salido el primero.

missioners; and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed, shall be sworn *impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations.* The said commissioners shall meet and sit at Philadelphia: and in the case of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them, on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to aug-

Nombrados asi estos tres comisarios jurarán que examinarán y decidirán con imparcialidad las quejas de que se trata, segun el merito de la diferencia de los casos, y segun dicten la justicia, equidad, y derecho de gentes. Dichos comisarios se juntarán y tendrán sus sesiones en Philadelphia, y en caso de muerte, enfermedad, ó ausencia precisa de alguno de ellos, se reemplazará su plaza de la misma manera que se eligió, y el nuevo comisario hará igual juramento y exercera iguales funciones. En el termino de 18 meses contados desde el dia en que se junten admitirán todas las quejas y reclamaciones autorizadas por este articulo. Asi mismo tendrán autoridad para examinar baxo la sancion del juramento a todas las personas que ocurran ante ellos sobre puntos relativos a dichas quejas, y recibiran como evidente todo testimonio escrito que de tal manera sea autentico que ellos lo juzguen digno de pedirse ó admitirse. La decision de dichos comisarios, ó de dos de ellos, será final y concluyente, tanto por lo que toca a la justicia de la queja, como por lo que monte la suma que se deba satisfacer a los demandantes, y S. M. catolica se obliga a hacerlas pagar en especie, sin rebaja y en las epocas, lugares, y baxo las condiciones que se decidan por los comisarios.

ART. 22. Esperando las dos altas partes contratantes que la buena correspondencia y amistad que reyna actualmente entre si se estrechará mas y mas con el presente tratado, y que contribuirá a aumentar su pros-

The three commissioners to be sworn.

To sit at Philadelphia. Vacancies to be supplied in the manner of the first appointments.

Duties of the commissioners.

Their powers.

The award of any two of the commissioners to be final.

The amount of awards to be paid in specie, &c.

The existing good correspondence and friendship to be strengthened by future extension and favor to the mutual com-

merce of the parties.

ment their prosperity and opulence, will, in future, give to their mutual commerce all the extension and favor which the advantages of both countries may require.

In consequence of the stipulations of the 4th article, (see ante, page 265,) the citizens of the United States are allowed to deposit their merchandise and effects in the port of New Orleans, &c. for the space of three years, &c.

And, in consequence of the stipulations contained in the fourth article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain; or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.*

ART. 23. The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time; or sooner, if possible.

Ratifications to be exchanged in six months.

In witness whereof, we, the underwritten plenipotentiaries of his catholic majesty, and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

ART. 23. El presente tratado no tendrá efecto hasta que las partes contratantes le hayan ratificado; y las ratificaciones se cambiarian en el termino de seis meses; ó antes, si fuere posible contando desde este dia.

En fé de lo qual, nosotros, los infraescriptos plenipotenciarios de S. M. catolica, y de los Estados Unidos de América, hemos firmado en virtud de nuestros plenos poderes este tratado de amistad, límites, y navegacion, y le hemos puesto nuestros sellos respectivos.

* The fourth article here alluded to, as the consideration for granting the right of deposit to American citizens at New Orleans, fixes the western boundary line between the United States and the Spanish province of Louisiana. In the year 1802, the Spanish intendant at New Orleans having shut the citizens of the United States out from this deposit, without assigning any equivalent establishment elsewhere, the act was highly resented. Representations, however, were made by the American executive to the government of Spain, and the deposit was restored. But the purchase of Louisiana, in 1803, put an end to further anxiety on the subject.

Done at San Lorenzo el Real, Hecho en San Lorenzo el Real,
 this seven and twentieth day ā veñte y siete de Octubre,
 of October, one thousand de mil setecientos noventa y
 seven hundred and ninety- cinco.
 five.

THOMAS PINCKNEY, [L. S.] THOMAS PINCKNEY, [L. S.]
 EL PRINCIPE DE LA PAZ. [L. S.] EL PRINCIPE DE LA PAZ. [L. S.]

[*Note.* In concluding the treaties between the United States and different European powers, it may be proper to state, what ought to have been inserted at the end of chapter 6, page 175, of this volume; that, in addition to the three several loans there mentioned, as having been obtained by the United States from certain merchants in Holland, there was a fourth sum borrowed of sundry merchants of Amsterdam, to the amount of one million of guilders, Dutch current money, at an interest of five per cent. It was effected, as the others were, by a contract entered into by John Adams, who appointed Messrs. Wilhelm and Jan Willink and Nicolaas and Jacob Van Staphorst, to negotiate it. This loan was to be irredeemable for ten years, at the expiration of which, it was to be repaid in annual instalments of one-fifth, commencing on the first day of June, 1799, so that the whole should be discharged on the first day of June, 1803; making, altogether, a period of fifteen years allowed for the entire repayment. The contract was ratified by congress on the 2d of July, 1788.

These contracts have not been inserted at full length, because, although they required, and actually received, the sanction of congress, before they became binding, yet, having been negotiated with individuals, they cannot be regarded as treaties entered into between two sovereign powers. The chief motive for bringing them into notice at all, is a desire to give a more ample view of the mode of procuring funds, which was resorted to by the federal government, anterior to the establishment of the existing constitution of the United States. For the same reason, it may be satisfactory to mention the contracts for the sale of tobacco, between the United States and the United Company of Farmers General of France, the first of which was concluded at Nantes, on the 30th day of January, 1777, between Thomas Morris, of Philadelphia, and John James Nicholas Guerton, director general of the king's farms. In this contract it was stipulated, that every cargo of tobacco from Virginia or Maryland, belonging to the United States, that might arrive in any of the ports of France, on their account, should be sold to, and paid for by, that company, during the course of the then existing war with Great Britain. There were other stipulations, relative to the same subject, entered into between the parties in the same year. In consequence of these contracts, the Farmers General made some advances of money to the United States.]

CHAPTER 11.

Treaty between the United States of America and Morocco.

No. 1. Treaty of peace and friendship between the United States of America, and his imperial majesty the emperor of Morocco.

To all persons to whom these presents shall come, or be made known.

Whereas the United States of America, in congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their ministers plenipotentiary; giving to them, or a majority of them, full powers to confer, treat, and negotiate with the ambassador, minister, or commissioner, of his majesty the emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States

John Adams,
 Benjamin
 Franklin, and
 Thomas Jefferson, appointed by congress, on the 12th of May, 1784, to negotiate a

treaty of amity and commerce with the emperor of Morocco, &c. and empowered to appoint an agent, &c.

Thomas Barclay appointed agent.

in congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said ministers plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority, under the directions and instructions of the said ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said ministers: And whereas we, the said John Adams and Thomas Jefferson, two of the said ministers plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams, at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson, at Paris, October the eleventh, of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give; and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his majesty the emperor of Morocco, which articles, written in the Arabic language, confirmed by his said majesty the emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words, to wit:

[Royal Seal.]

IN THE NAME OF ALMIGHTY GOD.

Treaty of peace and friendship between the United States and Morocco.

This is a treaty of peace and friendship, established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred; trusting in God it will remain permanent.

Mutual agreement of the parties to the articles of the treaty.

ART. 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized, on their part, to treat with us concerning all the matters contained therein.

Neither party to take commissions from an enemy.

ART. 2. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

Persons or goods of one party, captured in an enemy vessel by the other, to be released or restored. Enemy goods, laden on board a vessel of either party, to pass free.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

ART. 4. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

Vessels to have passports.

Ships under convoy free.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

Visit of vessels at sea.

Satisfaction for damages.

ART. 6. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

American citizens and effects to be restored.

ART. 7. If any vessel of either party shall put into a port of the other, and have occasion for provisions, or other supplies, they shall be furnished without any interruption or molestation.

Vessels in port to be supplied.

ART. 8. If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

No duty in case of vessels putting in to repair.

ART. 9. If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

Stranded vessels to be protected.

Vessels putting in from stress of weather, not compelled to land cargoes.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the christian powers, within gunshot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

Vessels engaged within gunshot of forts to be protected.

Vessels stranded at Wadnoon, &c.

ART. 11. If we shall be at war with any christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or christians.

Enemy vessels not allowed to follow for twenty-four hours, &c.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive

Ships of war not to be examined in port, &c.

Fugitive slaves.

slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

Salutes to be returned.

ART. 13. If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

American commerce on the most favored footing, &c.

ART. 14. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation, for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports, whenever they please, without interruption.

Employment of interpreters, &c.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

Loading of vessels.

No detention in port.

Wages of laborers.

Prisoners to be exchanged.

ART. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

Balance of prisoners to be paid for, \$100 per man.

Exchanges in twelve months, &c.

No compulsion in buying or selling.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other christian nations.

No examination of goods on board, except on proof of contraband, &c.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

No detention of vessels.

Freight, &c.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Disputes between Americans, &c. to be decided by the consul, &c.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him.

Killing or wounding on either side, punishable by

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country

shall take place; and equal justice shall be rendered, the consul the law of the assisting at the trial; and if any delinquent shall make his es- country, &c. cape, the consul shall not be answerable for him in any manner Escape of de- whatever. linquents.

ART. 22. If an American citizen shall die in our country, and Persons dying no will shall appear, the consul shall take possession of his ef- intestate, &c. fects; and if there shall be no consul, the effects shall be depo- care of their sited in the hands of some person worthy of trust, until the par- effects. ty shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be deli- Validity of vered to him without interruption; and if a will shall appear, wills. the property shall descend agreeable to that will, as soon as the consul shall declare the validity thereof.

ART. 23. The consuls of the United States of America, shall Residence of reside in any seaport of our dominions that they shall think pro- consuls. [It per; and they shall be respected, and enjoy all the privileges is generally which the consuls of any other nation enjoy; and if any of the Tangier.] citizens of the United States shall contract any debts or engage- American ments, the consul shall not be in any manner accountable for them. consul not ac- unless he shall have given a promise in writing for the payment countable for or fulfilling thereof; without which promise in writing, no appli- debts of citi- cation to him for any redress shall be made. zens.

ART. 24. If any differences shall arise by either party in- No appeal to fringing on any of the articles of this treaty, peace and harmony arms until re- shall remain notwithstanding, in the fullest force, until a friendly fusal of friend- application shall be made for an arrangement; and until that ly arrange- application shall be rejected, no appeal shall be made to arms. ment. And if a war shall break out between the parties, nine months In case of war, shall be granted to all the subjects of both parties, to dispose of nine months their effects and retire with their property. And it is further allowed to declared, that whatever indulgence, in trade or otherwise, settle af- shall be granted to any of the christian powers, the citizens of fairs, &c. the United States shall be equally entitled to them.

ART. 25. This treaty shall continue in full force, with the This treaty to help of God, for fifty years. last fifty years.

We have delivered this book into the hands of the beforemen-
tioned Thomas Barclay, on the first day of the blessed month
of Ramadan, in the year one thousand two hundred.

I certify, that the annexed is a true copy of the translation
made by Isaac Cardoza Nunnez, interpreter at Morocco, of the
treaty between the emperor of Morocco, and the United
States of America.

THOMAS BARCLAY.

ADDITIONAL ARTICLE.

Grace to the only God.

Additional ar-
ticle.

I, the underwritten, the servant of God, Taher Ben Abdel-
kack Tennish, do certify, that his imperial majesty, my master,
(whom God preserve,) having concluded a treaty of peace and
commerce with the United States of America, has ordered me,
the better to complete it, and in addition of the tenth article of
the treaty, to declare, "That if any vessel belonging to the American
"United States, shall be in any of the ports of his majesty's vessels in
ports of Mo.

Morocco, to be protected; and not followed out of port by an enemy.

“dominions, or within gunshot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or christian powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends.”

And in obedience to his majesty’s commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan,* in the year one thousand two hundred.

The servant of the king, my master, whom God preserve.

TAHER BEN ABDELKACK TENNISH.

Thomas Barclay’s certificate to the translation.

I do certify, that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunnez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of his majesty.

THOMAS BARCLAY.

Approval by John Adams and Thomas Jefferson.

Now, know ye, that we, the said John Adams and Thomas Jefferson, ministers plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, to the United States in congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively.

THOMAS JEFFERSON. [L. s.]

Paris, January 1st, 1787.

JOHN ADAMS. [L. s.]

London, January 25th, 1787.

* The Ramadan of the year of the Hegira 1200, commented on the 28th June, in the year of our Lord, 1786.

CHAPTER 12.

Treaty between the United States of America and Algiers.

Treaty between the United States and Algiers.

No. 1. A treaty of peace and amity, concluded this present day, I—ima artasi, the twenty-first of the Luna safer, year of the Hegira 1210; corresponding with Saturday, the fifth of September, one thousand seven hundred and ninety-five; between Hassan Bashaw, dey of Algiers, his divan and subjects, and George Washington, president of the United States of North America, and the citizens of the said United States.

Firm and sincere peace.

ART. 1. From the date of the present treaty, there shall subsist a firm and sincere peace and amity between the president and citizens of the United States of North America, and Hassan Bashaw, dey of Algiers, his divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect.

Free trade with Algiers.

ART. 2. All vessels belonging to the citizens of the United States of North America, shall be permitted to enter the different ports of the regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual

duties at our custom house that is paid by all nations at peace with this regency; observing that all goods disembarked and not sold here, shall be permitted to be reimported without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency, without paying any duties whatever at the custom house of this regency.

Duties, &c.
Naval and military stores may be sold duty free.

ART. 3. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

Vessels and effects to pass free.

ART. 4. All ships of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the consul of the United States of North America, resident in this regency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

Visit of American merchantmen by Algerine ships of war, &c.

American ships of war meeting Algerine cruisers, &c.

Ships, the property of citizens, only entitled to passports, &c.

ART. 5. No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing desired; neither shall they inflict any corporal punishment, or any way else molest them.

Persons not to be taken out of American vessels, &c.

ART. 6. If any vessel belonging to the United States of North America, shall be stranded on the coast of this regency, they shall receive every possible assistance from the subjects of this regency: all goods saved from the wreck shall be permitted to be reimported on board of any other vessel, without paying any duties at the custom house.

Stranded vessels to receive assistance.

Goods wrecked, free of duty.

ART. 7. The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

The Algerines not to sell vessels of war to enemies of the United States.

ART. 8. Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient, until such time they can procure such passport.

Prizes bought of Algerines by Americans, &c.

ART. 9. If any of the Barbary states, at war with the United Barbary pow-

ers, at war with the United States, not to sell their prizes in Algerine ports, &c.

American vessels may sell their prizes in ports of Algiers, &c. Refreshments, &c.

Presents of provisions to ships of war.

Fugitive slaves, &c.

Redemption of slaves.

Americans taken on board enemy ships, &c.

Personal passports essential.

Effects of persons dying intestate, &c.

Validity of wills.

Freedom in buying goods.

Consul not responsible for debts of citizens.

The dey wanting to freight an American vessel, &c.

Disputes to be decided by the dey.

States of North America, shall capture any American vessel and bring her into any of the ports of this regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ART. 10. Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the regency, have leave to dispose of them, without paying any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price.

ART. 11. All ships of war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshment, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned: No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ART. 12. No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship, by the cruisers of this regency; having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this regency know their friends by their passports.

ART. 13. Should any of the citizens of the United States of North America die within the limits of this regency, the dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul; unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the dey or divan give hindrance in the execution of any will that may appear.

ART. 14. No citizen of the United States of North America, shall be obliged to purchase any goods against his will; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the dey want to freight any American vessel that may be in the regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

ART. 15. Any disputes or suits at law, that may take place between the subjects of the regency, and the citizens of the United States of North America, shall be decided by the dey

in person, and no other. Any disputes that may arise between the citizens of the United States, shall be decided by the consul, as they are in such cases not subject to the laws of this regency.

Disputes to be decided by the consul.

ART. 16. Should any citizen of the United States of North America, kill, wound, or strike, a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America, in the above predicament, escape prison, the consul shall not become answerable for him.

Killing or wounding an Algerine, &c.

ART. 17. The consul of the United States of North America shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases, within the regency: he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogaman and broker.

Security, liberty, and privileges of the American consul; religious indulgence to christian slaves, &c.

ART. 18. Should a war break out between the two nations, the consul of the United States of North America, and all citizens of said states, shall have leave to embark themselves and property, unmolested, on board of what vessel or vessels they shall think proper.

In case of war, American citizens may embark, &c.

ART. 19. Should the cruisers of Algiers capture any vessel, having citizens of the United States of North America on board, they having papers to prove they are really so: they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

Persons and property, captured on board enemy vessels, to be discharged.

ART. 20. On a vessel of war, belonging to the United States of North America, anchoring in our ports, the consul is to inform the dey of her arrival; and she shall be saluted with twenty-one guns; which she is to return in the same quantity or number. And the dey will send fresh provisions on board, as is customary, gratis.

Salutes to be returned.

ART. 21. The consul of the United States of North America shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

Presents of fresh provisions.

Household articles of the consul, duty free.

ART. 22. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately; but every thing shall be searched into regularly; the party injured shall be made reparation.

Inquiry and reparation, to prevent war.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun. on the part of the United States of North America, agreed with Hassan Basha, dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we, the dey and divan, promise to observe, on consideration of the United States' paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the

Mutual promise to observe this treaty.

The United States to pay annually 12,000 sequins: (\$21,600.)

Vessels captured in future, to be released.

overplus shall be paid for in money, by the dey and regency. Any vessel that may be captured, from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

Seal of Algiers, stamped at the foot of the original treaty, in Arabic.

VIZIR HASSAN BASHAW.
JOSEPH DONALDSON, JR.

To all to whom these presents shall come, or be made known.

David Humphreys appointed to negotiate a treaty with Algiers, with power to employ Joseph Donaldson, jr. as agent, &c.

Whereas, the underwritten David Humphreys hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president, and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the dey and governors of Algiers; whereas, by instructions given to him on the part of the executive, dated the 28th of March, and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated the 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, junior, did, on the 5th of September, 1795, agree with Hassan Bashaw, dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Approval by David Humphreys, &c.

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States.

In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795.

[L. s.]

DAVID HUMPHREYS.

[Note. A rupture of the peace and friendship between the United States and the dey of Algiers, took place in July, 1812. The American ship *Allegany*, sent with a cargo of naval and military stores for the regency, arrived there on the 17th of that month. At first, the dey expressed entire satisfaction; but, on the 20th, when the officers of the regency began to discharge the cargo, he suddenly became outrageous, on the pretext that the quantity of gunpowder, cables, cordage, &c. was not so great as he had previously demanded, and had expected by this conveyance. The consul general of the United States urged various arguments, and used some mild remonstrances, to appease the offended sovereign, but they were altogether fruitless. An adjustment of accounts took place, under the treaty, (the consul general's copy of which instrument the dey desired to see, and refused to return,) when there was found only \$15,826 due from the United States, which the cargo of the *Allegany* would have paid, had it been accepted. But the Algerine minister insisted on counting by the Mahometan calendar, which allows but 354 days to the year, and claimed a balance of \$27,000. In payment of this sum, or any part of it, the cargo of the *Allegany* was refused to be received, and the consul general was allowed only until the 25th of July, to discharge the amount in cash; the dey threatening, otherwise, to detain all the Americans in Algiers in slavery, confiscate the ship *Allegany*, and declare war against the United States. To effect the payment, the consul general had to raise the money upon a bill, at thirty days sight, which was negotiated, on the spot, at a discount of 25 per cent. thereby swelling the amount to \$33,750. On the 25th of July, all the Americans at Algiers embarked on board the *Allegany*, to the number of seven-

men persons, including the consul general and his family. They proceeded in the vessel to Gibraltar, where she was seized, with her cargo, and detained by the British authorities; the United States having declared war against Great Britain on the 18th of June, in the same year. Computing the duration of the treaty with the regency of Algiers at seventeen years, up to the 5th of September, 1812, the whole of the annuities amount, according to stipulation, to \$367,200; but the Algerine minister, by his method of reckoning time, extorted \$10,800 additional; which extortion was still further increased, by \$363, under the plea of round numbers. See message of the president of the United States to congress, transmitting copies of a letter from Tobias Lear, consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that regency; communicated November 17, 1812.]

CHAPTER 13.

Treaties between the United States of America, and Tripoli, of Barbary, concluded at different periods, up to the year 1814.

No. 1. Treaty of peace and friendship between the United States of America, and the bey and subjects of Tripoli, of Barbary.

ART. 1. There is a firm and perpetual peace and friendship between the United States of America, and the bey and subjects of Tripoli, of Barbary, made by the free consent of both parties, and guaranteed by the most potent dey and regency of Algiers.

ART. 2. If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

ART. 3. If any citizens, subjects, or effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

ART. 4. Proper passports are to be given to all vessels of both parties, by which they are to be known. And, considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

ART. 5. A citizen or subject of either party having bought a prize vessel, condemned by the party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

ART. 6. Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbarc her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

ART. 7. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored till they can be sent to their country.

Treaty of peace and friendship between the United States and Tripoli.

Peace between the United States and Tripoli, guaranteed by the dey of Algiers.

Enemy goods, &c. free.

Citizens or subjects in enemy vessels, &c.

Vessels of both parties to be furnished with passports, &c.

Prize vessels bought by citizens or subjects of either party, allowed a year to procure regular passports, &c.

Provisions.

Repairs.

Landing cargo.

Stranded vessels.

No pillage, &c.

Vessels with-
in gunshot of
forts, to be de-
fended, &c.

ART. 8. If a vessel of either party should be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her, from the same port, within twenty-four hours after her departure.

Commerce,
&c. on the
most favored
footing.

ART. 9. The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing with those of the most favored nations, respectively.

Acknow-
ledgment, by
the bey, of
the receipt of
a sum in gross,
which, with
certain stipu-
lated consular
presents, is to
exonerate the
United States
from all fu-
ture tribute.

ART. 10. The money and presents demanded by the bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised, on the part of the United States, to be delivered and paid by them on the arrival of their consul in Tripoli, of which part a note is likewise hereto annexed. And no pretence of any periodical tribute, or farther payment, is ever to be made by either party.

No pretext
arising from
religious opi-
nions, ever to
interrupt the
harmony be-
tween the
two countries.

ART. 11. As the government of the United States of America is not, in any sense, founded on the christian religion; as it has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said states never have entered into any war or act of hostility against any Mahometan nation; it is declared by the parties, that no pretext arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries.

No appeal to
arms in case
of a dispute
concerning a
violation of
this treaty,
&c.

The consul
failing to set-
tle disputes,
amicable re-
ference to be
made to the
dey of Algiers,
&c.

ART. 12. In case of any dispute arising from a violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages, for himself and his successors, to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Signed and sealed at Tripoli, of Barbary, the 3d day of Jumad, in the year of the Hegira, 1211; corresponding with the 4th day of November, 1796; by

[L. S.]	JUSSUF BASHAW MAHOMET, <i>bey.</i>
[L. S.]	MAMET, <i>treasurer.</i>
[L. S.]	AMET, <i>minister of marine.</i>
[L. S.]	AMET, <i>chamberlain.</i>
[L. S.]	ALLY, <i>chief of the divan.</i>
[L. S.]	SOLIMAN, <i>kaya.</i>
[L. S.]	GALIL, <i>general of the troops.</i>
[L. S.]	MAHOMET, <i>commandant of the city.</i>
[L. S.]	MAMET, <i>secretary.</i>

Signed and sealed at Algiers, the 4th day of Argil, 1211; corresponding with the 3d day of January, 1797; by

[L. s.]

HASSAN BASHAW, *dey*.

And by the agent plenipotentiary of the United States of America,

[L. s.]

JOEL BARLOW.

I, Joel Barlow, agent and consul general of the United States of America, for the city and kingdom of Algiers, certify and attest, that the foregoing is a true copy of the treaty, concluded between the said United States and the bey and subjects of Tripoli, of Barbary, of which the original is to be transmitted by me to the minister of the said United States in Lisbon.

Certificate by Joel Barlow, that the foregoing is a true copy of the treaty between the United States and Tripoli.

In testimony whereof, I sign these presents with my hand, [L. s.] and affix thereto the seal of the consulate of the United States, at Algiers, this 4th day of January, 1797.

JOEL BARLOW.

To all to whom these presents shall come, or be made known:

Whereas the underwritten David Humphreys, hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the most illustrious, the bashaw, lords, and governors of the city and kingdom of Tripoli: whereas, by a writing: under his hand and seal, dated the 10th of February, 1796, he did (in conformity to the authority committed me therefor) constitute and appoint Joel Barlow, and Joseph Donaldson, junior, agents, jointly and separately, in the business aforesaid: whereas the annexed treaty of peace and friendship, was agreed upon, signed, and sealed at Tripoli, of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the most potent dey and regency of Algiers: and whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other:

Recitation of the powers of David Humphreys.

Joel Barlow and Joseph Donaldson, jr. constituted agents to frame a treaty with Tripoli, &c.

Now, know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States.

Approval of the treaty, by David Humphreys, &c.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

[L. s.]

DAVID HUMPHREYS.

No. 2. Treaty of peace and amity, between the United States of America, and the bashaw, bey, and subjects of Tripoli, in Barbary.

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friendship

Treaty of peace and amity between the United States and Tripoli.

Firm and inviolable peace, on terms of the most favored nation. between the president and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other

Favors granted to other nations by one party, to be common to the other; free, if freely allowed; otherwise, as the parties may agree.

Americans to be delivered to the squadron of the United States off Tripoli: Tripolines to be given up to the bashaw.

The United States to pay \$60,000 for the balance of prisoners; (about 200.)

The forces of the United States to be withdrawn, &c.

Enemy goods on board vessels of either party, to pass free.

Citizens or subjects in enemy vessels, &c.

The vessels of both parties to be furnished with passports.

Visit of American vessels by

nation, any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ART. 2. The bashaw of Tripoli shall deliver up to the American squadron, now off Tripoli, all the Americans in his possession; and all the subjects of the bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the bashaw of Tripoli, amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans, to about one hundred, more or less, the bashaw of Tripoli shall receive from the United States of America, the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ART. 3. All the forces of the United States, which have been, or may be, in hostility against the bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said bashaw, shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said bashaw, who has co-operated with them at Derne, &c. to withdraw from the territory of the said bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the bashaw engages to deliver up to him his wife and children now in his power.

ART. 4. If any goods, belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. 5. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

ART. 6. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be

permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Tripoline
cruisers, &c.Punishment
for insult or
plunder.American
vessels of war
meeting Tri-
poline cruis-
ers, &c.

Passports, &c.

ART. 7. A citizen or subject of either of the contracting parties, having bought a prize vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale, shall be a sufficient passport for such vessel for two years; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Purchase of
prize vessels,
&c.

ART. 8. Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price; and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reembark her cargo, without paying any duties; but in no case shall she be compelled to land her cargo.

Provisions.

Repairs.

Landing car-
go.

ART. 9. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and secured, till they can be sent to their country.

Stranded ves-
sels.No pillage,
&c.

ART. 10. If a vessel of either party shall be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

Vessels at-
tacked within
gunshot of
forts, &c.

ART. 11. The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, with those of the most favored nations, respectively.

Commerce,
&c. on the
most favored
footing.

ART. 12. The consul of the United States of America shall

Consul not an-

answerable for debts, &c.

not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Salutes.

ART. 13. On a vessel of war, belonging to the United States of America, anchoring before the city of Tripoli, the consul is to inform the bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

No pretext arising from religious opinions to interrupt prevailing harmony, &c.

ART. 14. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house at hours of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own drogaman and brokers.

Exercise of religion.

Indulgence to christian slaves.

Consular privileges, &c.

No immediate appeal to arms in case of dispute, &c.

ART. 15. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the consuls, and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper.

In the event of war, consuls may embark.

Prisoners of war to be exchanged, &c.

ART. 16. If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged, rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed, that prisoners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

Deficiency in prisoners to be paid for.

Prisoners to be exchanged in twelve months.

Enemies of the United States not to sell prizes in Tripoline

ART. 17. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the regency of Tripoli, they shall not be permitted to sell her, but

shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

ports: but
Americans
may, &c.

ART. 18. If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States, and the citizens or subjects of any other nation having a consul or agent in Tripoli, such disputes shall be settled by the consuls or agents of the respective nations.

Disputes to be
settled by the
American
consul.

Other dis-
putes.

ART. 19. If a citizen of the United States should kill or wound a Tripoline; or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Killing or
wounding on
either side,
punishable by
the law of the
country, &c.

ART. 20. Should any citizen of the United States of America, die within the limits of the regency of Tripoli, the bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the bashaw or his subjects give hindrance in the execution of any will that may appear.

Persons dying
intestate, &c.

Validity of
wills.

Whereas, the undersigned, Tobias Lear, consul general of the United States of America, for the regency of Algiers, being duly appointed commissioner, by letters patent under the signature of the president, and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, one thousand eight hundred and three, for negotiating and concluding a treaty of peace, between the United States of America, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary:

Recitation of
the powers of
Tobias Lear,
for concluding
a treaty with
the bashaw of
Tripoli.

Now, know ye, that I, Tobias Lear, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States.

Conclusion of
the treaty by
Tobias Lear.

Done at Tripoli, in Barbary, the fourth day of June, in the year one thousand eight hundred and five; corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Ratification of
the treaty by
the bashaw of
Tripoli, &c.

Having appeared in our presence, colonel Tobias Lear, consul general of the United States of America, in the regency of Algiers, and commissioner for negotiating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfil entirely their contents without violation, and under no pretext.

In witness whereof, we, with the heads of our regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220; corresponding with the fourth day of June, 1805.

[L. s.]
[L. s.]

JUSUF CARAMANLY, *bashaw*.
MOHAMET CARABNALLY, *bey*.
MOHAMET, *kahia*.
HAMET, *ruis de marine*.
MOHAMET DGHIES, *first minister*.
SALAH, *aga of divan*.
SELIM, *hasnadar*.
MURAT, *dulartile*.
MURAT RAIS, *admiral*.
SOLIMAN, *kehia*.
ABDALLA, *basa aga*.
MAHOMET, *scheig al belad*.
ALLI BEN DIAB, *first secretary*.

[Note. By the 1st and 10th articles of the treaty, No 1, (see ante, pages 289 and 290,) with Tripoli, it will appear that the relations which it established between the United States and that power, were guaranteed by the dey of Algiers, and that it forbids the expectation of any payment of annual tribute by the American government. In the year 1800, the reigning bey having, as he supposed, intimidated one or more of the christian powers of Europe, into terms deemed additionally advantageous to Tripoli, he thought the opportunity favorable for imposing new conditions on the United States. The principal object of the bey seems to have been, to free his state from the subserviency to Algiers, which the guarantee of that regency apparently implied, and to procure a yearly stipend for himself. Accordingly, he commenced by making unauthorized demands upon James Leander Cathcart, the consul of the United States at Tripoli, which were resisted; and warning was given by him, to persons interested, of the probability of an open rupture. On the 14th of May, 1801, matters were carried, by the bey, to extremity. The American flag staff was cut down, about six feet from the ground, and left reclining on the terrace. Mr. Cathcart departed from Tripoli, with his family, on the 24th of the same month. Thomas Jefferson, then president of the United States, had early sent a small squadron of frigates into the Mediterranean, with assurances to the bey of a sincere desire to remain in peace, but with orders to protect American commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantic in peril. The arrival of the squadron dispelled the danger. On the 6th of February, 1802, the president was authorized to equip, officer, man, and employ such of the armed vessels of the United States as he might judge requisite for effectually protecting their commerce and seamen. He was further authorized to instruct the commanders of the respective public vessels to subdue, seize, and make prize of all vessels, goods, and effects, belonging to the bey of Tripoli or to his subjects, and also, to cause to be done all such other acts of precaution or hostility as the state of war would justify, &c. Private armed vessels were likewise commissioned, according to law, to cruise against the subjects of that power. During the contest,

which was carried on by sea and land, the reputation of the Americans, for naval and military enterprise and skill, was well supported, and much increased. The bey having been eventually reduced to what were considered reasonable terms, peace was concluded with him on the conditions mentioned in the treaty, No. 2. See the message of the president, at the opening of the first session of the seventh congress, &c.]

CHAPTER 14.

Treaty between the United States of America and Tunis.

Art. 1. Treaty of peace and friendship between the United States of America, and the kingdom of Tunis.

Treaty between the United States and Tunis.

[TRANSLATION.]

God is infinite.

Under the auspices of the greatest, the most powerful of all the princes of the Ottoman nation who reign upon the earth, our most glorious and most august emperor, who commands the two lands and the two seas, Selim Kan, the victorious, son of the sultan Moustafa, whose realm may God prosper until the end of ages, the support of kings, the seal of justice, the emperor of emperors.

This treaty made under the auspices of the Ottoman emperor, Selim

The most illustrious and most magnificent prince, Hamouda Pacha, bey, who commands the Odgiak of Tunis, the abode of happiness, and the most honored Ibrahim Dey, and Soliman, aga of the janissaries, and chief of the divan, and all the elders of the Odgiak; and the most distinguished and honored president of the congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, chargé d'affaires of the United States of America; which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

ART. 1. There shall be a perpetual and constant peace between the United States of America, and the magnificent pacha, bey of Tunis; and also, a permanent friendship, which shall more and more increase.

Perpetual peace.

ART. 2. If a vessel of war of the two nations shall make prize of an enemy vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored. The bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration; it being understood on both sides, that the just right to what is claimed shall be proved.

Persons and property of either party, on board enemy vessels, &c.

ART. 3. Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board

Enemy goods on board vessels of either

party, free. of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

Passports, &c. **ART. 4.** On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which at Tunis is called testa,) but after the said term the congé shall be presented.

Merchant vessels under convoy, to pass on the word of the commander. **ART. 5.** If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant vessels escorted by the corsairs of Tunis.

No exactions by vessels of war. **ART. 6.** If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Refugee slaves and prisoners. **ART. 7.** An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year; by force of which our corsairs which may meet with her shall respect her; the consul, on his part, shall furnish her with a bill of sale; and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Slaves carried away. **ART. 8.** If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and reload her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

Passports to prize vessels purchased. **ART. 9.** If, by accident, and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked, or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to

Consular bill of sale.

Provisions for vessels in port.

Repairs.

Unloading cargo, &c.

Wages of laborers.

Vessels wrecked to be assisted, &c.

make any opposition; and the proprietor of the effects shall pay Salvage the costs of salvage to those who may have been employed.

ART. 10. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

Vessels attacked near forts, to be defended. Enemies not to pursue from port.

ART. 11. When a vessel of war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said consul does not want a salute, there shall be no question about it.

Salutes, when requested.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

Salutes to be returned in barrels of powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ART. 12. When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Merchants free to carry on commerce.

Interpreters.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision, the determination shall be conformed to.

Freight of American vessels by subjects of Tunis, &c.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

Captains not to be detained in port.

The subjects of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

Citizens and subjects under the protection of the sovereign authority.

In case the government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the government, and the captain shall not refuse it.

The government of Tunis may freight American vessels.

ART. 13. If, among the crews of merchant vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall

Crews of American merchantmen to be two-

thirds friends be made slaves: the present article only concerns the sailors, of Tunis, &c. and not the passengers, who shall not be in any manner molested.

Duty on Tunisian goods in any vessels, and on American goods in American vessels.

ART. 14. A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

American merchandise under a foreign flag, to pay 6 per cent, &c.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay six per cent. duty: in like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

Free commerce in Tunis, wine excepted, &c.

ART. 15. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles: and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board of his vessel, nor to unlade the same against his will, until the freight shall be paid.

Contraband.

Smuggling.

Payment of freight.

Anchorage duty.

ART. 16. The merchant vessels of the United States, which shall cast anchor in the road of the Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage, for entry and departure, which French vessels pay, to wit: seventeen piasters and an half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Consuls, their privileges, &c.

ART. 17. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

Consuls, &c. not answerable for debts of others, &c. unless bound in writing.

ART. 18. If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the consul shall have previously be-

come bound in writing. And without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

ART. 19. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there shall be no consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Effects of persons dying intestate, &c.

ART. 20. The consul shall be the judge in all disputes between his fellow citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

The consul judge of disputes between citizens, &c.

ART. 21. If a citizen or subject of one of the parties shall kill, wound, or strike, a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: the consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

Killing, &c. a citizen or subject, punishable according to the laws of the country.

ART. 22. If a dispute or lawsuit, on commercial or other civil matters, shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Civil disputes to be tried in presence of the consul, &c.

ART. 23. If any difference or dispute shall take place concerning the infraction of any article of the present treaty, on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves, with their property.

War not to take place until a demand and refusal of justice.

In case of war, one year allowed to citizens, &c.

The agreements and terms above concluded by the two contracting parties, shall be punctually observed, with the will of the Most High: and for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August, of the christian year one thousand seven hundred and ninety-seven.

The terms of this treaty to be punctually observed.

The Aga Soliman's signature and [L. S.]
 Ibrahim Dey's signature and [L. S.]
 The Bey's signature and [L. S.]

Whereas the president of the United States of America, by his letters patent under his signature and the seal of state, dated the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and

Recitation of the powers of Richard O'Brien, William Eaton,

and James
Leander
Cathcart, re-
lative to this
treaty, &c.

James Leander Cathcart, or any two of them, in the absence of the third, with full powers to confer, negotiate, and conclude, with the bey and regency of Tunis, on certain alterations in the treaty between the United States and the government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven; we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty, with said alterations, reserving the same, nevertheless, for the final ratification of the president of the United States, by and with the advice and consent of the senate.

In testimony whereof, we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the christian era one thousand seven hundred and ninety-nine, and of American independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

CHAPTER 15.

Treaties between the United States of America, and the Delaware nation of Indians, concluded at different periods, up to the year 1814.

Articles of agreement, &c. between the United States and the Delawares.

No. 1. Articles of agreement and confederation, made and entered into, by Andrew and Thomas Lewis, esquires, commissioners for, and in behalf of, the United States of North America, of the one part, and captain White Eyes, captain John Kill Buck, junior, and captain Pipe, deputies, and chief men of the Delaware nation, of the other part.

Oblivion of the past.

ART. 1. That all offences or acts of hostilities, by one or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

Perpetual peace and friendship.

ART. 2. That a perpetual peace and friendship shall, from henceforth, take place and subsist between the contracting parties aforesaid, through all succeeding generations: and if either of the parties are engaged in a just and necessary war with any other nation, or nations, that then each shall assist the other in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation: and that, if either of them shall discover any hostile designs forming against the other, they shall give the earliest notice thereof, that timeous measures may be taken to prevent their ill effect.

Mutual assistance, in case of war.

Notice to be given of hostile designs.

ART. 3. And whereas the United States are engaged in a just and necessary war, in defence and support of life, liberty, and independence, against the king of England, and his adherents, and as said king is yet possessed of several posts and forts, on the lakes and other places, the reduction of which is of great importance to the peace and security of the contracting parties, and, as the most practicable way for the troops of the United States, to some of the posts and forts, is by passing

through the country of the Delaware nation, the aforesaid deputies, on behalf of themselves and their nation, do hereby stipulate, and agree, to give a free passage through their country, to the troops aforesaid, and the same to conduct, by the nearest and best ways, to the posts, forts, or towns of the enemies of the United States, affording to said troops such supplies of corn, meat, horses, or whatever may be in their power, for the accommodation of such troops, on the commanding officers', &c. paying, or engaging to pay, the full value of whatever they can supply them with. And the said deputies, on the behalf of their nation, engage to join the troops of the United States aforesaid, with such a number of their best and most expert warriors, as they can spare, consistent with their own safety, and act in concert with them; and for the better security of the old men, women, and children, of the aforesaid nation, whilst their warriors are engaged against the common enemy, it is agreed, on the part of the United States, that a fort of sufficient strength and capacity be built at the expense of the said states, with such assistance as it may be in the power of the said Delaware nation to give, in the most convenient place, and advantageous situation, as shall be agreed on by the commanding officer of the troops aforesaid, with the advice and concurrence of the deputies of the aforesaid Delaware nation; which fort shall be garrisoned by such a number of the troops of the United States, as the commanding officer can spare for the present, and hereafter by such numbers, as the wise men of the United States in council, shall think most conducive to the common good.

ART. 4. For the better security of the peace and friendship now entered into by the contracting parties, against all infractions of the same, by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender, or offenders, by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be, to the laws, customs, and usages of the contracting parties, and natural justice: the mode of such trials to be hereafter fixed by the wise men of the United States, in congress assembled, with the assistance of such deputies of the Delaware nation, as may be appointed to act in concert with them in adjusting this matter to their mutual liking. And it is further agreed between the parties aforesaid, that neither shall entertain, or give countenance to, the enemies of the other, or protect, in their respective states, criminal fugitives, servants, or slaves, but the same to apprehend and secure, and deliver to the state, or states, to which such enemies, criminals, servants, or slaves, respectively belong.

ART. 5. Whereas the confederation entered into by the Delaware nation, and the United States, renders the first dependent on the latter, for all the articles of clothing, utensils, and implements of war, and it is judged not only reasonable, but indispensably necessary, that the aforesaid nation be sup-

A free passage through the Delaware nation, to the troops of the United States. Delawares to guide and furnish supplies, &c.

The Delawares to join with such warriors as they can spare.

A fort to be built by the United States, and garrisoned, for the security of the old men, women, and children, of the Delawares.

Individuals of either party, infracting this treaty, not to be punished except by due course of law.

Mode of trying offenders to be hereafter fixed.

Enemies, fugitive criminals, slaves, &c. not to be countenanced or protected; but to be secured and given up.

Dependence of the Delawares on the United States, for supplies of clothing, arms, &c.

An intelligent agent, for the purposes of trade, necessary.

Trade to be established on principles of mutual interest.

Guarantee, by the United States, of the territorial rights of the Delawares, as established by former treaties, &c.

Other Indian tribes to be invited to join this confederation, to form a state, and have a representation in congress: But this article not conclusive till it meets the approbation of congress, &c. Enemies not to escape punishment.

plied with such articles, from time to time, as far as the United States may have it in their power, by a well regulated trade, under the conduct of an intelligent, candid agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department, by promoting the common interest, than the sinister purposes of converting and binding all the duties of his office to his private emolument: convinced of the necessity of such measures, the commissioners of the United States, at the earnest solicitation of the deputies aforesaid, have engaged, in behalf of the United States, that such a trade shall be afforded said nation, conducted on such principles of mutual interest, as the wisdom of the United States, in congress assembled, shall think most conducive to adopt for their mutual convenience.

ART. 6. Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion, that it is the design of the states aforesaid, to extirpate the Indians, and take possession of their country; to obviate such false suggestion, the United States do engage to guaranty to the aforesaid nation of Delawares, and their heirs, all their territorial rights, in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they, the said Delaware nation, shall abide by, and hold fast the chain of friendship, now entered into. And it is further agreed on between the contracting parties, (should it for the future be found conducive for the mutual interest of both parties,) to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state, whereof the Delaware nation shall be the head, and have a representation in congress: provided, nothing contained in this article to be considered as conclusive, until it meets with the approbation of congress. And it is also the intent and meaning of this article, that no protection or countenance shall be afforded to any who are at present our enemies, by which they might escape the punishment they deserve.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at fort Pitt, September seventeenth, anno Domini one thousand seven hundred and seventy-eight.

Andrew Lewis,
Thomas Lewis,
White Eyes, his x mark.
The Pipe, his x mark.
John Kill Buck, his x mark.

L. S.
L. S.
L. S.
L. S.
L. S.

In presence of
Lach'n M'Intosh, *b. general, commander the western department,*
Daniel Brodhead, *colonel 8th P. regiment,*
W. Crawford, *col.*
John Campbell,
John Stephenson,
John Gibson, *colonel 13th Virginia regiment,*
A. Graham, *brigade major,*
Lach. M'Kintosh, *jun. major brigade,*
Benjamin Mills,
Joseph L. Finley, *captain 8th Penn. regiment;*
John Finley, *captain 8th P. regiment.*

Art. 2. A treaty between the United States of America, and the Delaware tribe of Indians.

Treaty between the United States and the Delawares.

Annuity from the United States, insufficient.

Country of the Delawares too extensive for their civilization.

The United States desire to connect their settlements, &c.

The Delaware tribe of Indians, finding that the annuity which they receive from the United States is not sufficient to supply them with the articles which are necessary for their comfort and convenience, and afford the means of introducing amongst them the arts of civilized life, and being convinced that the extensiveness of the country they possess, by giving an opportunity to their hunting parties to ramble to a great distance from their towns, is the principal means of retarding this desirable event: and the United States being desirous to connect their settlements on the Wabash with the state of Kentucky; therefore, the said United States, by William Henry Harrison, governor of the Indiana territory, superintendent of Indian affairs, and their commissioner plenipotentiary for treating with the Indian tribes northwest of the Ohio river; and the said tribe of Indians, by their sachems, chiefs, and head warriors, have agreed to the following articles; which, when ratified by the president of the United States, by and with the advice and consent of the senate, shall be binding on the said parties:

ART. 1. The said Delaware tribe, for the consideration hereinafter mentioned, relinquishes to the United States, forever, all their right and title to the tract of country which lies between the Ohio and Wabash rivers, and below the tract ceded by the treaty of fort Wayne,* and the road leading from Vincennes to the falls of Ohio.

Tract of country between the Ohio and Wabash, &c. ceded to the United States. [* See post. chap. 26, No. 4.]

ART. 2. The said tribe shall receive from the United States, for ten years, an additional annuity of three hundred dollars, which is to be exclusively appropriated to the purpose of ameliorating their condition, and promoting their civilization. Suitable persons shall be employed at the expense of the United States, to teach them to make fences, cultivate the earth, and such of the domestic arts as are adapted to their situation; and a further sum of three hundred dollars shall be appropriated annually, for five years, to this object. The United States will cause to be delivered to them, in the course of the next spring, horses fit for draught, cattle, hogs, and implements of husbandry, to the amount of four hundred dollars. The preceding stipulations, together with goods to the amount of eight hundred dollars, which is now delivered to the said tribe, (a part of which is to be appropriated to the satisfying certain individuals of the said tribe, whose horses have been taken by white people,) is to be considered as full compensation for the relinquishment made in the first article.

Annuity of \$300 for ten years, to be paid to the Delawares, &c.

Persons to be employed at the expense of the United States, to teach them the arts of civilized life, for which \$300 additional to be appropriated yearly for five years, &c.

ART. 3. As there is great reason to believe that there are now in the possession of the said tribe, several horses which have been stolen from citizens of the United States, the chiefs who represent the said tribe, are to use their utmost endeavors to have the said horses forthwith delivered to the superintendent of Indian affairs, or such persons as he may appoint to receive them. And as the United States can place the utmost reliance on the honor and integrity of those chiefs who have manifested a punctilious regard to the engagements entered into at the

Stolen horses to be restored.

The United States to pay for stolen horses out of

reach, or
dead, without
deduction:

Except horses
stolen within
the preceding
twelve
months.

Territorial
rights of the
Delawares,
specified and
recognized by
the United
States, &c.

[* See post.
chap. 26, No.
4.]

The United
States to ne-
gotiate with
the Pianke-
shaws, con-
cerning their
refusal to re-
cognize the
title of the
Delawares to
the tract ce-
ded, &c.

Boundary,
so as to in-
clude the
road from
Vincennes to
Clark's grant
in the tract
ceded, &c.

treaty of Greenville, it is agreed, that in relation to such of the horses, stolen as aforesaid, but which have died, or been removed beyond the reach of the chiefs, the United States will compensate the owners for the loss of them, without deducting, from the annuity of the said tribe, the amount of what may be paid in this way. But it is expressly understood, that this provision is not to extend to any horses which have been stolen within the course of twelve months preceding the date hereof.

ART. 4. The said tribe having exhibited to the abovenamed commissioner of the United States, sufficient proof of their right to all the country which lies between the Ohio and White river, and the Miami tribe, who were the original proprietors of the upper part of that country, having explicitly acknowledged the title of the Delawares, at the general council held at fort Wayne, in the month of June, 1803,* the said United States will, in future, consider the Delawares as the rightful owners of all the country which is bounded by the White river on the north, the Ohio on the south, the general boundary line running from the mouth of the Kentucky river on the east, and the tract ceded by this treaty, and that ceded by the treaty of fort Wayne, on the west and southwest.

ART. 5. As the Piankeshaw tribe have hitherto obstinately persisted in refusing to recognize the title of the Delawares to the tract of country ceded by this treaty, the United States will negotiate with them, and will endeavor to settle the matter in an amicable way; but should they reject the propositions that may be made to them on this subject, and should the United States not think proper to take possession of the said country without their consent, the stipulations and promise herein made, on behalf of the United States, shall be null and void.†

ART. 6. As the road from Vincennes to Clark's Grant will form a very inconvenient boundary, and as it is the intention of the parties to these presents, that the whole of the said road shall be within the tract ceded to the United States, it is agreed that the boundary, in that quarter, shall be a straight line, to be drawn parallel to the course of the said road, from the eastern boundary of the tracts ceded by the treaty of fort Wayne to Clark's Grant: but the said line is not to pass at a greater distance than half a mile from the most northerly bend of said road.

In witness whereof, the commissioner plenipotentiary of the United States, and the chiefs and head men of the said tribe, have hereunto set their hands and affixed their seals.

Done at Vincennes, the eighteenth day of August, in the year of our Lord one thousand eight hundred and four; and of the independence of the United States the twenty-ninth.

William Henry Harrison,	L. S.
Jeta Buxika, his x mark,	L. S.
Bokongehelas, his x mark,	L. S.
Alimee, or Geo. White Eyes, his x mark,	L. S.
Hocking Pomsdann, his x mark,	L. S.
Tomagee, or the Beaver, his x mark,	L. S.

† The Piankeshaws relinquished their claim to the tract of land in question, by the treaty of Vincennes, of the 27th of August, 1804. See post. chap. 25, No. 1, art. 1.

Signed, sealed, and delivered in presence of

John Gibson, *secretary to the commissioner.*
 Henry Vanderburgh, *one of the judges of the Indiana Territory.*
 Vigo, *colonel of Knox county, I. T. militia.*
 B. Parke, *attorney general of the I. T.*
 John Rice Jones, *of the Indiana Tt.*
 Robert Buntin, *probotomary of Knox county, I. T.*
 G. Wallace, *jun of the Indiana Territory.*
 Antonie Marchal, *of the Indiana Territory.*
 Joseph Barron, *interpreter.*
 Edward Hempstead, *attorney at law.*

I do certify, that each and every article of the foregoing treaty was carefully explained, and precisely interpreted, by me, to the Delaware chiefs who have signed the same.

JOHN GIBSON.

[*Note.* The two preceding treaties are all that the Delawares have concluded, in their own name, with the United States. It will be perceived, that they are the first nation of Indians with which the United States entered into a formal treaty; and it seems, by the 6th article of No. 1, (ante, page 304,) that it was contemplated, in the year 1778, during the American revolutionary contest with Great Britain, to institute an *Indian state*, with the Delawares at its head, and with a right to a representation in congress. The wandering mode of life, and peculiar habits of the Indians, no doubt, frustrated this benevolent plan. The Delaware Indians are parties, in common with several different tribes, to other treaties with the United States; to wit: the treaties of fort McIntosh, 21st of January, 1785; of fort Harmar, 9th of January, 1789; of Greenville, 3d of August, 1795; of fort Wayne, 7th of June, 1803; of fort Industry, 4th of July, 1805; of Grouseland, 21st of August, 1805; and of fort Wayne, 30th of September, 1809. See post, chap. 26, Nos. 1, 2, 3, 4, 6, 7, and 10.]

CHAPTER 16.

Treaties between the United States of America, and the Six Nations of Indians.

No. 1. Articles of a treaty concluded at fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, between Oliver Wolcott, Richard Butler, and Arthur Lee, commissioners plenipotentiary from the United States, in congress assembled, on the one part, and the sachems and warriors of the Six Nations, on the other. Treaty between the United States, and the Six Nations.

The United States of America give peace to the Senekas, Mohawks, Onondagas, and Cayugas, and receive them into their protection upon the following conditions: The United States give peace and protection.

ART. 1. Six hostages shall be immediately delivered to the commissioners by the said nations, to remain in possession of the United States, till all the prisoners, white and black, which were taken by the said Senekas, Mohawks, Onondagas, and Cayugas, or by any of them, in the late war, from among the people of the United States, shall be delivered up. Six Indian hostages to be delivered for the return of prisoners.

ART. 2. The Oneida and Tuscarora nations shall be secured in the possession of the lands on which they are settled. Lands secured to the Oneidas and Tuscaroras.

ART. 3. A line shall be drawn, beginning at the mouth of a creek, about four miles east of Niagara, called Oyonwayea, or Johnston's Landing Place, upon the lake, named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying path, between lake Erie and Ontario, to the mouth of Tehoseroron, or Buffalo creek, on lake Erie; thence south, to the north boundary of the state of Pennsylvania; thence west, to the end of the said north boundary; thence south, along the west boundary of the said Boundary line, fixing the western limit of the territorial possessions of the Six Nations, &c.

Reservation
of six miles
round fort Os-
wego.

Goods to be
delivered to
the Six Na-
tions.

state, to the river Ohio; the said line, from the mouth of the Oyonwayea to the Ohio, shall be the western boundary of the lands of the Six Nations; so that the Six Nations shall and do yield to the United States, all claims to the country west of the said boundary; and then they shall be secured in the peaceful possession of the lands they inhabit, east and north of the same, reserving only six miles square, round the fort of Oswego, to the United States, for the support of the same.

ART. 4. The commissioners of the United States, in consideration of the present circumstances of the Six Nations, and in execution of the humane and liberal views of the United States, upon the signing of the above articles, will order goods to be delivered to the said Six Nations, for their use and comfort.

Oliver Wolcott,	L. S.
Richard Butler,	L. S.
Arthur Lee,	L. S.

MOHAWKS.

Onogwendahonji, his x mark,	L. S.
Touighnatogon, his x mark,	L. S.

ONONDAGAS.

Oheadarighton, his x mark,	L. S.
Kendarindgon, his x mark,	L. S.

SENEKAS.

Tayagonendagighti, his x mark,	L. S.
Tehonwaeaghrigagi, his x mark,	L. S.

ONEIDAS.

Otyadonenghti, his x mark,	L. S.
Dagaheari, his x mark,	L. S.

CAVUGA.

Oraghgoanendagen, his x mark,	L. S.
-------------------------------	-------

TUSCARORAS.

Ononghsawenghti, his x mark,	L. S.
Tharondawagon, his x mark,	L. S.

SENEKA ABEAL.

Kayenthoghke, his x mark	L. S.
--------------------------	-------

Witnesses.

Sam. Jo. Atlee,	} Pennsylvania commissioners.
Wm. Maclay,	
Fras. Johnston,	
Aaron Hill,	
Alexander Campbell,	
Saml. Kirkland, missionary,	
James Dean,	
Saml. Montgomery,	
Derick Lane, capt.	
John Mercer, lieut.	
William Pennington, lieut.	
Mahlon Hord, ensign,	
Hugh Pebbles,	

No. 2. Articles of a treaty made at fort Harmar, the ninth day of January, in the year of our Lord one thousand seven hundred and eighty-nine, between Arthur St. Clair, esquire, governor of the territory of the United States of America, north-west of the river Ohio, and commissioner plenipotentiary of the said United States, for removing all causes of controversy, regulating trade, and settling boundaries, between the Indian nations in the northern department and the said United States, of the one part, and the sachems and warriors of the Six Nations, of the other part, viz:

Treaty between the United States and the Six Nations.

ART. 1. Whereas the United States, in congress assembled, did, by their commissioners, Oliver Wolcott, Richard Butler, and Arthur Lee, esquires, duly appointed for that purpose, at a treaty held with the said Six Nations, viz: with the Mohawks, Oneidas, Onondagas, Tuscaroras, Cayugas, and Senekas, at fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, give peace to the said nations, and receive them into their friendship and protection: And whereas the said nations have now agreed to and with the said Arthur St. Clair, to renew and confirm all the engagements and stipulations entered into at the beforementioned treaty at fort Stanwix: and whereas it was then and there agreed, between the United States of America and the said Six Nations, that a boundary line should be fixed between the lands of the said Six Nations and the territory of the said United States, which boundary line is as follows, viz: Beginning at the mouth of a creek, about four miles east of Niagara, called Ononwayea, or Johnston's Landing Place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying place, between lake Erie and lake Ontario, to the mouth of Tehoseroron, or Buffalo creek, upon lake Erie; thence south, to the northern boundary of the state of Pennsylvania; thence west, to the end of the said north boundary; thence south, along the west boundary of the said state to the river Ohio. The said line, from the mouth of Ononwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States, all claim to the country west of the said boundary; and then they shall be secured in the possession of the lands they inhabit east, north, and south of the same, reserving only six miles square, round the fort of Oswego, for the support of the same. The said Six Nations, except the Mohawks, none of whom have attended at this time, for and in consideration of the peace then granted to them, the presents they then received, as well as in consideration of a quantity of goods, to the value of three thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do hereby renew and confirm the said boundary line in the words beforementioned, to the end that it may be and remain as a division line between the lands of the said Six Nations and the territory of the United States, forever. And the undersigned Indians, as well in their own names as in the name of their respective tribes and nations, their heirs and descendants, for the considerations beforementioned, do release, quit claim, relinquish, and cede, to the United States of America, all the lands west of the said boundary or division line, and between the said line and the

Reference to the treaty of fort Stanwix. See ante, page 307.

Renewal of engagements.

Reference to the old boundary line, &c. See ante, page 307.

The Mohawks excepted.

\$3,000 worth of goods delivered.

Old boundary confirmed.

Lands west of said line, ceded forever to the United States, &c.

strait, from the mouth of Ononwayea and Buffalo creek, for them, the said United States of America, to have and to hold the same, in true and absolute propriety, forever.

Lands east and north of the boundary line, confirmed to the Six Nations; except, &c.

ART. 2. The United States of America confirm to the Six Nations, all the lands which they inhabit, lying east and north of the beforementioned boundary line, and relinquish and quit claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles square round said fort is again reserved to the United States by these presents.

Lands of Oneidas and Tuscaroras confirmed to them anew.

ART. 3. The Oneida and Tuscarora nations, are also again secured and confirmed in the possession of their respective lands.

Peace and friendship renewed and confirmed.

ART. 4. The United States of America renew and confirm the peace and friendship entered into with the Six Nations, (except the Mohawks,) at the treaty beforementioned, held at fort Stanwix, declaring the same to be perpetual. And if the Mohawks shall, within six months, declare their assent to the same, they shall be considered as included.

Mohawks allowed six months to assent.

Done at fort Harmar, on the Muskingum, the day and year first above written.

In witness whereof, the parties have hereunto, interchangeably, set their hands and seals.

Ar. St. Clair,	L. S.
Cageaga, or Dogs Round the Fire,	L. S.
Sawedowa, or The Blast,	L. S.
Kiondushowa, or Swimming Fish,	L. S.
Oncahye, or Dancing Feather,	L. S.
Sohaetas, or Falling Mountain,	L. S.
Otachsaka, or Broken Tomahawk, his x mark,	L. S.
Tekahias, or Long Tree, his x mark,	L. S.
Onechsetee, or Loaded Man, his x mark,	L. S.
Kiahtulaho, or Snake,	L. S.
Aqueia, or Bandv Legs,	L. S.
Kiandogewa, or Big Tree, his x mark,	L. S.
Owenewa, or Thrown in the Water, his x mark,	L. S.
Gyantwaia, or Cornplanter, his x mark,	L. S.
Gyasota, or Big Cross, his x mark,	L. S.
Kanassee, or New Arrow,	L. S.
Achiout, or Half Town,	L. S.
Anachout, or The Wasp, his x mark,	L. S.
Chishekoa, or Wood Bug, his x mark,	L. S.
Sessewa, or Big Bale of a Kettle,	L. S.
Sciahowa, or Council Keeper,	L. S.
Tewanias, or Broken Twig,	L. S.
Sonachshowa, or Full Moon,	L. S.
Cachunwasse, or Twenty Canoes,	L. S.
Hickonquash, or Tearing Asunder,	L. S.

In presence of

Jos. Harmar, *lieut. col. comdg. 1st United States' regt. and brig. gen. by brevet,*
 Richard Butler,
 Jno. Gibson,
 Will M'Curdy, *captain,*
 Ed. Denny, *ensign 1st United States' regiment,*
 A. Hartshorn, *ensign,*
 Robt. Thompson, *ensign 1st United States' regiment,*
 Fran. Leile, *ensign,*
 Josep Nicholas.

SEPARATE ARTICLE, OF THE NEXT PRECEDING TREATY.

Should a robbery or murder be committed by an Indian or Indians of the Six Nations, upon the citizens or subjects of the United States, or by the citizens or subjects of the United States, or any of them, upon any of the Indians of the said nations, the parties accused of the same shall be tried, and if found guilty, be punished according to the laws of the state, or of the territory of the United States, as the case may be, where the same was committed. And should any horses be stolen, either by the Indians of the said nations, from the citizens or subjects of the United States, or any of them, or by any of the said citizens or subjects from any of the said Indians, they may be reclaimed into whose possession soever they may have come; and, upon due proof, shall be restored, any sale in open market notwithstanding; and the persons convicted shall be punished with the utmost severity the laws will admit. And the said nations engage to deliver the persons that may be accused, of their nations, of either of the beforementioned crimes, at the nearest post of the United States, if the crime was committed within the territory of the United States; or to the civil authority of the state, if it shall have happened within any of the United States.

Robberies and murders to be punished according to the law of the state or territory where they occur.

Stolen horses to be restored.

Offenders to be delivered up.

AR. ST. CLAIR.

Art. 3. A treaty between the United States of America, and the tribes of Indians called the Six Nations.

The president of the United States having determined to hold a conference with the Six Nations of Indians, for the purpose of removing from their minds all causes of complaint, and establishing a firm and permanent friendship with them; and Timothy Pickering being appointed sole agent for that purpose; and the agent having met and conferred with the sachems, chiefs, and warriors, of the Six Nations, in a general council: now, in order to accomplish the good design of this conference, the parties have agreed on the following articles; which, when ratified by the president, with the advice and consent of the senate of the United States, shall be binding on them and the Six Nations.

Treaty between the United States and the Six Nations.
Desire of the United States to remove causes of complaint, &c.

ART. 1. Peace and friendship are hereby firmly established, and shall be perpetual, between the United States and the Six Nations.

Perpetual peace and friendship.

ART. 2. The United States acknowledge the lands reserved to the Oneida, Onondaga, and Cayuga nations, in their respective treaties with the state of New York,* and called their reservations, to be their property; and the United States will never claim the same, nor disturb them, or either of the Six Nations, nor their Indian friends, residing thereon, and united with them, in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

Reservations of Oneida, Onondaga, and Cayuga lands, in their treaties with the state of New York, secured to them.

* See post. No. 4, "Contracts between the state of New York and different tribes of the Six Nations," &c. page 315.

Boundary line of lands, within which the title is acknowledged, and confirmed to the Senecas.

ART. 3. The land of the Seneka nation is bounded as follows: beginning on lake Ontario, at the northwest corner of the land they sold to Oliver Phelps; the line runs westerly along the lake, as far as Oyōngwongyeh creek, at Johnston's Landing Place, about four miles eastward from the fort of Niagara; then southerly, up that creek to its main fork; then straight to the main fork of Stedman's creek, which empties into the river Niagara, above fort Schlosser; and then onward, from that fork, continuing the same straight course, to that river; (this line, from the mouth of Oyōngwongyeh creek to the river Niagara, above fort Schlosser, being the eastern boundary of a strip of land, extending from the same line to Niagara river, which the Seneka nation ceded to the king of Great Britain, at a treaty held about thirty years ago, with sir William Johnston;) then the line runs along the river Niagara to lake Erie; then along lake Erie, to the northeast corner of a triangular piece of land, which the United States conveyed to the state of Pennsylvania, as by the president's patent, dated the third day of March, 1792; then due south to the northern boundary of that state; then due east to the southwest corner of the land sold by the Seneka nation to Oliver Phelps; and then north and northerly, along Phelps's line, to the place of beginning on lake Ontario. Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

The United States not to disturb the possessions of the Senecas, &c. within said boundary, &c.

The Six Nations relinquish all claim to lands within the boundaries of the United States, &c.

ART. 4. The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas, and Senecas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon, and united with them, in the free use and enjoyment thereof: now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof.

The Six Nations cede the right to make a road from fort Schlosser to lake Erie; and allow a free passage through their lands, the free use of their harbors, &c.

ART. 5. The Seneka nation, all others of the Six Nations concurring, cede to the United States the right of making a wagon road from fort Schlosser to lake Erie, as far south as Buffalo creek; and the people of the United States shall have the free and undisturbed use of this road, for the purposes of travelling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States, a free passage through their lands, and the free use of the harbors and rivers adjoining, and within their respective tracts of land, for the passing and securing of vessels and boats, and liberty to land their cargoes, where necessary for their safety.

In consideration of the engagements entered into by the Six Na-

ART. 6. In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity

and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established strong and perpetual, the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars, to the one thousand five hundred dollars heretofore allowed them by an article ratified by the president, on the twenty-third day of April, 1792,* making in the whole four thousand five hundred dollars;† which shall be expended yearly, forever, in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole annual allowance now stipulated, to be made by the superintendent, appointed by the president, for the affairs of the Six Nations, and their Indian friends aforesaid.

the United States deliver to them goods to the value of \$10,000.

Additional annual allowance of \$3,000 to the Six Nations.

\$4,500 to be expended yearly, for the benefit of the Six Nations, and applied by a superintendent appointed by the United States.

ART. 7. Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: by the Six Nations, or any of them, to the president of the United States, or the superintendent by him appointed: and by the superintendent, or other person appointed by the president, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose.

No individual retaliation for private injuries; but complaint to be made, and redress to be sought, by one party, to and from the other, &c.

Note. It is clearly understood by the parties to this treaty, that the annuity stipulated in the sixth article, is to be applied to the benefit of such of the Six Nations and of their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States: for the United States do not

The annuity stipulated in the 6th article (above, page 313,) to be applied to the benefit only of such of the Six Nations as reside within the limits of the United States.

* The following is the article alluded to. It was ratified, in due form, like the treaties, by the president and the senate:

"The president of the United States, by Henry Knox, secretary for the department of war, stipulates, in behalf of the United States, the following article, with the Five Nations of Indians, so called, being the Senecas, Oneidas, and the Stockbridge Indians incorporated with them, Tuscaroras, Cayugas, and Onondagas, to wit:

"The United States, in order to promote the happiness of the Five Nations of Indians, will cause to be expended, annually, the amount of one thousand five hundred dollars, in purchasing for them clothing, domestic animals, and implements of husbandry, and for encouraging useful artificers to reside in their villages.

"In behalf of the United States,

H. KNOX,

[L. S.]

secretary for the department of war.

Done in the presence of

Tobias Lear,
Nu. Jones,"

† This sum to be disbursed for the benefit of such of the Six Nations only, as reside within the limits of the United States. See "Note," page 313.

interfere with nations, tribes, or families, of Indians, elsewhere resident.

In witness whereof, the said Timothy Pickering, and the sachems and war chiefs of the said Six Nations, have here-to set their hands and seals.

Done at Konondaigua, in the state of New York, the eleventh day of November, in the year one thousand seven hundred and ninety-four.

Timothy Pickering,	L. S.
Onoyeahnee, his x mark,	L. S.
Konneatorteeooh, his x mark, or Handsome Lake,	L. S.
Tokenhyouhau, his x mark, alias captain Key,	L. S.
Oneshauue, his x mark,	L. S.
Hendrick Aupaumut,	L. S.
David Neesoonhuk, his x mark,	L. S.
Kanatsoyh, alias Nicholas Kusik,	L. S.
Sohhenteoquent, his x mark,	L. S.
Ooduhtsait, his x mark,	L. S.
Konoochqung, his x mark,	L. S.
Tossonggaulus, his x mark,	L. S.
John Skenendoa, his x mark,	L. S.
Oneatorleeooh, his x mark,	L. S.
Kussaurwatau, his x mark,	L. S.
Eyootenyootauook, his x mark,	L. S.
Kohnyeaugong, his x mark, alias Jake Stroud,	L. S.
Shaguiesa, his x mark,	L. S.
Teeroos, his x mark, alias captain Prantup,	L. S.
Sooshaowau, his x mark,	L. S.
Henry Young Brant, his x mark,	L. S.
Sonhyoowauna, his x mark, or Big Sky,	L. S.
Onaahhah, his x mark,	L. S.
Hotoshahenh, his x mark,	L. S.
Kaukondanaiya, his x mark,	L. S.
Nondiyauka, his x mark,	L. S.
Kossishtowau, his x mark,	L. S.
Oojaugenta, his x mark, or Fish Carrier,	L. S.
Toheonggo, his x mark,	L. S.
Ootaguasso, his x mark,	L. S.
Joonondauwaonch, his x mark,	L. S.
Kiyauhaonh, his x mark,	L. S.
Ootaujeaugenh, his x mark, or Broken Axe,	L. S.
Tauhoondos, his x mark, or Open the Way,	L. S.
Twaukewasha, his x mark,	L. S.
Sequidongquee, his x mark, alias Little Beard,	L. S.
Kodjeote, his x mark, or Half Town,	L. S.
Kenjauaugus, his x mark, or Stinking Fish,	L. S.
Soonohquaukau, his x mark,	L. S.
Twenniyana, his x mark,	L. S.
Jishkaaga, his x mark, or Green Grasshopper, alias Little Billy,	L. S.
Tuggehshotta, his x mark,	L. S.
Tehongyagauna, his x mark,	L. S.
Tehongyoowush, his x mark,	L. S.
Konneyoowesot, his x mark,	L. S.
Tioohquottakauna, his x mark, or Woods on Fire,	L. S.
Taoundaudeesh, his x mark,	L. S.
Honayawus, his x mark, alias Farmer's Brother,	L. S.
Soggooyawauthau, his x mark, alias Red Jacket,	L. S.
Konyootiyoo, his x mark,	L. S.
Sauhtakaongyees, his x mark, or Two Skies of a length,	L. S.
Onnashattakau, his x mark,	L. S.
Kaungyanehquee, his x mark,	L. S.
Sooyowau, his x mark,	L. S.
Kaujeagaonh, his x mark, or Heap of Dogs,	L. S.
Soonohshoowau, his x mark,	L. S.

Thagowaunias, his x mark, L. S.
 Soonongjoowau, his x mark, L. S.
 Kiantwhauka, his x mark, alias Cornplanter, L. S.
 Kaunehshonggoo, his x mark, L. S.

Witnesses

Israel Chapin,
 William Shepard, jr.
 James Smedley,
 John Wickham,
 Augustus Porter,
 James K. Garnsey,
 William Ewing,

Israel Chapin, jr.
 Horatia Jones,
 Joseph Smith, } *Interpreters.*
 Jasper Parrish,
 Henry Abeele.

No. 4. Contracts between the state of New York and different tribes of the Six Nations of Indians, specifying their several cessions and reservations of land, &c. Contracts between New York and the Six Nations.

On the 19th of April, 1793, George Clinton, governor of New York, transmitted to Thomas Jefferson, secretary of state of the United States, an exemplification of the different treaties entered into by that commonwealth with the Indians of the Six Nations, subsequent to the conclusion of the war of the American revolution. In his letter to Mr. Jefferson, governor Clinton says, "I had written to the clerk of the city of Albany, and did not receive his answer until yesterday: He informs, as I suspected, that the superintendent of Indian affairs under the British government, was, at the commencement of the revolution, possessed of all the records and documents respecting Indian affairs, and took them with him when he left the country."

Letter from George Clinton to Thomas Jefferson.

The British superintendent took off the records of Indian affairs.

The exemplification, thus transmitted, contains a transcript from the record book of Indian deeds, remaining in the office of the secretary of the state of New York, and commencing in the year 1748. This transcript embraces,

1. A deed, executed by the sachems and chief warriors of the Oneida and Tuscarora nations, at a treaty held at fort Herkimer, with George Clinton and other commissioners for Indian affairs for the state of New York, whereby the aforesaid sachems and chief warriors conveyed, on the 28th day of June, 1785, for the consideration of \$11,500, in goods and money, "all that tract of land situate on the west side of the line commonly called the line of property, established at a treaty held at fort Stanwix in 1768, and on the north side of the Pennsylvania line, beginning at the mouth of the Unadilla, or Tianaderha river, where the same empties into the Susquehanna river; thence up the said Unadilla, or Tianaderha river, ten miles measured on a straight line, thence due west to the Chenango river, thence southerly down the said Chenango river to where it empties into the said Susquehanna river, and to the said line, called the line of property, thence along the said line to the place of beginning; so as to comprehend all the land belonging to the Oneida and Tuscarora nations lying south of the said line to be run from the said Unadilla, or Tianaderha river, to the Chenango river, and north of the division line between the state of New York and

Deed from the Oneidas and Tuscaroras, at a treaty held at fort Herkimer, on the 28th of June, 1785.

Contract with the Onondagas, at a treaty held at fort Schuyler, on the 12th of September, 1788.

the state of Pennsylvania; together with all ways, waters, water courses, rivers, rivulets, creeks, and streams, of water, and also all mines and minerals, which are or may be found thereon," &c.

2. A contract, executed by the tribe or nation of Indians called the Onondagas, at a treaty held at fort Schuyler, (formerly called fort Stanwix,) with George Clinton, and William Floyd, Ezra L'Hommedieu, Richard Varick, Samuel Jones, Egbert Benson, and Peter Gansevoort, jr. commissioners on behalf of the people of the state of New York, whereby the aforesaid Onondagas stipulated, on the 12th day of September, 1788, as follows: "*First:* the Onondagas do cede and grant all their lands to the people of the state of New York forever. *Secondly:* the Onondagas shall, of the said ceded lands, hold to themselves and their posterity, forever, for their own use and cultivation, but not to be sold, leased, or in any other manner aliened or disposed of to others, all that tract of land beginning at the southerly end of the Salt Lake, at the place where the river or stream on which the Onondagas now have their village empties into the said lake, and runs from the said place of beginning east three miles, thence southerly according to the general course of the said river, until it shall intersect a line running east and west at the distance of three miles south from the said village, thence from the said point of intersection west nine miles, thence northerly parallel to the second course above mentioned, until an east line will strike the place of beginning, and thence east to the said place of beginning. *Thirdly:* the Onondagas and their posterity, forever, shall enjoy the free right of hunting in every part of the said ceded lands, and of fishing in all the waters within the same. *Fourthly:* the Salt Lake, and the lands for one mile round the same, shall forever remain for the common benefit of the people of the state of New York and of the Onondagas and their posterity, for the purpose of making salt, and shall not be granted, or in any wise disposed of for other purposes. *Fifthly:* in consideration of the said cession and grant, the people of the state of New York do, at this treaty, pay to the Onondagas one thousand French crowns in money, and two hundred pounds in clothing, at the price which the same cost the people of the state of New York. And the people of the state of New York shall annually pay to the Onondagas and their posterity, forever, on the first day of June, in every year, at fort Schuyler, five hundred dollars in silver; but if the Onondagas, or their posterity, shall, at any time hereafter, elect, that the whole or any part of the said five hundred dollars shall be paid in clothing or provisions, and give six weeks' previous notice thereof to the governor of the said state for the time being, then, so much of the annual payment shall, for that time, be in clothing or provisions, as the Onondagas or their posterity shall elect, and at the price which the same shall cost the people of the state of New York, at fort Schuyler aforesaid. *Sixthly:* the people of the state of New York may, in such manner as they shall deem proper, prevent any persons, except the Onondagas, from residing or settling on the lands so to be held by the Onondagas and their posterity, for their own use and cultivation;

and if any persons shall, without the consent of the people of the state of New York, come to reside or settle on the said lands, or on any other of the lands so ceded, as aforesaid, the Onondagas and their posterity shall forthwith give notice of such intrusions to the governor of the said state for the time being; and further, the Onondagas and their posterity, forever, shall, at the request of the governor of the said state, be aiding to the people of the state of New York in removing all such intruders, and in apprehending, not only such intruders, but also felons and other offenders, who may happen to be on the said ceded lands, to the end that such intruders, felons, and other offenders, may be brought to justice."

3. A contract, executed at a treaty held at fort Schuyler, (formerly fort Stanwix,) by the Oneida tribe or nation of Indians, on the 22d of September, 1788, with George Clinton, William Floyd, Ezra L'Homedieu, Richard Varick, Samuel Jones, Egbert Benson, and Peter Gansevoort, junior, commissioners on behalf of the state of New York, by which the Oneidas entered into the following stipulations: "*First:* The Oneidas do cede and grant all their lands to the people of the state of New York, forever. *Secondly:* of the said ceded lands, the following tract, to wit: beginning at the Wood creek opposite to the mouth of the Canada creek, and where the line of property comes to the said Wood creek, and runs thence southerly to the northwest corner of the tract to be granted to John Francis Perache, thence along the westerly bounds of the said tract to the southwest corner thereof, thence to the northwest corner of the tract granted to James Dean, thence along the westerly bounds thereof to the southwest corner of the last mentioned tract, thence due south until it intersects a due west line from the head of the Tianaderha or Unadilla river, thence from the said point of intersection due west until the Deep Spring bears due north, thence due north to the Deep Spring, thence the nearest course to the Canaseraga creek, and thence along the said creek, the Oneida lake and the Wood creek, to the place of beginning, shall be reserved for the following several uses; that is to say: the lands lying to the northward of a line parallel to the southern line of the said reserved lands, and four miles distant from the said southern line, the Oneidas shall hold to themselves and their posterity, forever, for their own use and cultivation, but not to be sold, leased, or in any other manner aliened or disposed of, to others. The Oneidas may, from time to time, forever, make leases of the lands between the said parallel lines, (being the residue of the said reserved lands,) to such persons, and on such rents reserved, as they shall deem proper, but no lease shall be for a longer term than twenty-one years from the making thereof; and no new lease shall be made until the former lease of the same lands shall have expired. The rents shall be to the use of the Oneidas and their posterity, forever. And the people of the state of New York shall, from time to time, make provision by law to compel the lessees to pay the rents, and in every other respect to enable the Oneidas and their posterity to have the full benefit of their right so to make leases

Contract with the Oneidas, at a treaty held at fort Schuyler, on the 22d of September, 1788.

Contract with the Oneidas, at a treaty held at fort Schuyler, on the 22^d of September, 1788.

and to prevent frauds on them respecting the same: and the Oneidas, and their posterity, forever, shall enjoy the free right of hunting in every part of the said ceded lands, and of fishing in all the waters within the same; and, especially, there shall forever remain granted by the people of the state of New York, one half mile square, at the distance of every six miles of the lands along the northern bounds of the Oneida lake, one half mile in breadth of the lands on each side of the Fish creek, and a convenient piece of land at the fishing place in the Onondaga river, about three miles from where it issues out of the Oneida lake, and to remain as well for the Oneidas, and their posterity, as for the inhabitants of the said state to land and encamp on: But, notwithstanding any reservation to the Oneidas, the people of the state of New York may erect public works and edifices as they shall think proper, at such place and places, at or near the confluence of the Wood creek and the Oneida lake, as they shall elect; and may take and appropriate for such works or buildings, lands to the extent of one square mile, at each place: and further, notwithstanding any reservations of lands to the Oneidas, for their own use, the New England Indians (now settled at Brotherton, under the pastoral care of the reverend Samson Occum) and their posterity forever, and the Stockbridge Indians and their posterity forever, are to enjoy their settlements on the lands heretofore given to them by the Oneidas for that purpose; that is to say: a tract of two miles in breadth and three miles in length for the New England Indians, and a tract of six miles square for the Stockbridge Indians. *Thirdly*, in consideration of the said cession and grant, the people of the state of New York do, at this treaty, pay to the Oneidas two thousand dollars in money, two thousand dollars in clothing and other goods, and one thousand dollars in provisions; and also five hundred dollars in money, to be applied towards building a grist mill and saw mill, at their village: and the people of the state of New York shall annually pay to the Oneidas, and their posterity, forever, on the first day of June, in every year, at fort Schuyler, six hundred dollars, in silver: but if the Oneidas, or their posterity, shall, at any time hereafter, elect that the whole, or any part, of the said six hundred dollars, shall be paid in clothing or provisions, and give six weeks' previous notice thereof to the governor of the said state for the time being, then so much of the annual payment shall, for that time, be in clothing or provisions, as the Oneidas and their posterity shall elect, and at the price which the same shall cost the people of the state of New York at fort Schuyler. And as a further consideration to the Oneidas, the people of the state of New York shall grant to the said John Francis Perache; a tract of land, beginning in the line of property, at a certain cedar tree, near the road leading to Oneida, and runs from the said cedar tree, southerly, along the line of property, two miles; then westerly, at right angles, to the said line of property, two miles; then northerly, at right angles, to the last course, two miles, and then to the place of beginning; which the said John Francis Perache hath consented to accept from the Oneidas, in satisfaction for an injury done to

him by one of their nation. And further, the lands intended by the Oneidas for John T. Kirkland, and for George W. Kirkland, being now appropriated to the use of the Oneidas, the people of the state of New York shall, therefore, by a grant of other lands, make compensation to the said John T. Kirkland and George W. Kirkland. And further, that the people of the state of New York shall, as a benevolence from the Oneidas to Peter Penet, and in return for services rendered by him to their nation, grant to the said Peter Penet, of the said ceded lands lying to the northward of the Oneida lake, a tract of ten miles square, wherever he shall elect the same. *Fourthly:* the people of the state of New York may, in such manner as they shall deem proper, prevent any persons, except the Oneidas, from residing or settling on the lands so to be held by the Oneidas and their posterity, for their own use and cultivation. And if any persons shall, without the consent of the people of the state of New York, come to reside or settle on the said lands, or on any other of the lands so ceded as aforesaid, except the lands whereof the Oneidas may make leases as aforesaid, the Oneidas and their posterity shall forthwith give notice of such intrusions to the governor of the said state for the time being. And further, the Oneidas and their posterity, forever, shall, at the request of the governor of the said state, be aiding to the people of the state of New York, in removing all such intruders; and in apprehending, not only such intruders, but also felons, and other offenders, who may happen to be on the said ceded lands, to the end that such intruders, felons, and other offenders, may be brought to justice. Before the execution hereof, the Oneidas, in public council, declared to the commissioners, that they had, in return for his frequent good offices to them, given to John J. Bleeker, of the lands reserved for their own use, one mile square, adjoining to the lands of James Dean, and requested that the same might be granted and confirmed to him by the state."

Contract with the Oneidas, at a treaty held at fort Schuyler, on the 22d of September, 1788.

4. A contract executed by the sachems, chiefs, and warriors of the tribe or nation of Indians, called the Cayugas, at a treaty held in the city of Albany, with George Clinton, Pierre Van Courtlandt, Ezra L'Hommedieu, Abraham Ten Broeck, John Hathorn, Samuel Jones, Peter Gansevoort, jun. and Egbert Benson, commissioners on behalf of the state of New York, by which the said sachems, chiefs, and warriors of the Cayugas, covenanted, on the 25th of February, 1789, as follows: "*First:* the Cayugas do cede and grant all their lands to the people of the state of New York, forever. *Secondly:* The Cayugas shall, of the said ceded lands, hold to themselves, and to their posterity, forever, for their own use and cultivation, but not to be sold, leased, or in any other manner aliened, or disposed of, to others, all that tract of land, beginning at the Cayuga salt spring, on the Seneca river, and running thence southerly, to intersect the middle of a line to be drawn from the outlet of Cayuga to the outlet of Waskongh, and from the said place of intersection, southerly, the general course of the eastern bank of the Cayuga lake, thence westerly, to intersect a line running on the west side of the Cayuga lake, at the mean distance of

Contract with the Cayugas, at a treaty held at Albany, on the 25th of February, 1789.

Contract with
the Cayugas,
at a treaty
held at Alba-
ny, on the
25th of Feb-
ruary, 1789.

three miles from the western bank thereof, and from the said point of intersection, along the said line, so running on the west side of the Cayuga lake, to the Seneka river, thence down the said river to the Cayuga lake, thence through the said lake, to the outlet thereof, thence further down the said Seneka river, to the place of beginning, so as to comprehend within the limits aforesaid, and exclusive of the water of Cayuga lake, the quantity of one hundred square miles. Also, the place in the Seneka river, at or near a place called Skayes, where the Cayugas have heretofore taken eel; and a competent piece of land on the southern side of the river, at the said place, sufficient for the Cayugas to land and encamp on, and to cure their eel. Excepted, nevertheless, out of the said lands so reserved, one mile square, at the Cayuga ferry. *Thirdly:* the Cayugas and their posterity, forever, shall enjoy the free right of hunting in every part of the said ceded lands, and of fishing in all the waters within the same. *Fourthly:* in consideration of the said cession and grant, the people of the state of New York do, at this present treaty, pay to the Cayugas, five hundred dollars, in silver; and the people of the state of New York shall pay to the Cayugas, on the first day of June, next, at fort Schuyler, (formerly called fort Stanwix,) the further sum of one thousand six hundred and twenty five dollars; and, also, the people of the state of New York shall annually pay to the Cayugas, and their posterity, forever, on the first day of June, in every year thereafter, at fort Schuyler aforesaid, five hundred dollars in silver. But if the Cayugas, or their posterity, shall, at any time hereafter, elect that the whole, or any part of the said annual payment of five hundred dollars, shall be paid in clothing or provisions, and give six weeks' previous notice thereof to the governor of the said state for the time being, then so much of the annual payment shall, for that time, be in clothing or provisions, as the Cayugas or their posterity shall elect, and at the price which the same shall cost the people of the state of New York, at fort Schuyler aforesaid. And, as a farther consideration to the Cayugas, the people of the state of New York shall grant to their adopted child, Peter Ryckman, whom they have expressed a desire should reside near them, to assist them, and as a benevolence from them, the Cayugas, to him, and in return for services rendered by him to their nation, the said tract of one mile square at the Cayuga ferry excepted, out of the said lands reserved to the Cayugas for their own use and cultivation, that of a tract beginning on the west bank of the Seneka lake, thence running due west (passing one chain north of a house lately erected, and now in the occupation of the said Peter Ryckman) to the line of partition between this state of New York and the commonwealth of Massachusetts, of the lands ceded to each other, thence due south along the said line of partition, thence due east to the Seneka lake, thence northerly along the bank of the said lake, to the place of beginning, so as to contain sixteen thousand acres. The people of the state of New York shall grant three hundred and twenty acres to a white

person married to a daughter of a Cayuga named **Thaniowes**, including the present settlement of the said person on the south side of Caghston creek; and that the people of the state of New York shall grant the residue of the said tract of sixteen thousand acres to the said Peter Ryckman. *Fifthly*: The people of the state of New York may, at all times hereafter, in such manner, and by such means, as they shall deem proper, prevent any person, except the Cayugas and their adopted brethren the Paanese, from residing or settling on the lands to be held by the Cayugas and their posterity, for their own use and cultivation: and if any persons shall, without the consent of the people of the state of New York, come to reside or settle on the said lands, or any other of the lands so ceded as aforesaid, the Cayugas and their posterity shall forthwith give notice of such intrusions to the governor of the said state for the time being; and further, the Cayugas and their posterity, forever, shall, at the request of the governor of the said state, be aiding to the people of the state of New York in removing all such intruders; and apprehending, not only such intruders, but felons, and other offenders, who may happen to be on the said ceded lands, to the end that such intruders, felons, and other offenders, may be brought to justice. Notwithstanding the said reservation herein above specified to the Cayugas, it is declared to be the intent of the parties, that the Cayuga called the **Fish Carrier**, shall have a mile square of the said reserved lands, for the separate use of himself, and for the separate use of his family, forever. Before sealing and delivery hereof, it was, for the greater certainty, declared to be the intent of the parties, that this grant and cession is only of the lands eastward of the partition line abovementioned, between this state of New York and the commonwealth of Massachusetts; and that, with respect to such part of their country as is to the westward of the said partition line, the right and property of the Cayugas to be the same as if this grant and cession had not been made. The Cayuga salt spring, and the land to the extent of one mile around the same, to remain for the common use and benefit of the people of the state of New York, and of the Cayugas and their posterity forever. And the land to be reserved at the fishing place near Skayes, shall be of the extent of one mile on each side of the river, the above reservation of land on the southern side of the river, only, notwithstanding.

Contract with the Cayugas, at a treaty held at Albany, on the 25th of February, 1790.

5. At a treaty held at fort Stanwix, on the 22d of June, 1790, between George Clinton, Pierre Van Cortlandt, Ezra L'Hommedieu, Abraham Ten Broeck, Peter Gansvoort, junior, and Richard Varick, commissioners on behalf of the state of New York, and the sachems, chiefs, and warriors, of the tribe or nation of Indians, called the Cayugas, the latter acknowledged to have received from the people of the state of New York, the sum of five hundred dollars in silver, being the annual payment stipulated to be made to the said Cayugas, by the (next preceding) contract of the 25th of February, 1790, and also the further sum of one thousand dollars, as a benevolence. To this acknowledgment is added the following stipula-

Acknowledgment, confirmation, &c. by the Cayugas at a treaty held at fort Stanwix, on the 22d of June, 1790.

tion: "And we, the said Cayugas, in consideration thereof, do, by these presents, fully, freely, and absolutely, ratify and confirm the said agreement and cession, and all and singular the articles, covenants, matters and things, therein expressed and contained, on the part of us, the said Cayugas, done, or to be done, executed, or performed: and we, the said Cayugas, do further hereby grant and release, to the people of the state of New York, all our right, interest, and claim, in and to all lands lying east of the line of cession by the state of New York to the commonwealth of Massachusetts; except the lands mentioned in the deed of cession (of the 25th of February, 1789) to be reserved to us, the Cayugas, and our posterity."

Acknowledgment and confirmation by the Onondagas, at a council fire kindled at fort Stanwix, on the 16th of June, 1790.

6. At a council fire kindled at fort Stanwix, on the 16th day of June, 1790, at which were present, George Clinton, Pierre Van Cortlandt, Ezra L'Hommedieu, Abraham Ten Broeck, Peter Gansevoort, junior, and Richard Varick, commissioners on behalf of the state of New York, and the sachems, chiefs, and warriors, of the tribe or nation of Indians called the Onondagas, the latter acknowledged to have received from the people of the state of New York, the sum of five hundred dollars, in silver, being the annual payment stipulated to be made to the said Onondagas, by the contract of the 12th of September, 1788, (ante, 2, page 316.) and also the further sum of five hundred dollars, as a benevolence: "and the said Onondagas do, by these presents, fully, freely, and absolutely, ratify and confirm the said agreement and deed of cession, and all and singular the articles, covenants, and things therein expressed and contained, on the part of the said Onondagas, done, or to be done, executed, or performed."

[Note. Some of the Indian tribes composing the Six Nations, are parties to other treaties, or contracts, entered into with, or under the sanction of, the United States; to wit: the two contracts of Buffalo creek, of the 30th of June, 1802; and the treaty of Oneida, of the 2d of December, 1794. See post. chapter 23, Nos. 1 and 2; and chapter 27, No. 1.]

CHAPTER 17.

Treaties between the United States of America, and the Cherokee nation of Indians, concluded at different periods, up to the year 1814.

Treaty between the United States and the Cherokees.

The United States give peace, &c.

Prisoners, negroes, &c. to be restored by the Cherokees.

No. 1. Articles concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh, commissioners plenipotentiary of the United States of America, of the one part, and the head men and warriors of all the Cherokees, of the other.

The commissioners plenipotentiary of the United States in congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

ART. 1. The head men and warriors of all the Cherokees shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty: they shall also restore all the negroes, and all other property taken during the late war from

the citizens, to such person, and at such time and place, as the commissioners shall appoint.

ART. 2. The commissioners of the United States in congress assembled, shall restore all the prisoners taken from the Indians during the late war, to the head men and warriors of the Cherokees, as early as is practicable. Restoration of Indian prisoners.

ART. 3. The said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever. The Cherokees under the exclusive protection of the United States.

ART. 4. The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America, is, and shall be the following, viz. Beginning at the mouth of Duck river, on the Tennessee; thence running north-east to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's creek on Holston; thence to the Chimney-top mountain; thence to Camp creek, near the mouth of Big Limestone, on Nolichucky; thence a southerly course six miles to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest over the top of the Oconee mountain till it shall strike Tugalo river; thence a direct line to the top of the Currahee mountain; thence to the head of the south fork of Oconee river. Boundary of the Cherokee hunting grounds, &c. See post. No. 2, art. 4, page 326.

ART. 5. If any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: provided nevertheless, that this article shall not extend to the people settled between the fork of French Broad and Holston rivers, whose particular situation shall be transmitted to the United States in congress assembled, for their decision thereon, which the Indians agree to abide by. Citizens settling on, or refusing to remove from, Cherokee hunting grounds, outlawed. Proviso; in favor of certain settlers.

ART. 6. If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the nation, or the tribe to which such offender or offenders may belong, shall be bound to deliver him or them up to be punished according to the ordinances of the United States: provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen. Robbers, murderers, &c. to be delivered up by the Cherokees. Proviso; as to the degree of punishment.

Punishment of citizens for robbing or murdering Indians, &c.

ART. 7. If any citizen of the United States, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

Cherokees may be present at the punishment.

Retaliation for private injuries, restrained, &c.

ART. 8. It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded first by a demand of justice; and if refused, then by a declaration of hostilities.

Congress to regulate trade with the Cherokees, &c.

ART. 9. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Temporary liberty of trade with the Cherokee towns, &c.

ART. 10. Until the pleasure of congress be known, respecting the ninth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

Cherokees to give notice of designs against the United States.

ART. 11. The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whomsoever, against the peace, trade, or interest of the United States.

The Cherokees have a right to send a deputy to congress.

ART. 12. That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to congress.

Peace and friendship universal, &c.

ART. 13. The hatchet shall be forever buried, and the peace given by the United States, and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined, between the United States of America and all the Cherokees, we, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

Benjamin Hawkins,	L. S.
Andw. Pickens,	L. S.
Jos. Martin,	L. S.
Lach'n M'Intosh,	L. S.

- Koatohee, or Corn Tassel of Toquo, his x mark, L. S.
- Scholauetta, or Hanging Man of Chota, his x mark, L. S.
- Tuskegatahu, or Long Fellow of Chistohoe, his x mark, L. S.
- Ooskwaha, or Abraham of Chilkwowa, his x mark, L. S.
- Kolakusta, or Prince of Noth, his x mark, L. S.
- Newota, or the Gritzs of Chicamaga, his x mark, L. S.
- Konatota, or the Rising Fawn of Highwassay, his x mark, L. S.
- Tuckasee, or Young Terrapin of Allajoy, his x mark, L. S.
- Toostaka, or the Waker of Oostanawa; his x mark, L. S.
- Untoola, or Gun Rod of Seteco, his x mark, L. S.
- Unsuokanail, Buffalo White Calf New Cussee, his x mark, L. S.
- Kostaycak, or Sharp Fellow Wataga, his x mark, L. S.
- Chonosta, of Cowe, his x mark, L. S.
- Chescoonwho, Bird in Close of Tomotlug, his x mark, L. S.
- Tuckasee, or Terrapin of Hightowa, his x mark, L. S.
- Chesetosa, or the Rabbit of Tlacoa, his x mark, L. S.
- Chesecotetona, or Yellow Bird of the Pine Log, his x mark, L. S.
- Sketaloska, Second Man of Tillico, his x mark, L. S.
- Chokasatahe, Chickasaw Killer Tasonta, his x mark, L. S.
- Onanoota, of Koosoaate, his x mark, L. S.
- Ookoseta, or Sower Mush of Kooloque, his x mark, L. S.
- Umatooetha, the Water Hunter Choikamawga, his x mark, L. S.
- Wyuka, of Lookout Mountain, his x mark, L. S.
- Tulco, or Tom of Chatuga, his x mark, L. S.
- Will, of Akoha, his x mark, L. S.
- Necatee, of Sawta, his x mark, L. S.
- Amokontakona, Kutcloa, his x mark, L. S.
- Kowetarahee, in Frog Town, his x mark, L. S.
- Keukuch, Talkoa, his x mark, L. S.
- Tulatiska, of Chaway, his x mark, L. S.
- Wooaluka, the Waylayer, Chota, his x mark, L. S.
- Tatliusta, or Porpoise of Tilassi, his x mark, L. S.
- John, of Little Tallico, his x mark, L. S.
- Skelelak, his x mark, L. S.
- Akonoluchta, the Cabin, his x mark, L. S.
- Cheanoka, of Kawetakac, his x mark, L. S.
- Yellow Bird, his x mark, L. S.

Witness:

- Wm. Blount,
- Saml. Taylor, *major*,
- John Owen,
- Jess Walton,
- Jno. Cowan, *capt. commandant*,
- Thos. Gegg,
- W. Hazzard,
- James Madison, } *sworn interpreters.*
- Arthur Coodey, }

No. 2. 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 of Indians, on the part and behalf of the said nation.

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 of America south of the river Ohio, and superintendent 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

Treaty between the United States and the Cherokees.
Mutual desire for peace, friendship, &c.

Cherokee nation, by the undersigned chiefs and warriors representing the said nation, have agreed to the following articles, namely:

Perpetual peace and friendship.

ART. 1. There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

Cherokees under the protection of the United States; and not to treat with other powers, &c.

ART. 2. The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves and the said Cherokee nation, to be under the protection of the United States of America, and of no other sovereign whosoever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

Prisoners to be mutually restored.

ART. 3. The Cherokee nation shall deliver to the governor of the territory of the United States of America south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States; and the United States shall, on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

Boundary between the United States and the Cherokee nation.

ART. 4. The boundary* between the citizens of the United States and the Cherokee nation, is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugelo river; thence north-east to the Occunna mountain, and over the same along the South Carolina Indian boundary to the North Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a southwest line will strike the mouth of Duck river.

Boundary to be ascertained by three citizens and three Cherokees.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly, by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

Extinguishment of Cherokee claims.

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

The United States to de-

* For the boundary established in 1785, by the treaty of Hopewell, see ante, No. 1, article 4, page 323.

of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned chiefs and warriors do hereby, for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations abovementioned, release, quit claim, relinquish, and cede, all the land to the right of the line described, and beginning as aforesaid.

ART. 5. It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river.

ART. 6. It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

ART. 7. The United States solemnly guaranty to the Cherokee nation, all their lands not hereby ceded.

ART. 8. If any citizen of the United States, or other person, not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

ART. 9. No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the governor of some one of the United States, or territorial districts, or such other person as the president of the United States may, from time to time, authorize to grant the same.

ART. 10. If any Cherokee Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ART. 11. If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

ART. 12. In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

ART. 13. The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or sus-

live goods;
and pig
\$1,000 annu-
ally to the
Cherokees.
Cherokee ces-
sion of land.

Free road
from Wash-
ington to
Mero, &c.

Cherokee
trade, &c.

Guarantee of
Cherokee
lands.

Citizens set-
tling on Che-
rokee lands,
outlawed.

No citizen to
hunt on Che-
rokee lands.
Passports to
go into the
Cherokee
country.

The Chero-
kees to deliv-
er up crimi-
nals, &c.

Punishment
of citizens of-
fending
against friend-
ly Indians in
Cherokee
towns, &c.

Retaliation for
private inju-
ries, restrain-
ed, &c.

The Chero-
kees to give

notice of designs against the United States.

The United States to furnish implements of husbandry, &c.

Interpreters.

Lands for Interpreters.

Animosities to cease, &c.

This treaty to take effect as soon as ratified.

pect, to be formed in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

ART. 14. That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish, gratuitously, the said nation with useful implements of husbandry; and further to assist the said nation in so desirable a pursuit; and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation, as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ART. 15. All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

ART. 16. This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

William Blount, governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district,

Chuleeah, or the Boots, his x mark,	L. S.
Squollecuttah, or Hanging Maw, his x mark,	L. S.
Occunna, or the Badger, his x mark,	L. S.
Enoleh, or Black Fox, his x mark,	L. S.
Nontuaka, or the Northward, his x mark,	L. S.
Tekakiska, his x mark,	L. S.
Chutloh, or King Fisher, his x mark,	L. S.
Tuckaseh, or Terrapin, his x mark,	L. S.
Kateh, his x mark,	L. S.
Kunnochattuloh, or the Crane, his x mark,	L. S.
Cauquillehanah, or the Thigh, his x mark,	L. S.
Chesquotteleneh, or Yellow Bird, his x mark,	L. S.
Chickasawtehe, or Chickasaw Killer, his x mark,	L. S.
Tuskegatehe, Tuskega Killer, his x mark,	L. S.
Kulsatehe, his x mark,	L. S.
Tinkshalene, his x mark,	L. S.
Sawutteh, or Slave Catcher, his x mark,	L. S.
Aukuah, his x mark,	B. S.
Oosenaleh, his x mark,	J. S.
Kenotetah, or Rising Fawn, his x mark,	L. S.
Kanetetoka, or Standing Turkey, his x mark,	L. S.
Yonewateh, or Bear at home, his x mark,	E. S.
Long Will, his x mark,	B. S.
Kunoskeskie, or John Watts, his x mark,	L. S.
Nenetooyah, or Bloody Fellow, his x mark,	L. S.

Chuquilatague, or Double Head, his x mark,	L. S.
Koolaquah, or Big Acorn, his x mark,	L. S.
Toowayelloh, or Bold Hunter, his x mark,	L. S.
Jahleoonoyehka, or Middle Striker, his x mark,	L. S.
Kimnesah, or Cabin, his x mark,	L. S.
Tullothehe, or Two Killer, his x mark,	L. S.
Kaalouske, or Stopt Still, his x mark,	L. S.
Kulsatche, his x mark,	L. S.
Auquotague, the Little Turkey's Son, his x mark,	L. S.
Talohteske, or Upsetter, his x mark,	L. S.
Cheakoneske, or Otter Lifter, his x mark,	L. S.
Keshukaune, or She Reigns, his x mark,	L. S.
Toonaunailoh, his x mark,	L. S.
Teesteke, or Common Disturber, his x mark,	L. S.
Robin M'Clomore,	L. S.
Skyuka,	L. S.
John Thompson, <i>interpreter</i> ,	
James Cery, <i>interpreter</i> .	

Done in presence of

Daniel Smith, *secretary of the territory of the United States south of the river Obid*,
 Thomas Kennedy, of Kentucky,
 James Robertson, of Mero District,
 Claiborne Watkins, of Virginia,
 Jno M'Whitney, of Georgia,
 Fauche, of Georgia,
 Titus Ogden, North Carolina,
 John Chisolm, of Washington District,
 Robert King,
 Thomas Gegg.

[*Note.* The boundaries prescribed in the 4th article of this treaty, are confirmed by the 2d article of that which immediately follows. But there is an alteration with respect to the annuity and the restitution of stolen horses. See the following treaty, No. 3, articles 3 and 4, page 330.]

ADDITIONAL ARTICLE

To the [next preceding] treaty made between the United States and the Cherokees, on the 2d day of July, one thousand seven hundred and ninety-one. [Ante, No. 2.]

It is hereby mutually agreed, between Henry Knox, secretary of war, duly authorized thereto in behalf of the United States, on the one part, and the undersigned chiefs and warriors, in behalf of themselves and the Cherokee nation, on the other part, that the following article shall be added to, and considered as part of, the treaty made between the United States and the said Cherokee nation, on the 2d day of July, one thousand seven hundred and ninety-one; to wit:

The sum to be paid annually by the United States to the Cherokee nation of Indians, in consideration of the relinquishment of lands, as stated in the treaty* made with them on the second day of July, one thousand seven hundred and ninety-one, shall be one thousand five hundred dollars, instead of one thousand dollars, mentioned in the said treaty.

Additional article to the treaty of Holston, of the 2d of July, 1791.
 \$1,500 to be paid, instead of \$1,000, &c.

In testimony whereof, the said Henry Knox, secretary of war, and the said chiefs and warriors of the Cherokee nation, have hereunto set their hands and seals, in the city of Philadelphia, this seventeenth day of February, in the year of our Lord one thousand seven hundred and ninety-two.

H. Knox, *secretary of war*,

L. S.

* See ante, No. 2, article 4, page 326.

Iskagua, or Clear Sky, his x mark,	L. S.
<i>formerly</i>	
Nenetooyah, or Bloody Fellow,	
Nontuaka, or the Northward, his x mark,	L. S.
Chutloh, or Kingfisher, his x mark,	L. S.
Katigolah, or the Prince, his x mark,	L. S.
Teesteki, or Common Disturber, his x mark,	L. S.
Suaka, or George Miller, his x mark,	L. S.

In the presence of

Thomas Grooter,
Jno. Stagg, junr.
Leonard D. Shaw,
James Cerey, *sworn interpreter to the Cherokee nation.*

Treaty between the United States and the Cherokees.

[* See ante, No. 2, page 325.]

Former treaty not fully executed.

The treaty of Holston, (ante, No. 2, page 325,) declared to be binding on both parties.

The boundaries to be marked, as stipulated in article 4. (Ante, page 326.)

[† Ante, No. 1, page 322.]

[‡ Ante, No. 2, page 325.]
Annual supply of goods to the amount of \$5,000.

For every horse stolen by Cherokees, and not re-

No. 3. Articles of a treaty between the United States of America, and the Cherokee Indians.

Whereas the treaty made and concluded on Holston river,* on the second day of July, one thousand seven hundred and ninety-one, between the United States of America and the Cherokee nation of Indians, has not been fully carried into execution by reason of some misunderstandings which have arisen:

ART. 1. And whereas the undersigned Henry Knox, secretary for the department of war, being authorized thereto by the president of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force, and binding upon the said parties, as well in respect to the boundaries therein mentioned, as in all other respects whatever.

ART. 2. It is hereby stipulated that the boundaries mentioned in the fourth article of the said treaty, shall be actually ascertained and marked in the manner prescribed by the said article, whenever the Cherokee nation shall have ninety days' notice of the time and place at which the commissioners of the United States intend to commence their operation.

ART. 3. The United States, to evince their justice, by amply compensating the said Cherokee nation of Indians for all relinquishments of land made, either by the treaty of Hopewell, upon the Keowee river,† concluded on the twenty-eighth of November, one thousand seven hundred and eighty-five, or the aforesaid treaty made upon Holston river,‡ on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate, in lieu of all former sums to be paid annually, to furnish the Cherokee Indians with goods suitable for their use, to the amount of five thousand dollars yearly. §

ART. 4. And the said Cherokee nation, in order to evince the sincerity of their intentions in future, to prevent the practice of stealing horses, attended with the most pernicious consequences

§ By the 4th article of the treaty of Holston, the United States stipulated to pay the Cherokees \$1,000 annually. See ante, page 326. This sum was subsequently increased to \$1,500 by an additional article to that treaty, concluded on the 17th day of February, in the year 1792. See ante, page 329.

to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians, and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of five thousand dollars.

turned within three months, \$50 to be deducted.

ART. 5. The articles now stipulated will be considered as permanent additions to the treaty of Holston, as soon as they shall have been ratified by the president of the United States and the senate of the United States.

These articles permanent, &c. as soon as ratified.

In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals in the city of Philadelphia, within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four.

- | | |
|---|-------|
| H. Knox, <i>secretary of war,</i> | L. S. |
| Tekakisskee, or Taken out of the Water, his x mark, | L. S. |
| Nontuaka, or the Northward, his x mark, | L. S. |
| Cinasaw, or the Cabin, his x mark, | L. S. |
| Skyuka, his x mark, | L. S. |
| Chuquilatague, or Double Head, his x mark, | L. S. |
| John M. Cleemore, his x mark, | L. S. |
| Walahue, or the Humming Bird, his x mark, | L. S. |
| Chuleowee, his x mark, | L. S. |
| Ustanaqua, his x mark, | L. S. |
| Kullusathee, his x mark, | L. S. |
| Siteaha, his x mark, | L. S. |
| Keenaguna, or the Lying Fawn, his x mark, | L. S. |
| Chatakaelesa, or the Fowl Carrier, | L. S. |

Done in the presence of

- John Thompson, }
 Arthur Coodey, } *interpreters.*
 Cantwell Jones, of Delaware,
 William Wofford, of the state of Georgia,
 W. M. Caleb, of South Carolina,
 Samuel Lewis, of Philadelphia.

No. 4. Articles of a treaty between the United States of America, and the Cherokee Indians.

Whereas the treaty* made and concluded on Holston river, on the second day of July, in the year one thousand seven hundred and ninety-one, between the United States of America and the Cherokee nation of Indians, had not been carried into execution, for some time thereafter, by reason of some misunderstandings which had arisen: and whereas, in order to remove such misunderstandings, and to provide for carrying the said treaty into effect, and for re-establishing more fully the peace and friendship between the parties, another treaty† was held, made, and concluded, by and between them, at Philadelphia, the twenty-sixth day of June, in the year one thousand seven hundred and ninety-four: in which, among other things, it was stipulated, that the boundaries mentioned in the fourth article of the said treaty of Holston, should be actually ascertained and marked, in the manner prescribed by the said article,

Treaty between the United States and the Cherokees.
 Delay in the execution of the treaty of Holston, &c.
 Treaty of Philadelphia, for ascertaining boundaries, as fixed by the treaty of Holston, &c.

* See ante, No. 2, page 325. † Ante, No. 3, page 330.

Further delays, &c.

Citizens ignorant of the course of the boundary, and settled on Indian lands, removed, &c.

This treaty entered into for the purposes of justice, and for remedying inconveniences, &c.

Peace and friendship renewed, &c.

Subsisting treaties recognized. Ante, Nos. 1, 2, and 3, of this chap.

Boundaries as heretofore, where not altered. See ante, No. 3, art. 2, page 330.

Cession of lands by the Cherokees, &c.

whenever the Cherokee nation should have ninety days' notice of the time and place at which the commissioners of the United States intended to commence their operation: and whereas further delays in carrying the said fourth article into complete effect did take place, so that the boundaries mentioned and described therein, were not regularly ascertained and marked, until the latter part of the year one thousand seven hundred and ninety-seven; before which time, and for want of knowing the direct course of the said boundary, divers settlements were made, by divers citizens of the United States, upon the Indian lands over and beyond the boundaries so mentioned and described in the said article, and contrary to the intention of the said treaties; but which settlers were removed from the said Indian lands, by authority of the United States, as soon after the boundaries had been so lawfully ascertained and marked as the nature of the case had admitted: and whereas, for the purpose of doing justice to the Cherokee nation of Indians, and remedying inconveniences arising to citizens of the United States from the adjustment of the boundary line between the lands of the Cherokees and those of the United States, or the citizens thereof, or from any other cause in relation to the Cherokees; and in order to promote the interests and safety of the said states, and the citizens thereof, the president of the United States, by and with the advice and consent of the senate thereof, hath appointed George Walton, of Georgia, and the president of the United States hath also appointed lieutenant colonel Thomas Butler, commanding the troops of the United States in the state of Tennessee, to be commissioners for the purpose aforesaid; and who, on the part 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:

ART. 1. The peace and friendship subsisting between the United States and the Cherokee people, are hereby renewed, continued, and declared perpetual.

ART. 2. The treaties subsisting between the present contracting parties, are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue.

ART. 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty.

ART. 4. In acknowledgment for the protection of the United States, and for the considerations herein after expressed and contained, the Cherokee nation agree, and do hereby relinquish and cede to the United States, all the lands within the following points and lines, viz: from a point on the Tennessee river, below Tellico block house, called the Wildcat Rock, in a direct line to the Militia spring, near the Maryville road leading from Tellico. From the said spring to the Chillhowie mountain, by a line so to be run, as will leave all the farms on Nine Mile Creek to the northward and eastward of it; and to be continued along Chillhowie mountain, until it strikes Hawkins's line.

Thence along the said line to the great Iron mountain; and from the top of which a line to be continued in a southeastwardly course to where the most southwardly branch of Little river crosses the divisional line to Tugalo river; from the place of beginning, the Wildcat Rock, down the northeast margin of the Tennessee river (not including islands) to a point or place one mile above the junction of that river with the Clinch, and from thence by a line to be drawn in a right angle, until it intersects Hawkins's line leading from Clinch. Thence down the said line to the river Clinch; thence up the said river to its junction with Emmery's river; and thence up Emmery's river to the foot of Cumberland mountain. From thence a line to be drawn, northeastwardly, along the foot of the mountain, until it intersects with Campbell's line.

Cession of lands by the Cherokees, &c.

ART. 5. To prevent all future misunderstanding about the line described in the foregoing article, two commissioners shall be appointed to superintend the running and marking the same, where not ascertained by the rivers, immediately after signing this treaty; one to be appointed by the commissioners of the United States, and the other by the Cherokee nation; and who shall cause three maps or charts thereof to be made out; one whereof shall be transmitted and deposited in the war office of the United States; another with the executive of the state of Tennessee, and the third with the Cherokee nation, which said line shall form a part of the boundary between the United States and the Cherokee nation.

Two commissioners to be appointed to run and mark the line of ceded lands, &c.

ART. 6. In consideration of the relinquishment and cession hereby made, the United States, upon signing the present treaty, shall cause to be delivered to the Cherokees, goods, wares, and merchandise, to the amount of five thousand dollars, and shall cause to be delivered, annually, other goods, to the amount of one thousand dollars, in addition to the annuity already provided for;* and will continue the guarantee of the remainder of their country forever, as made and contained in former treaties.

The United States to deliver goods, &c. to the amount of \$5,000. Additional annuity of \$1,000.

ART. 7. The Cherokee nation agree, that the Kentucky road, running between the Cumberland mountain and the Cumberland river, where the same shall pass through the Indian land, shall be an open and free road for the use of the citizens of the United States, in the like manner as the road from Southwest Point to Cumberland river. In consideration of which it is hereby agreed on the part of the United States, that until settlements shall make it improper, the Cherokee hunters shall be at liberty to hunt and take game upon the lands relinquished and ceded by this treaty.

The Kentucky road to be open and free, &c.

The Cherokees may hunt on the lands relinquished until settled.

ART. 8. Due notice shall be given to the principal towns of the Cherokees, of the time proposed for delivering the annual stipends; and sufficient supplies of provisions shall be furnished, by and at the expense of the United States, to subsist such rea-

Notice to the Cherokees of the time for delivering annual stipends, &c.

* By the 3d article of the treaty of Philadelphia, (ante, No. 3, page 330,) the United States agree to furnish the Cherokee Indians with goods suitable for their use, to the amount of \$5,000 yearly, in lieu of all former sums to be paid annually. This addition of \$1,000 per annum, makes the annuity, on the 2d of October, 1798, \$6,000 in the whole.

sonable number that may be sent, or shall attend to receive them, during a reasonable time.

Stolen horses, not returned in ninety days, to be paid for, &c.

ART. 9. It is mutually agreed between the parties, that horses stolen and not returned within ninety days, shall be paid for at the rate of sixty dollars each; if stolen by a white man, citizen of the United States, the Indian proprietor shall be paid in cash; and if stolen by an Indian from a citizen, to be deducted as expressed in the fourth article of the treaty of Philadelphia.* This article shall have retrospect to the commencement of the first conferences at this place in the present year, and no further.

Oblivion of animosities, &c.

And all animosities, aggressions, thefts, and plunderings, prior to that day, shall cease, and be no longer remembered or demanded on either side.

Ground allowed for an agent.

ART. 10. The Cherokee nation agree, that the agent who shall be appointed to reside among them from time to time, shall have a sufficient piece of ground allotted for his temporary use.

The articles of this treaty additional to those already subsisting, &c.

And lastly, this treaty, and the several articles it contains, shall be considered as additional to, and forming a part of, treaties already subsisting between the United States and the Cherokee nation, and shall be carried into effect on both sides, with all good faith, as soon as the same shall be approved and ratified by the president of the United States, and the senate thereof.

In witness of all and every thing herein determined between the United States of America, and the whole Cherokee nation, the parties hereunto set their hands and seals in the council house, near Tellico, on Cherokee ground, and within the United States, this second day of October, in the year one thousand seven hundred and ninety-eight, and in the twenty-third year of the independence and sovereignty of the United States.

Thos. Butler,	L. S.
Geo. Walton,	L. S.
Nenetuah, or Bloody Fellow, his x mark,	L. S.
Ostaiiah, his x mark,	L. S.
Jaunne, or John, his x mark,	L. S.
Oortlokecteh, his x mark,	L. S.
Chockonnistaller, or Stallion, his x mark,	L. S.
Noothoietah, his x mark,	L. S.
Kunnateelah, or Rising Fawn, his x mark,	L. S.
Utturah, or Skin Worm, his x mark,	L. S.
Weelee, or Will, his x mark,	L. S.
Oolasoteh, his x mark,	L. S.
Tlorene, his x mark,	L. S.
Jonnurteekee, or Little John,	L. S.
Oonatakoteehee, his x mark,	L. S.
Kanowsurkee, or Broom, his x mark,	L. S.
Yonah Ooolah, Bear at Home, his x mark,	L. S.
Tunksalenee, or Thick Legs, his x mark,	L. S.
Oorkullaukee, his x mark,	L. S.
Kumamah, or Butterfly, his x mark,	L. S.
Chattakuteehee, his x mark,	L. S.
Kanitta, or Little Turkey, his x mark,	L. S.
Kettegiskie, his x mark,	L. S.
Tauquotihee, or the Glass, his x mark,	L. S.
Chuquilatague, his x mark,	L. S.
Salleekookoolah, his x mark,	L. S.
Tallotuskee, his x mark,	L. S.
Chellokee, his x mark,	L. S.

*See ante, No. 3, page 330.

Tuskeegatee, or Long Fellow, his x mark,	L. S.
Neekaanneah, or Woman Holder, his x mark,	L. S.
Kulsateehce, his x mark,	L. S.
Keetakeuskah, or Prince, his x mark,	L. S.
Charley, his x mark,	L. S.
Akooh, his x mark,	L. S.
Sawanookeh, his x mark,	L. S.
Yonahequah, or Big Bear, his x mark,	L. S.
Keenahkunnah, his x mark	L. S.
Kaweesoolaskee, his x mark,	L. S.
Teekakalohenah, his x mark,	L. S.
Ookouseteh, or John Taylor, his x mark,	L. S.
Chochuchee, his x mark,	L. S.

Witnesses.

Elisha I. Hall, <i>secretary of the commission,</i>	L. S.
Silas Dinsmoor, <i>1. agent to the Cherokees,</i>	L. S.
John W. Hooker, <i>U. S. factor,</i>	L. S.
Edw. Butler, <i>capt. commanding at Tellico,</i>	L. S.
Robert Purdy, <i>lieut. 4th U. S. regt.</i>	L. S.
Ludwell Grymes,	L. S.
Jno. M'Donald,	L. S.
Daniel Ross,	L. S.
Matw. Wallace, <i>esquire,</i>	L. S.
Saml. Hanly,	L. S.
Michael M'Kinsey,	L. S.
Chs. Hicks, <i>interpreter,</i>	L. S.
James Cazezy, <i>interpreter,</i>	L. S.
John Thompson,	L. S.

No. 5. Articles of a treaty agreed upon between the United States of America, by Treaty between their commissioners Return J. Meigs and Daniel Smith, appointed to hold conference with the Cherokee Indians, for the purpose of arranging certain interesting United States matters with the said Cherokees, of the one part, and the undersigned chiefs and the Cherokee head men of the said nation, of the other part.

ART. 1. All former treaties, which provide for the maintenance of peace and preventing of crimes, are, on this occasion, recognized and continued in force. Former treaties resognized.

ART. 2. The Cherokees quit claim and cede to the United States, all the land which they have heretofore claimed, lying to the north of the following boundary line: beginning at the mouth of Duck river, running thence up the main stream of the same to the junction of the fork, at the head of which fort Nash stood, with the main south fork: thence a direct course to a point on the Tennessee river bank opposite the mouth of Hiwassee river. If the line from Hiwassee should leave out Field's Settlement, it is to be marked round this improvement, and then continued the straight course; thence up the middle of the Tennessee river, (but leaving all the islands to the Cherokees,) to the mouth of Clinch river; thence up the Clinch river to the former boundary line agreed upon with the said Cherokees, reserving, at the same time, to the use of the Cherokees, a small tract lying at and below the mouth of Clinch river; from the mouth extending thence down the Tennessee river, from the mouth of Clinch to a notable rock on the north bank of the Tennessee, in view from Southwest Point; thence a course at right angles with the river, to the Cumberland road; thence eastwardly along the same, to the bank of Clinch river, so as to secure the ferry landing to the Cherokees up to the first hill, and down the same to the mouth thereof, together with two other

The Cherokees quit claim, &c. to certain lands, lying north of the boundary line here described.

Islands in Tennessee river, &c.

Reservation to the Cherokees.

Ferry landing to the Cherokees, &c.

sections of one square mile each, one of which is at the foot of Cumberland mountain, at and near the place where the turnpike gate now stands; the other on the north bank of the Tennessee river, where the Cherokee Talootiske now lives. And whereas, from the present cession made by the Cherokees, and other circumstances, the site of the garrisons at Southwest, Point and Tellico, are become not the most convenient and suitable places for the accommodation of the said Indians, it may become expedient to remove the said garrisons and factory to some more suitable place; three other square miles are reserved for the particular disposal of the United States on the north bank of the Tennessee, opposite to and below the mouth of Hiwassee.

Removal of garrisons and factory, &c.

The United States to pay \$14,000; and an annuity of \$3,000. See the note at bottom of page 333.

Implements of agriculture, &c.

Free use of two described roads, &c.

The roads to be viewed and marked out, &c.

This treaty to be obligatory as soon as ratified.

ART. 3. In consideration of the above cession and relinquishment, the United States agree to pay immediately three thousand dollars in valuable merchandise, and eleven thousand dollars within ninety days after the ratification of this treaty, and also an annuity of three thousand dollars, the commencement of which is this day. But so much of the said eleven thousand dollars, as the said Cherokees may agree to accept in useful articles of, and machines for, agriculture and manufactures, shall be paid in those articles, at their option.

ART. 4. The citizens of the United States shall have the free and unmolested use and enjoyment of the two following described roads, in addition to those which are at present established through their country; one to proceed from some convenient place near the head of Stone's river, and fall into the Georgia road at a suitable place towards the southern frontier of the Cherokees. The other to proceed from the neighborhood of Franklin, or Big Harpath, and crossing the Tennessee at or near the Muscle Shoals, to pursue the nearest and best way to the settlements on the Tombigbee. These roads shall be viewed and marked out by men appointed on each side for that purpose; in order that they may be directed the nearest and best ways, and the time of doing the business, the Cherokees shall be duly notified.

ART. 5. This treaty shall take effect and be obligatory on the contracting parties, as soon as it is ratified by the president of the United States, by and with the advice and consent of the senate of the same.

In testimony whereof, the said commissioners, and the undersigned chiefs and head men of the Cherokees, have hereto set their hands and seals.

Done at Tellico, the twenty-fifth day of October, one thousand eight hundred and five.

Return J. Meigs,	L. S.
Daniel Smith,	L. S.
Fox, or Ennolee, his x mark,	L. S.
Path Killer, or Nenohuttahe, his x mark,	L. S.
Glass, or Tauquathee, his x mark,	L. S.
Double Head, or Chuqualutange, his x mark,	L. S.
Dick Justice, his x mark,	L. S.
Tounhull, or Toonayeh, his x mark,	L. S.

Turtle at Home, or Sullicoahwolu, his x mark,	L. S.
Chenawee, his x mark,	L. S.
Slave Boy, or Oosáunabee, his x mark,	L. S.
Tallotiskee, his x mark,	L. S.
Broom, or Cunnaweesoskee, his x mark,	L. S.
John Greenwood, or Sour Mush, his x mark,	L. S.
Chulioah, his x mark,	L. S.
Katigiskee, his x mark,	L. S.
William Shawry, or Eskaculiskee, his x mark,	L. S.
Taochalar, his x mark,	L. S.
James Davis, or Coowusaliskee, his x mark,	L. S.
John Jolly, or Eulatakee, his x mark,	L. S.
Bark, or Eullooka, his x mark,	L. S.
John McLemore, or John Euskulacau, his x mark,	L. S.
Big Bear, or Yohanaqua, his x mark,	L. S.
Dreadfulwater, or Aumaudoskee, his x mark,	L. S.
Challaugittihee, his x mark,	L. S.
Calliiskee, or Knife Sheath, his x mark,	L. S.
Closenee, his x mark,	L. S.
Challow, or Kingfisher, his x mark,	L. S.
John Watts, jun. his x mark,	L. S.
Sharp Arrow, or Costarauh, his x mark,	L. S.
John Dougherty, or Long John, his x mark,	L. S.
Tuckasee, or Terrapin, his x mark,	L. S.
Tuskegittihee, or Long Fellow, his x mark,	L. S.
Tochuwor, or Red Bird, his x mark,	L. S.
Katihee, or Badgerson, his x mark,	L. S.

Witnesses.

- Rob. Purdy, *secretary to the commissioners,*
- W. Yates, *lt. 3 U. S. arts.*
- Wm. L. Lovely, *assistant agent,*
- Nicholas Byers, *United States' factor,*
- Go. W. Campbell,
- Will. Polk,
- James Blair,
- Jno Smith, T.
- Thomas N. Clark,
- Chs. Hicks, *interpreter.*

No. 6. Articles of a treaty between the United States of America, by their commissioners, Return J. Meigs and Daniel Smith, who are appointed to hold conferences with the Cherokees, for the purpose of arranging certain interesting matters with the said Indians, of the one part, and the undersigned chiefs and head men of the Cherokees, of the other part.

Treaty between the United States and the Cherokees.

ART. 1. Whereas it has been represented by the one party to the other, that the section of land on which the garrison of Southwest Point stands, and which extends to Kingston, is likely to be a desirable place for the assembly of the state of Tennessee to convene at, (a committee from that body now in session having viewed the situation,) now, the Cherokees being possessed of a spirit of conciliation, and seeing that this tract is desired for public purposes, and not for individual advantages, reserving the ferries to themselves, quit claim, and cede to the United States the said section of land, understanding, at the same time, that the buildings erected by the public are to belong to the public, as well as the occupation of the same, during the pleasure of the government; we also cede to the United States the first island in the Tennessee, above the mouth of Clinch.

The land on which the garrison of Southwest Point stands, ceded to the United States for the use of Tennessee.

Ferries reserved to the Cherokees.

Cession of an island in the Tennessee.

Free use of a mail road from Tellico to Tombigbee, which is to be laid out, &c.

ART. 2. And whereas the mail of the United States is ordered to be carried from Knoxville to New Orleans, through the Cherokee, Creek, and Choctaw countries; the Cherokees agree, that the citizens of the United States shall have, so far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee, to be laid out by viewers appointed on both sides, who shall direct it the nearest and best way; and the time of doing the business the Cherokees shall be notified of.

The United States to pay \$1,600 in money or merchandise, &c.

ART. 3. In consideration of the above cession and relinquishment, the United States agree to pay to the said Cherokee Indians, sixteen hundred dollars in money, or useful merchandise, at their option, within ninety days after the ratification of this treaty.

This treaty to be binding as soon as ratified.

ART. 4. This treaty shall be obligatory between the contracting parties, as soon as it is ratified by the president, by and with the advice and consent of the senate of the United States.

In testimony whereof, the said commissioners, and the undersigned chiefs and head men of the Cherokees, have hereto set their hands and seals.

Done at Tellico, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and five.

Return J. Meigs,	L. S.
Dani. Smith,	L. S.
Black Fox, or Ennone, his x mark,	L. S.
The Glass, or Tunnquethee, his x mark	L. S.
Kutigeskee, his x mark,	L. S.
Toochalar, his x mark,	L. S.
Turtle at Home, or Sullicookiewalar, his x mark,	L. S.
Dick Justice, his x mark,	L. S.
John Greenwood, or Eakosettas, his x mark,	L. S.
Chulevah, or Gentleman Tom, his x mark,	L. S.
Broom, or Cannarwesoske, his x mark,	L. S.
Bald Hunter, or Toowayullau, his x mark,	L. S.
John Melamere, or Euquellooka, his x mark,	L. S.
Closerie, or Creeping, his x mark,	L. S.
Double Head, or Chuquacuttage, his x mark,	L. S.
Chicasawtihee, Checasaw tihue Killer, his x mark,	L. S.

Witnesses.

Robert Purdy, *secretary to the commissioners,*
 William Yates, *D. Comm'y.*
 Nicholas Byers, *United States' factor,*
 Wm. Lovely, *assistant agent,*
 B. M'Ghee,
 Saml. Love,
 James Blair,
 Hopkins Lacy,
 Chs. Hicks, *interpreter.*

Convention between the United States and the Cherokees.

Art. 7. Articles of a convention made between Henry Dearborn, secretary of war, being specially authorized thereto by the president of the United States, and the undersigned chiefs and head men of the Cherokee nation of Indians, duly authorized and empowered by said nation.

Relinquishment of claims to lands north of

ART. 1. The undersigned chiefs and head men of the Cherokee nation of Indians, for themselves and in behalf of their nation, relinquish to the United States all right, title, interest, and

claim, which they or their nation have or ever had to all that the Tennessee, &c.
 tract of country which lies to the northward of the river Tennessee, and westward of a line to be run from the upper part of the Chickasaw Old Fields, at the upper point of an island, called Chickasaw island, on said river, to the most easterly head waters of that branch of said Tennessee river called Duck river, excepting the two following described tracts, viz. one tract bounded southerly on the said Tennessee river, at a place called the Muscle Shoals, westerly by a creek called Tekeetanoeh, or Cyprus creek, and easterly by Chuwalee, or Elk river, or creek, and northerly by a line to be drawn from a point on said Elk river, ten miles on a direct line from its mouth or junction with Tennessee river, to a point on the said Cyprus creek, ten miles on a direct line from its junction with the Tennessee river.

Exception.
 1st reservation.

The other tract is to be two miles in width, on the north side of Tennessee river, and to extend northerly from that river three miles, and bounded as follows, viz. beginning at the mouth of Spring creek, and running up said creek three miles on a straight line, thence westerly two miles at right angles, with the general course of said creek, thence southerly, on a line parallel with the general course of said creek, to the Tennessee river, thence up said river by its waters to the beginning: which first reserved tract is to be considered the common property of the Cherokees who now live on the same, including John D. Chesholm, Autowwe, and Chechout; and the other reserved tract, on which Moses Melton now lives, is to be considered the property of said Melton and Charles Hicks, in equal shares.

2d reservation.

Property of the reservations.

And the said chiefs and head men also agree to relinquish to the United States all right or claim which they or their nation have to what is called the Long Island, in Holston river.

Relinquishment of the Long Island.

ART. 2. The said Henry Dearborn, on the part of the United States, hereby stipulates and agrees, that in consideration of the relinquishment of title by the Cherokees, as stated in the preceding article, the United States will pay to the Cherokee nation two thousand dollars in money, as soon as this convention shall be duly ratified by the government of the United States; and two thousand dollars in each of the four succeeding years, amounting in the whole to ten thousand dollars; and that a grist mill shall, within one year from the date hereof, be built in the Cherokee country, for the use of the nation, at such place as shall be considered most convenient; that the said Cherokees shall be furnished with a machine for cleaning cotton; and also, that the old Cherokee chief, called the Black Fox, shall be paid annually one hundred dollars by the United States during his life.

The United States to pay \$2,000 in money, on ratification:

And \$2,000 in each of the four succeeding years.
 Grist mill.

Machine for cleaning cotton.
 Annuity of \$100 to Black Fox.

ART. 3. It is also agreed on the part of the United States, that the government thereof, will use its influence and best endeavors to prevail on the Chickasaw nation of Indians, to agree to the following boundary between that nation and the Cherokees, to the southward of the Tennessee river, viz. beginning at the mouth of Caney creek, near the lower part of the Muscle

The United States to use its influence with the Chickasaws to agree to the boundary line here described, &c.

Shoals, and to run up the said creek to its head, and in a direct line from thence to the Flat Stone or Rock, the old corner boundary.

The United States not bound to establish the line, &c.

But it is understood by the contracting parties, that the United States do not engage to have the aforesaid line or boundary established, but only to endeavor to prevail on the Chickasaw nation to consent to such a line as the boundary between the two nations.

The United States to quiet the Chickasaw claims to the two tracts reserved. Ante, art. 1. pa. 339.

ART. 4. It is further agreed on the part of the United States, that the claims which the Chickasaws may have to the two tracts reserved by the first article of this convention on the north side of the Tennessee river, shall be settled by the United States in such manner as will be equitable, and will secure to the Cherokees the title to the said reservations.

Done at the place, and on the day and year first above written.*

Henry Dearborn,	L. S.
Double Head, his x mark,	L. S.
James Vanu, his x mark,	L. S.
Tallotiskee, his x mark,	L. S.
Chulioa, his x mark,	L. S.
Sour Mush, his x mark,	L. S.
Turtle at home, his x mark,	L. S.
Katihu, his x mark,	L. S.
John M'Lemore, his x mark,	L. S.
Broom, his x mark,	L. S.
John Jolly, his x mark,	L. S.
John Lowry, his x mark,	L. S.
Red Bird, his x mark,	L. S.
John Walker, his x mark,	L. S.
Young Wolf, his x mark,	L. S.
Skeuha, his x mark,	L. S.
Sequechu, his x mark,	L. S.
Wm. Showry, his x mark,	L. S.

In presence of

Return J. Meigs,
Benjamin Hawkins,
Daniel Smith,
John Smith,
Andrew M'Clary,
John M'Clary.

I certify the foregoing convention has been faithfully interpreted.

CHARLES HICKS, *interpreter.*

No. 8. Elucidation of the convention of Washington, of the 7th of January, 1806.

Declaration of the intention of the parties in relation to the cession of a tract of country by the Cherokees, by the convention of Washington, of the 7th of

Whereas, by the first article of a convention between the United States, and the Cherokee nation, entered into at the city of Washington, on the seventh day of January, one thousand eight hundred and six, it was intended on the part of the Cherokee nation, and so understood by the secretary of war, the commissioner on the part of the United States, to cede to the United States all the right, title, and interest, which the said Cherokee nation ever had to a tract of country contained be-

* It does not appear by the treaty, that there is any place, day, or year, "first above written." But the proclamation of the convention, by the president of the United States, declares that it was "concluded at the city of Washington, on the 7th day of January, 1806."

tween the Tennessee river and the Tennessee ridge; (so called;) which tract of country had, since the year one thousand seven hundred and ninety-four, been claimed by the Cherokees and the Chickasaws; the eastern boundary whereof is limited by a line so to be run from the upper part of the Chickasaw Old Fields, as to include all the waters of Elk river, any thing expressed in said convention to the contrary notwithstanding. It is therefore now declared, by James Robertson and Return J. Meigs, acting under the authority of the executive of the United States, and by a delegation of Cherokee chiefs, of whom Eunolee, or Black Fox, the king or head chief of said Cherokee nation, acting on the part of and in behalf of said nation, is one, that the eastern limits of said ceded tract shall be bounded by a line so to be run from the upper end of the Chickasaw Old Fields, a little above the upper point of an island, called Chickasaw island, as will most directly intersect the first waters of Elk river, thence carried to the great Cumberland mountain, in which the waters of Elk river have their source, then along the margin of said mountain, until it shall intersect lands heretofore ceded to the United States, at the said Tennessee ridge. And in consideration of the readiness shown by the Cherokees to explain, and to place the limits of the land ceded by the said convention out of all doubt, and in consideration of their expenses in attending council, the executive of the United States will direct that the Cherokee nation shall receive the sum of two thousand dollars, to be paid to them by their agent, at such time as the said executive shall direct, and that the Cherokee hunters, as hath been the custom in such cases, may hunt on said ceded tract, until, by the fulness of settlers, it shall become improper. And it is hereby declared by the parties, that this explanation ought to be considered as a just elucidation of the cession made by the first article of said convention.*

January, 1806.
See ante, No. 7, art. 1, page 338.

Eastern boundary of the tract ceded.

The United States to pay the Cherokees \$2,000.

The Cherokees may hunt on the ceded tract, until settled, &c.

[* See ante, page 338.]

Done at the point of departure of the line at the upper end of the island opposite to the upper part of the said Chickasaw Old Fields, the eleventh day of September, in the year one thousand eight hundred and seven.

James Robertson,
Return J. Meigs,
Eunolee, or Black Fox, his x mark,
Fauquitee, or Glass, his x mark,
Fulaquokoko, or Turtle at home, his x mark,
Richard Brown, his x mark,
Sowolotoh, king's brother, his x mark,

Witnesses present.

Thomas Freeman,
Thomas Orme.

CHAPTER 18.

Treaties between the United States of America, and the Choctaw nation of Indians, concluded at different periods, up to the year 1814.

Treaty between the United States and the Choctaws.

No. 1. Articles of a treaty concluded at Hopewell, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens, and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part; and Yoekonahoma, great medal chief of Soonacoha; Yoekahoopoie, leading chief of Bugtoogoloo; Mingohoopoie, leading chief of Hashooqua; Tobocoh, great medal chief of Congetoo; Pooshemastubie, gorget captain of Senayazo; and thirteen small medal chiefs of the first class, twelve medal and gorget captains, commissioners plenipotentiary of all the Choctaw nation, of the other part.

The United States give peace, &c.

The commissioners plenipotentiary of the United States of America give peace to all the Choctaw nation, and receive them into the favor and protection of the United States of America, on the following conditions:

The Choctaws to restore prisoners; negroes, and all other property, &c.

ART. 1. The commissioners plenipotentiary of all the Choctaw nation, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty, if any there be in the Choctaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens, to such person, and at such time and place, as the commissioners of the United States of America shall appoint, if any there be in the Choctaw nation.

The tribes and towns of the Choctaws, under the protection of the United States.

ART. 2. The commissioners plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands with the boundary allotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whosoever.

Boundary of lands for the Choctaws to live and hunt on, &c.

ART. 3. The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is and shall be the following, viz: beginning at a point on the thirty-first degree of north latitude, where the eastern boundary of the Natchez district shall touch the same; thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two, while they were under the protection of the king of Great Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary, until it shall meet the western boundary thereof; thence southerly along the same, to the beginning: saving and reserving for the establishment of trading posts, three tracts or parcels of land, of six miles square each, at such places as the United States, in congress assembled, shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America.

Reservation for trading posts.

Citizens of the United States, &c. settling on Choctaw lands, outlawed.

ART. 4. If any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not, as they please.

ART. 5. If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States of America, or person under their protection, the tribe to which such offender may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

The Choctaws to deliver up robbers, murderers, &c. for punishment.

Punishment not to exceed that of a citizen.

ART. 6. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; and that they may have an opportunity so to do, due notice, if practicable, of the time of such intended punishment, shall be sent to some one of the tribes.

The punishment for robbing or murdering a Choctaw, &c. the same as if the crime had been committed on a citizen.

Choctaws may be present at the punishment, &c.

ART. 7. It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of justice; and if refused, then by a declaration of hostilities.

Retaliation for private injuries, prohibited, &c.

ART. 8. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Congress to have the sole right of regulating trade with the Choctaws, &c.

ART. 9. Until the pleasure of congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

Temporary free trade to the Choctaw towns, &c.

ART. 10. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade, or interest, of the United States of America.

The Choctaws to give notice of designs against the United States, &c.

ART. 11. The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and all the Choctaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

The hatchet forever buried, and peace universal, &c.

In witness of all and every thing herein determined, between the United States of America and all the Choctaws, we, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

Benjamin Hawkins,	L. S.
Andrew Pickens,	L. S.
Jos. Martin,	L. S.
Yockenahoma, his x mark,	L. S.
Yockehoopie, his x mark,	L. S.
Mingohoopie, his x mark,	L. S.
Tobocoh, his x mark,	L. S.
Pooshemastuby, his x mark,	L. S.
Pooshahooma, his x mark,	L. S.
Tuscoonoohoopie, his x mark,	L. S.
Shinshemastuby, his x mark,	L. S.
Yoopahooma, his x mark,	L. S.
Stoonokoohoopie, his x mark,	L. S.
Tehakuhbay, his x mark,	L. S.
Pooshemastuby, his x mark,	L. S.
Tuskahoomoih, his x mark,	L. S.
Tushkahoomock, his x mark,	L. S.
Yooostenochha, his x mark,	L. S.
Tootchooma, his x mark,	L. S.
Toobenohoomoch, his x mark,	L. S.
Cshcoopohoomoch, his x mark,	L. S.
Stonakoohoopie, his x mark,	L. S.
Tushkoheegohta, his x mark,	L. S.
Teshuhnochloch, his x mark,	L. S.
Pooshonaltla, his x mark,	L. S.
Okanconnooba, his x mark,	L. S.
Autoonachuba, his x mark,	L. S.
Pangehooloch, his x mark,	L. S.
Steabee, his x mark,	L. S.
Tenetehenna, his x mark,	L. S.
Tushkementahock, his x mark,	L. S.
Tushallay, his x mark,	L. S.
Cshnaangchabba, his x mark,	L. S.
Cunnoipoie, his x mark,	L. S.

Witness.

Wm Blount,
 John Woods,
 Saml. Taylor,
 Robert Anderson,
 Benj. Lawrence,
 John Pitchlynn, } *interpreters.*
 James Cole,

No. 2. A treaty of friendship, limits, and accommodation, between the United States of America and the Choctaw nation of Indians.

Treaty between the United States and the Choctaws.

Thomas Jefferson, president of the United States of America, by James Wilkinson, of the state of Maryland, brigadier general in the army of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, commissioners plenipotentiary of the United States on the one part, and the Mingos, principal men and warriors of the Choctaw nation, representing the said nation in council assembled, on the other part, have entered into the following articles and conditions; viz.

ART. 1. Whereas the United States in congress assembled, did, by their commissioners plenipotentiary, Benjamin Hawkins, Andrew Pickens, and Joseph Martin, at a treaty held with the chiefs and head men of the Choctaw nation at Hopewell,

Reference to the treaty of Hopewell. See ante, No. 1, page 342.

on the Keowee, the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, give peace to the said nation, and receive it into the favor and protection of the United States of America; it is agreed by the parties to these presents respectively, that the Choctaw nation, or such part of it as may reside within the limits of the United States, shall be and continue under the care and protection of the said States; and that the mutual confidence and friendship which are hereby acknowledged to subsist between the contracting parties, shall be maintained and perpetuated.

The Choctaws to continue under the protection of the United States, &c.

ART. 2. The Mingos, principal men, and warriors, of the Choctaw nation of Indians, do hereby give their free consent, that a convenient and durable wagon way may be explored, marked, opened, and made, under the orders and instructions of the president of the United States, through their lands; to commence at the northern extremity of the settlements of the Mississippi territory, and to be extended from thence, by such route as may be selected and surveyed under the authority of the president of the United States, until it shall strike the lands claimed by the Chickasaw nation; and the same shall be and continue for ever, a highway for the citizens of the United States and the Choctaws; and the said Choctaws shall nominate two discreet men from their nation, who may be employed as assistants, guides, or pilots, during the time of laying out and opening the said highway, or so long as may be deemed expedient, under the direction of the officer charged with this duty, who shall receive a reasonable compensation for their services.

The Choctaws consent to the opening of a wagon way, &c.

Direction of the way.

A highway forever.

Choctaw assistants, &c. in laying out the way.

ART. 3. The two contracting parties covenant and agree, that the old line of demarcation heretofore established by and between the officers of his Britannic majesty and the Choctaw nation, which runs in a parallel direction with the Mississippi river, and eastward thereof, shall be retraced and plainly marked, in such way and manner as the president may direct, in the presence of two persons to be appointed by the said nation; and that the said line shall be the boundary between the settlements of the Mississippi territory and the Choctaw nation. And the said nation does, by these presents, relinquish to the United States and quit claim forever, all their right, title, and pretension, to the land lying between the said line and the Mississippi river, bounded south by the thirty-first degree of north latitude, and north by the Yazoo river, where the said line shall strike the same; and on the part of the commissioners it is agreed, that all persons who may be settled beyond this line shall be removed within it, on the side towards the Mississippi, together with their slaves, household furniture, tools, materials, and stock, and that the cabins or houses erected by such persons shall be demolished.

The old British line of demarcation, to be the boundary line between the Choctaws and the Mississippi territory.

Relinquishment of land on the Mississippi river, to the United States.

Persons settled beyond the Choctaw line, to be removed.

ART. 4. The president of the United States may, at his discretion, proceed to execute the second article* of this treaty; and the third article† shall be carried into effect as soon as may

The execution of the 2d article discretionary

* Relating to a wagon way. Above, page 345.

† Concerning the Mississippi and Choctaw boundary line. Above, page 345.

with the president: the 3d to be carried into effect as soon as convenient, &c.

be convenient to the government of the United States, and without unnecessary delay on the one part or the other, of which the president shall be the judge; the Choctaws to be seasonably advised, by order of the president of the United States, of the time when, and the place where, the resurvey and re-marking of the old line referred to in the preceding article will be commenced.

The United States deliver to the Choctaws goods, &c. to the amount of \$2,000.

Three sets of blacksmith's tools.

This treaty to take effect as soon as ratified.

ART. 5. The commissioners of the United States, for and in consideration of the foregoing concessions on the part of the Choctaw nation, and in full satisfaction for the same, do give and deliver to the Mingos, chiefs, and warriors, of the said nation, at the signing of these presents, the value of two thousand dollars in goods and merchandise, net cost of Philadelphia, the receipt whereof is hereby acknowledged, and they further engage to give three sets of blacksmith's tools to the said nation.

ART. 6. This treaty shall take effect and be obligatory on the contracting parties, so soon as the same shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof.

In testimony whereof, the commissioners plenipotentiary of the United States, and the Mingos, principal men, and warriors, of the Choctaw nation, have hereto subscribed their names and affixed their seals, at fort Adams, on the Mississippi, this seventeenth day of December, in the year of our Lord one thousand eight hundred and one, and of the independence of the United States the twenty-sixth.

James Wilkinson,	L. S.
Benjamin Hawkins,	L. S.
Andrew Pickens,	L. S.
Tuskona Hopoia, his x mark,	L. S.
Toota Homo, his x mark,	L. S.
Mingo Hom Massatubby, his x mark,	L. S.
Oak Shumme, his x mark,	L. S.
Mingo Pooscoos, his x mark,	L. S.
Buckshun Nubby, his x mark,	L. S.
Shappa Homo, his x mark,	L. S.
Hiupa Homo, his x mark,	L. S.
Illatalla Homo, his x mark,	L. S.
Hoche Homo, his x mark,	L. S.
Tuspena Chaabe, his x mark,	L. S.
Muclusha Hopoia, his x mark,	L. S.
Capputanne Thluccho, his x mark,	L. S.
Robert M'Clure, his x mark,	L. S.
Poosha Homo, his x mark,	L. S.
Baka Lubbe, his x mark,	L. S.

Witnesses present:

Alexander Macomb, jun. *secretary to the commission,*
 John M'Kee, *deputy superintendent, and agent to the Choctaws,*
 Henry Gaither, *lieutenant colonel commandant,*
 John H. Brull, *major second regiment infantry,*
 Bw. Shaumburgh, *captain second regiment infantry,*
 Frans. Jones, *assistant quartermaster general,*
 Benjamin Wilkinson, *lieutenant and paymaster third United States' regiment,*
 J. B. Walback, *aid de camp to the commanding general,*
 J. Wilson, *lieutenant third regiment infantry,*
 Samuel Jeton, *lieutenant second regiment of artillery and engineers,*
 John F. Carmichael, *surgeon third regiment United States' army.*

Art. 3. A provisional convention entered into and made by brigadier general James Wilkinson, of the state of Maryland, commissioner for holding conferences between the United States, on the one part, and the whole Choctaw nation, by their chiefs, head men, and principal warriors, on the other part.

PREAMBLE: For the mutual accommodation of the parties, and to perpetuate that concord and friendship, which so happily subsists between them, they do hereby freely, voluntarily, and without constraint, covenant and agree:

ART. 1. That the president of the United States may, at his discretion, by a commissioner or commissioners, to be appointed by him, by and with the advice and consent of the senate of the United States, retrace, connect, and plainly remark the old line of limits, established by and between his Britannic majesty and the said Choctaw nation, which begins on the left bank of the Chickasawhay river, and runs thence in an easterly direction to the right bank of the Tombigbee river, terminating on the same, at a bluff, well known by the name of Hacha Tiggeby; but it is to be clearly understood, that two commissioners, to be appointed by the said nation, from their own body, are to attend the commissioner or commissioners of the United States who may be appointed to perform this service, for which purpose the said Choctaw nation shall be seasonably advised by the president of the United States, of the particular period at which the operation may be commenced, and the said Choctaw commissioners shall be subsisted by the United States, so long as they may be engaged on this business, and paid for their services, during the said term, at the rate of one dollar per day.

ART. 2. The said line, when thus re-marked and re-established, shall form the boundary between the United States and the said Choctaw nation, in that quarter: and the said Choctaw nation, for, and in consideration of one dollar, to them in hand paid by the said United States, the receipt whereof is hereby acknowledged, do hereby release to the said United States, and quit claim for ever, to all that tract of land which is included by the before named line on the north, by the Chickasawhay river on the west, by the Tombigbee and the Mobile rivers on the east, and by the boundary of the United States on the south.

ART. 3. The chiefs, head men, and warriors, of the said Choctaw nation, do hereby constitute, authorize, and appoint, the chiefs and head men of the upper towns of the said nation, to make such alteration in the old boundary line near the mouth of the Yazoo river, as may be found convenient, and may be done without injury to the said nation.

ART. 4. This convention shall take effect, and become obligatory on the contracting parties, as soon as the president of the United States, by and with the advice and consent of the senate, shall have ratified the same.

In testimony whereof, the parties have hereunto set their hands and affixed their seals at fort Confederation, on the Tombigbee, in the Choctaw country, this 17th day of October, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States the twenty-seventh.

Convention
between the
United States,
on the one
part, and the
Choctaw
nation, by
their chiefs,
head men,
and principal
warriors, on
the other
part.

Mutual ac-
commodation
and perpetua-
tion of con-
cord, &c.
The president
may, by com-
missioners, re-
trace, &c. the
old Brit-
ish line of
limits.

Direction of
that line.

Two Choctaw
commission-
ers to attend,
&c.

The old Brit-
ish line, when
re-established,
to form the
boundary,
&c.

Quit claim of
the Choctaws
to a tract of
land here de-
scribed, &c.

The head
men of the
upper town
to make alter-
ation in the
old boundary
near the
mouth of Ya-
zoo.

This conven-
tion to take
effect as soon
as ratified.

	James Wilkinson.	L. S.
<i>In behalf of the lower towns and Chickasawbay.</i>	Tuskona Hoopoio, his x mark,	L. S.
	Mingo Pooskoos, his x mark,	L. S.
	Mingo Pooskoos, 2d. his x mark,	L. S.
	Poosha Mattabaw, his x mark.	L. S.
<i>In behalf of the upper towns.</i>	Oak Chummy, his x mark,	L. S.
	Tuskee Maiaby, his x mark.	L. S.
<i>In behalf of the six towns and lower town.</i>	Latahomah, his x mark,	L. S.
	Mooklahoosopoieh, his x mark,	L. S.
	Mingo Hom Astubby, his x mark,	L. S.
	Tuskahomah, his x mark.	L. S.

Witnesses present.

Silas Dinsmoor, agent to the Choctaws,	} interpreters.
John Pitchlynn,	
Turner Brashears,	
Peter H. Naisalis,	
John Long,	

Treaty between the United States and the Choctaws.

No. 4. Treaty between the United States of America and the Choctaw nation of Indians.

To whom these presents shall come.

Line of demarcation established in conformity to the convention of fort Confederation. See ante, No. 3, articles 1 and 2, page 347.

Know ye, that the undersigned commissioners plenipotentiary of the United States of America, of the one part, and of the whole Choctaw nation of the other part, being duly authorized by the president of the United States, and by the chiefs and head men of the said nation, do hereby establish, in conformity to the convention of fort Confederation, for the line of demarcation recognized in the said convention, the following metes and bounds, viz. Beginning in the channel of the Hatchee Comesa, or Wax river, at the point where the line of limits between the United States and Spain crosseth the same, thence up the channel of said river to the confluence of the Chickasawhay and Buckhatanee rivers, thence up the channel of the Buckhatanee to Bogue Hooma or Red creek, thence up the said creek to a pine tree standing on the left bank of the same, and blazed on two of its sides, about twelve links southwest of an old trading path, leading from the town of Mobile to the Hewanee towns, much worn, but not in use at the present time. From this tree we find the following bearings and distances, viz. south fifty-four degrees thirty minutes west, one chain one link, a black gum, north thirty-nine degrees east, one chain seventy-five links, a water oak; thence with the old British line of partition in its various inflections, to a mulberry post, planted on the right bank of the main branch of Sintee Bogue or Snake creek, where it makes a sharp turn to the southeast, a large broken top cypress tree standing near the opposite bank of the creek, which is about three poles wide, thence down the said creek to the Tombigbee river, thence down the Tombigbee and Mobile rivers to the above mentioned line of limits between the United States and Spain, and with the same to the point of beginning; and we, the said commissioners plenipotentiary, do ratify and confirm the said line of demarca-

The commissioners on

tion, and do recognise and acknowledge the same to be the boundary which shall separate and distinguish the land ceded to the United States, between the Tombigbee, Mobile, and Pascagola rivers, from that which has not been ceded by the said Choctaw nation.

both sides recognise and confirm the line, &c.

In testimony whereof, we hereunto affix our hands and seals, this 31st day of August, in the year of our Lord one thousand eight hundred and three, to triplicates of this tenor and date. Done at Hoc-Buckin-too-Pa, the day and year above written, and in the twenty-seventh year of the independence of the United States.

James Wilkinson,	L. S.
Mingo Pooscoos, his x mark,	L. S.
Alatala Hooma, his x mark,	L. S.

Witnesses present.

Young Gains, *interpreter*,
Joseph Chambers, *United States' factor*,
John Bowyer, *capt. 2d. U. States' regt.*

We, the commissioners of the Choctaw nation, duly appointed, and the chiefs of the said nation who reside on the Tombigbee river, next to Sintee Bogue, do acknowledge to have received from the United States of America, by the hands of brigadier general James Wilkinson, as a consideration in full for the confirmation of the above concession, the following articles, viz: fifteen pieces of strouds, three rifles, one hundred and fifty blankets, two hundred and fifty pounds of powder, two hundred and fifty pounds of lead, one bridle, one man's saddle, and one black silk handkerchief.

Acknowledgment by the Choctaw commissioners, of the receipt of certain specified articles, as a compensation from the United States.

Mingo Pooscoos, his x mark,	L. S.
Alatala Hooma, his x mark,	L. S.
<i>Commissioners of the Choctaw nation.</i>	
Pio Mingo, his x mark,	L. S.
Pasa Mastubby Mingo, his x mark,	L. S.
Tappena Oakchia, his x mark,	L. S.
Tuskenung Cooche, his x mark,	L. S.
Cussoonuckchia, his x mark,	L. S.
Pushapia, his x mark,	L. S.

Chiefs residing on the Tombigbee near to St. Stephens.

Witnesses present.

Young Gains, *interpreter*,
Joseph Chambers, *United States' factor*,
John Bowyer, *capt. 2d. U. States' regt.*

No. 5. A treaty of limits between the United States of America and the Choctaw nation of Indians.

Treaty between the United States and the Choctaws.

Thomas Jefferson, president of the United States of America, by James Robertson, of Tennessee, and Silas Dinsmoor, of New Hampshire, agent of the United States to the Choctaws, commissioners plenipotentiary of the United States, on the one part, and the Mingos, chiefs, and warriors, of the Choctaw nation of Indians, incouncil assembled, on the other part, have entered into the following agreement, viz:

ART. 1. The Mingos, chiefs, and warriors, of the Choctaw nation of Indians, in behalf of themselves, and the said nation, do, by these presents, cede to the United States of America, all the lands to which they now have or ever had claim, lying to the right of the following lines; to say: Beginning at a branch of the Humecheeto, where the same is intersected by the present

The Choctaws cede all their lands lying to the right of the lines here described.

Choctaw boundary, and also by the path leading from Natchez to the county of Washington, usually called M'Clarey's path, thence eastwardly, along M'Clarey's path, to the east or left bank of Pearl river, thence on such a direct line as would touch the lower end of a bluff on the left bank of Chickasawhay river, the first above the Hiyoowanee towns, called Broken Bluff, to a point within four miles of the Broken Bluff, thence, in a direct line nearly parallel with the river, to a point whence an east line of four miles in length will intersect the river below the lowest settlement at present occupied and improved in the Hiyoowanee town, thence still east four miles, thence in a direct line nearly parallel with the river to a point on a line to be run from the lower end of the Broken Bluff to Faluktabunnee, on the Tombigbee river, four miles from the Broken Bluff, thence along the said line to Faluktabunnee, thence east to the boundary between the Creeks and Choctaws on the ridge dividing the waters running into the Alabama from those running into Tombigbee, thence southwardly along the said ridge and boundary to the southern point of the Choctaw claim. Reserving a tract of two miles square, run on meridians and parallels, so as to include the houses and improvements in the town of Fuketcheepona, and reserving also a tract of five thousand one hundred and twenty acres, beginning at a post on the left bank of Tombigbee river opposite the lower end of Hatchatigbee Bluff, thence ascending the river four miles front and two back; one half for the use of Alzira, the other half for the use of Sophia, daughters of Samuel Mitchell, by Molly, a Choctaw woman. The latter reserve to be subject to the same laws and regulations as may be established in the circumjacent country; and the said Mingos of the Choctaws, request that the government of the United States may confirm the title of this reserve in the said Alzira and Sophia.

Reservation of two miles square.

Reservation of 5,120 acres.

The United States requested to confirm the latter reserve.

The United States to pay to the Choctaws \$50,500; viz:

\$48,000 to pay traders and for depredations.

\$2,500 to John Pitchlynn.

The United States to pay, also, \$3,000 annually, in goods, &c.

\$500 to each of the three great medal Mingos:

ART. 2. For and in consideration of the foregoing cession on the part of the Choctaw nation, and in full satisfaction for the same, the commissioners of the United States do hereby covenant and agree with the said nation, in behalf of the United States, that the said states shall pay to the said nation fifty thousand five hundred dollars, for the following purposes, to wit: Forty-eight thousand dollars to enable the Mingos to discharge the debt due to their merchants and traders; and also to pay for the depredations committed on stock and other property, by evil disposed persons of the said Choctaw nation; two thousand five hundred dollars to be paid to John Pitchlynn, to compensate him for certain losses sustained in the Choctaw country, and as a grateful testimonial of the nation's esteem. And the said states shall also pay annually to the said Choctaws, for the use of the nation, three thousand dollars, in such goods (at net cost of Philadelphia) as the Mingos may choose, they giving at least one year's notice of such choice.

ART. 3. The commissioners of the United States, on the part of the said states, engage to give to each of the three great medal Mingos, Pukshunubbee Mingo, Hoomastubbee, and Poosshamattaha, five hundred dollars, in consideration of past services in their nation, and also to pay to each of them an annuity

of one hundred and fifty dollars during their continuance in office. It is perfectly understood, that neither of those great medal Mingos is to share any part of the general annuity of the nation. And \$150 annuity to each of them, &c.

ART. 4. The Mingos, chiefs, and warriors of the Choctaws, certify that a tract of land, not exceeding fifteen hundred acres, situated between the Tombigbee river and Jackson's creek, the front or river line extending down the river from a blazed white oak, standing on the left bank of the Tombigbee, near the head of the shoal, next above Hobukenloopa, and claimed by John M'Grew, was, in fact, granted to the said M'Grew by Opiomingo Hesnitta, and others, many years ago, and they respectfully request the government of the United States to establish the claim of the said M'Grew to the said fifteen hundred acres. A tract of land, not exceeding 1,500 acres, certified to be the property of Jn. M'Grew, &c.

ART. 5. The two contracting parties covenant and agree, that the boundary, as described in the second article,* shall be ascertained and plainly marked, in such way and manner as the president of the United States may direct, in the presence of three persons to be appointed by the said nation; one from each of the great medal districts, each of whom shall receive for this service two dollars per day during his actual attendance; and the Choctaws shall have due and seasonable notice of the place where, and time when, the operation shall commence. The boundary described in the 2d article, (ante, page 350,) to be plainly marked, &c. in the presence of three Choctaws, &c.

ART. 6. The lease granted for establishments on the roads leading through the Choctaw country, is hereby confirmed in all its conditions; and, except in the alteration of boundary, nothing in this instrument shall affect or change any of the pre-existing obligations of the contracting parties. The lease for establishments on roads, confirmed, &c.

ART. 7. This treaty shall take effect and become reciprocally obligatory, so soon as the same shall have been ratified by the president of the United States of America, by and with the advice and consent of the senate of the said United States. This treaty to take effect as soon as ratified.

Done on Mount Dexter, in Pooshapukanuk, in the Choctaw country, this sixteenth day of November, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States of America the thirtieth.

COMMISSIONERS.

James Robertson,	L. S.
Silas Dinsmoor,	L. S.

GREAT MEDAL MINGOS.

Pukshunubbee, his x mark,	L. S.
Mingo Hoomastubbee, his x mark,	L. S.
Pooshamattaha, his x mark,	L. S.

CHIEFS AND WARRIORS.

Ookchumnee, his x mark,	L. S.
Tuskamiubbee, his x mark,	L. S.
James Perry, his x mark,	L. S.
Levi Perry, his x mark,	L. S.
Isaac Perry, his x mark,	L. S.
William Turnbull,	L. S.
John Carnes, his x mark,	L. S.

* Query. Whether the 1st article is not meant? See the boundary there described, ante, pages 349, 350. Article 2 does not designate a boundary.

Tootehooma, his x mark,	L. S.
Hoosheehooma, his x mark,	L. S.
Tootuhooma, 2d. his x mark,	L. S.
George James, his x mark,	L. S.
Robert M'Clure, his x mark,	L. S.
Tuskeamingo, his x mark,	L. S.
Hattukubbeehooluhta, his x mark,	L. S.
Fishoommastubbee, his x mark,	L. S.
Anoguaiah, his x mark,	L. S.
Lewis Lucas, his x mark,	L. S.
James Pitchlynn, his x mark,	L. S.
Panshee Eenanhlá, his x mark,	L. S.
Pansheehoomubbu, his x mark,	L. S.

Witnesses present at signing and sealing.

Thomas Augustine Claiborne, *secretary to the commissioners,*
 John M'Kee,
 Samuel Mitchell, *United States' agent to the Chickasaws,*
 William Colbert, *of the Chickasaws, his x mark,*
 Lewis Ward,
 Charles Juzan,
 Garrud E. Nelson,
 David Chote,
 Nathaniel Tolsom,
 Mdl. Mackey,
 Lewis Lefto,
 John Pitchlynn, *United States' interpreter,*
 Will. Tyrrell, *assistant interpreter.*

CHAPTER 19.

Treaties between the United States of America, and the Chickasaw nation of Indians, concluded at different periods, up to the year 1814.

Treaty between the United States and the Chickasaws.

No. 1. Articles of a treaty, concluded at Hopewell, on the Keowee, near Seneca Old town, between Benjamin Hawkins, Andrew Pickens, and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part; and Pioningo, head warrior and first minister of the Chickasaw nation; Mingatushka, one of the leading chiefs; and Latopois, first beloved man of the said nation, commissioners plenipotentiary of all the Chickasaws, of the other part.

The United States give peace, &c.

The commissioners plenipotentiary of the United States of America, give peace to the Chickasaw nation, and receive them into the favor and protection of the said states, on the following conditions:

Prisoners, negroes, and other property, to be restored by the Chickasaws.

ART. 1. The commissioners plenipotentiary of the Chickasaw nation, shall restore all the prisoners, citizens of the United States, to their entire liberty, if any there be in the Chickasaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens, if any there be in the Chickasaw nation, to such person, and at such time and place, as the commissioners of the United States of America shall appoint.

The Chickasaws under the protection of the United States.

ART. 2. The commissioners plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and the towns of the Chickasaw nation to be under the protection of the United States of America, and of no other sovereign whosoever.

Boundary of the lands allotted to the Chickasaws.

ART. 3. The boundary of the lands hereby allotted to the Chickasaw nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning on the ridge that divides the waters running into the Cumberland, from those running into the Tennessee, at a point in a line to be run northeast, which shall strike the Ten-

nessee, at the mouth of Duck river; thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same, to the Choctaw line of Natchez district; thence along the said line, or the line of the district, eastwardly, as far as the Chickasaws claimed, and lived and hunted on, the twenty-ninth of November, one thousand seven hundred and eighty-two. Thence the said boundary, eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands at present in the possession of the Creeks; saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals; at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the said river, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America.

Reservation for a trading post at the Muscle Shoals.

ART. 4. If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America; and the Chickasaws may punish him or not, as they please.

Citizens settling on Chickasaw lands, outlawed.

ART. 5. If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Chickasaws to deliver up robbers, murderers, &c. for punishment.

Punishment not to exceed that of a citizen.

ART. 6. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Chickasaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment, shall be sent to some one of the tribes.

The robbing or murdering a Chickasaw, punished the same as if a citizen.

Chickasaws may attend the punishment.

ART. 7. It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

Retaliation for private injuries, prohibited, &c.

ART. 8. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Congress to regulate the Chickasaw trade, &c.

Temporary free trade with the Chickasaw towns.

ART. 9. Until the pleasure of congress be known respecting the eighth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Chickasaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

The Chickasaws to give notice of hostile designs, &c.

ART. 10. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade, or interests, of the United States of America.

The hatchet forever buried; universal peace, &c.

ART. 11. The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and the Chickasaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein contained, between the said states and Chickasaws, we, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this tenth day of January, in the year of our Lord one thousand seven hundred and eighty-six.

Benjamin Hawkins,	L. S.
Andw. Pickens,	L. S.
Jos. Martin,	L. S.
Piomingo, his x mark,	L. S.
Mingatushka, his x mark,	L. S.
Latopoia, his x mark,	L. S.

Witness:

Wm. Blount,
Wm. Hazzard,
Sam. Taylor,
James Cole, *sworn interpreter.*

Treaty between the United States and the Chickasaws.

No. 2. A treaty of reciprocal advantages and mutual convenience, between the United States of America and the Chickasaws.

The president of the United States of America, by James Wilkinson, brigadier general in the service of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, commissioners of the United States, who are vested with full powers, and the Mingo, principal men, and warriors, of the Chickasaw nation, representing the said nation, have agreed to the following articles:

The Chickasaws allow a road to be opened between the settlements of Mero and those of Natchez, &c.

ART. 1. The Mingo, principal men, and warriors, of the Chickasaw nation of Indians, give leave and permission to the president of the United States of America, to lay out, open, and make, a convenient wagon road through their land between the settlements of Mero district, in the state of Tennessee, and those of Natchez, in the Mississippi territory, in such way and manner as he may deem proper; and the same shall be a highway for the citizens of the United States, and the Chickasaws.

The Chickasaws shall appoint two discreet men to serve as assistants, guides, or pilots, during the time of laying out and opening the road, under the direction of the officer charged with that duty, who shall have a reasonable compensation for their service: provided always, that the necessary ferries over the water courses, crossed by the said road, shall be held and deemed to be the property of the Chickasaw nation.

Chickasaw assistants, &c.

Ferries to be the property of the Chickasaws.

ART. 2. The commissioners of the United States give to the Mingo of the Chickasaws, and the deputation of that nation, goods to the value of seven hundred dollars, to compensate him and them, and their attendants, for the expense and inconvenience they may have sustained by their respectful and friendly attention to the president of the United States of America, and to the request made to them in his name, to permit the opening of the road. And as the persons, towns, villages, lands, hunting grounds, and other rights and property of the Chickasaws, as set forth in the treaties or stipulations heretofore entered into between the contracting parties, more especially in and by a certificate of the president of the United States of America, under their seal of the first of July, 1794, are in the peace and under the protection of the United States, the commissioners of the United States do hereby further agree, that the president of the United States of America shall take such measures, from time to time, as he may deem proper, to assist the Chickasaws to preserve entire all their rights against the encroachments of unjust neighbors, of which he shall be the judge; and also to preserve and perpetuate friendship and brotherhood between the white people and the Chickasaws.

The United States give \$700 worth of goods to the Chickasaws, &c.

The president to take measures to preserve the rights of the Chickasaws, &c.

ART. 3. The commissioners of the United States may, if they deem it advisable, proceed immediately to carry the first article into operation:* and the treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States of America, by and with the advice and consent of the senate of the United States.

*To make the road. Ante, page 354.] This treaty effective as soon as ratified.

In testimony whereof, we, the plenipotentiaries, have hereunto subscribed our names and affixed our seals, at Chickasaw Bluffs, the twenty-fourth of October, 1801.

James Wilkinson, <i>brig. genl.</i>	L. S.
Benjamin Hawkins,	L. S.
Andw. Pickens,	L. S.
Chinmimbe Mingo, his x mark,	L. S.
Immutauhaw, his x mark,	L. S.
Chumaube, his x mark,	L. S.
George Colbert, his x mark,	L. S.
William M' Gillivray, his x mark,	L. S.
Opiehoomuh, his x mark,	L. S.
Olohtohopie, his x mark,	L. S.
Minkemattauhau, his x mark,	L. S.
Tuskkoopeie, his x mark,	L. S.
William Glover, his x mark,	L. S.
Thomas Brown, his x mark,	L. S.
William Colbert, W. C.	L. S.
Mooklushopie, his x mark,	L. S.
Opoieolauhtau, his x mark,	L. S.
Teschoolauhtau, his x mark,	L. S.

Teschoolauptau, his x mark, L. s.
James Underwood, his x mark, L. s.

Samuel Mitchell, agent to the Chickasaws,
Malcom M'Gee, his x signature, interpreter to the Chickasaws,
William R. Bootes, captain 3d regt. and aid de camp,
J. B. Walback, lieutenant and aid de camp,
Jn. Wilson, lieut. 3d regiment.

Treaty between the United States and the Chickasaws.

The Chickasaws embarrassed by heavy debts, &c.

They cede lands.

Boundary of the lands ceded.

Reservation for O Koy.

The United States to pay \$20,000.

\$1,000 to George Colbert, and \$1,000 to O Koy.

Annuity of \$100 to Chinnubbee Mingo.

The boundary

No. 3. Articles of arrangement made and concluded in the Chickasaw country, between James Robertson and Silas Dinsmoor, commissioners of the United States, of the one part, and the Mingo, chiefs, and warriors, of the Chickasaw nation of Indians, on the other part.

ART. 1. Whereas the Chickasaw nation of Indians have been for some time embarrassed by heavy debts due to their merchants and traders, and being destitute of funds to effect important improvements in their country, they have agreed and do hereby agree to cede to the United States, and forever quit claim to the tract of country included within the following bounds, to wit: beginning on the left bank of Ohio, at the point where the present Indian boundary adjoins the same, thence down the left bank of Ohio to the Tennessee river, thence up the main channel of the Tennessee river to the mouth of Duck river; thence up the left bank of Duck river to the Columbian highway, or road, leading from Nashville to Natchez, thence along the said road to the ridge dividing the waters running into Duck river from those running into Buffalo river, thence eastwardly along the said ridge to the great ridge dividing the waters running into the main Tennessee river from those running into Buffalo river near the main source of Buffalo river, thence in a direct line to the Great Tennessee river near the Chickasaw Old Fields, or eastern point of the Chickasaw claim, on that river, thence northwardly to the great ridge dividing the waters running into the Tennessee from those running into Cumberland river, so as to include all the waters running into Elk river, thence along the top of said ridge to the place of beginning: reserving a tract of one mile square adjoining to, and below the mouth of Duck river, on the Tennessee, for the use of the chief O Koy, or Lishmastubbee.

ART. 2. The United States on their part, and in consideration of the above cession, agree to make the following payments, to wit: twenty thousand dollars for the use of the nation at large, and for the payment of the debts due to their merchants and traders; and to George Colbert and O Koy two thousand dollars, that is, to each one thousand dollars. This sum is granted to them at the request of the national council, for services rendered their nation, and is to be subject to their individual order, witnessed by the resident agent; also to Chinnubbee Mingo, the king of the nation, an annuity of one hundred dollars during his natural life, granted as a testimony of his personal worth and friendly disposition. All the above payments are to be made in specie.

ART. 3. In order to preclude forever all disputes relative to

the boundary mentioned in the first section, it is hereby stipulated, that the same shall be ascertained and marked by a commissioner or commissioners on the part of the United States, accompanied by such person as the Chickasaws may choose, so soon as the Chickasaws shall have thirty days' notice of the time and place at which the operation is to commence: and the United States will pay the person appointed on the part of the Chickasaws two dollars per day, during his actual attendance on that service.

(ante, article 1, page 356,) to be marked by commissioners, &c.

ART. 4. It is hereby agreed on the part of the United States, that from and after the ratification of these articles, no settlement shall be made by any citizen, or permitted by the government of the United States, on that part of the present cession included between the present Indian boundary and the Tennessee, and between the Ohio and a line drawn due north from the mouth of Buffalo to the ridge dividing the waters of Cumberland from those of the Tennessee river, to the term of three years.

No settlement by citizens, on part of the lands ceded, for three years.

ART. 5. The articles now stipulated, will be considered as permanent additions to the treaties now in force between the contracting parties, as soon as they shall have been ratified by the president of the United States of America, by and with the advice and consent of the senate of the said United States.

These articles, when ratified, permanent additions to existing treaties. Ante, Nos. 1, and 2, pages 352 and 354.

In witness of all and every thing herein determined, the parties have hereunto interchangeably set their hands and seals, in the Chickasaw country, this twenty-third day of July, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States of America the thirtieth.

COMMISSIONERS.

James Robertson, L. S.
 Silas Dinsmoor, L. S.

CHIEFS AND WARRIORS.

Chenubbee Mingo, the king, his x mark, L. S.
 George Colbert, his x mark, L. S.
 O Koy, his x mark, L. S.
 Tiphu Mashtubbee, his x mark, L. S.
 Choomubbee, his x mark, L. S.
 Mingo Mattaha, his x mark, L. S.
 E. Mattaha Meko, his x mark, L. S.
 Wm. M'Gillivry, his x mark, L. S.
 Tisshoo Hooluhta, his x mark, L. S.
 Levi Colbert, his x mark, L. S.

Signed, sealed, and interchanged, in presence of

Thomas Augustine Claiborne, secretary to the commissioners,
 Samuel Mitchell, U. S. agent to the Chickasaw nation,
 John M'Kee,
 R. Chamberlin, second lieut. second regt. infantry,
 W. P. Anderson, of Tennessee,
 Malcom M'Gee, his x mark,
 John Fitchlynn,
 Christopher Olney,
 Wm. Tyrrell,

} sworn interpreters.

CHAPTER 20.

Treaty between the United States of America and the Shawanee nation of Indians.

Treaty between the United States and the Shawanees.

The Shawanees to deliver three hostages for the restoration of prisoners, &c.

The Shawanees acknowledge the right of the United States to the territory ceded by Great Britain.

The Shawanees to deliver up robbers, murderers, &c. for punishment.

Citizens to be punished for injuring Shawanees.

The Shawanees neglecting to give notice of hostile designs, to be considered as parties, &c.

The United States grant peace and protection.

Boundary line of the lands allowed to the Shawanees, for living and hunting on, &c.

Citizens not to settle within the lines described, &c.

No. 1. Articles of a treaty concluded at the mouth of the Great Miami, on the north-western bank of the Ohio, the thirty-first day of January, one thousand seven hundred and eighty-six, between the commissioners plenipotentiary of the United States of America, of the one part, and the chiefs and warriors of the Shawanee nation, of the other part.

ART. 1. Three hostages shall be immediately delivered to the commissioners, to remain in the possession of the United States until all the prisoners, white and black, taken in the late war, from among the citizens of the United States, by the Shawanee nation, or by any other Indian or Indians residing in their towns, shall be restored.

ART. 2. The Shawanee nation do acknowledge the United States to be the sole and absolute sovereigns of all the territory ceded to them by a treaty of peace, made between them and the king of Great Britain, the fourteenth day of January, one thousand seven hundred and eighty-four.*

ART. 3. If any Indian or Indians of the Shawanee nation, or any other Indian or Indians residing in their towns, shall commit murder or robbery on, or do any injury to, the citizens of the United States, or any of them, that nation shall deliver such offender or offenders to the officer commanding the nearest post of the United States, to be punished according to the ordinances of congress; and in like manner, any citizen of the United States, who shall do an injury to any Indian of the Shawanee nation, or to any other Indian or Indians residing in their towns, and under their protection, shall be punished according to the laws of the United States.

ART. 4. The Shawanee nation having knowledge of the intention of any nation or body of Indians to make war on the citizens of the United States, or of their counselling together for that purpose, and neglecting to give information thereof to the commanding officer of the nearest post of the United States, shall be considered as parties in such war, and be punished accordingly: and the United States shall, in like manner, inform the Shawanees of any injury designed against them.

ART. 5. The United States do grant peace to the Shawanee nation, and do receive them into their friendship and protection.

ART. 6. The United States do allot to the Shawanee nation, lands within their territory to live and hunt upon, beginning at the south line of the lands allotted to the Wyandots and Delaware nations, at the place where the main branch of the Great Miami, which falls into the Ohio, intersects said line; then down the river Miami, to the fork of that river, next below the old fort which was taken by the French in one thousand seven hundred and fifty-two; thence due west to the river de la Panse; then down that river to the river Wabash; beyond which lines none of the citizens of the United States shall settle, nor disturb the Shawanees in their settlement and possessions. And the Shawanees do relinquish to the United States, all title, or

* Alluding to the definitive treaty of peace. See ante, No. 3, art. 2, page 303.

pretence of title, they ever had to the lands east, west, and south, of the east, west, and south lines before described.

ART. 7. If any citizen or citizens of the United States, shall presume to settle upon the lands allotted to the Shawanees by this treaty, he or they shall be put out of the protection of the United States.

Citizens settling on Shawanee lands, outlawed.

In testimony whereof, the parties hereunto have affixed their hands and seals, the day and year first abovementioned.

G. Clark,	L. S.
Richard Butler,	L. S.
Saml. H. Parsons,	L. S.
Aweecony, his x mark,	L. S.
Kakawipilathy, his x mark,	L. S.
Malunthy, his x mark,	L. S.
Musquauconocah, his x mark,	L. S.
Meanymsceah, his x-mark,	L. S.
Waupaucowela, his x mark,	L. S.
Nihipeewa, his x mark,	L. S.
Nihinessicoe, his x mark,	L. S.

Attest Alexander Campbell, *sec'y commissioners.*

Witnesses.

W. Finney, *maj. B. B.*
 Thos. Doyle, *capt. B. B.*
 Nathan M'Dowell, *ensign,*
 John Saffenger,
 Henry Govy,
 Kagy Galloway, his x mark,
 John Boggs,
 Sam. Montgomery,
 Daniel Elliott,
 James Rinker,
 Nathl. Smith,
 Joseph Suffrein, his x mark, or Kemepeemo Shawno,
 Isaac Zane, (Wyandot) his mark,
 The Half King of the Wyandots, } their x marks,
 The Crane of the Wyandots, }
 Capt. Pipe, of the Delawares, his x mark,
 Capt. Bohongehelas, his x mark,
 Tetebockshicka, his x mark,
 The Big Cat of the Delawares, his x mark,
 Fierre Droullar.

[Note. The Shawanees are, moreover, parties, in common with different Indian tribes, to the treaty of Greenville, of the 3d of August, 1795; to that of fort Wayne, of the 7th of June, 1803; of fort Industry, of the 4th of July, 1805; and to that of Brownstown, of the 25th of November, 1808. See post. chap. 26, Nos. 3, 4, 6, and 9.]

CHAPTER 21.

Treaties between the United States of America, and the Creek nation of Indians, concluded at different periods, up to the year 1814.

No. 1. 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 kings, chiefs, and warriors, of the Creek nation of Indians, on the part and behalf of the said nation.

Treaty between the United States and the Creeks.

The parties being desirous of establishing permanent peace and friendship between the United States and the said Creek nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits, and making other

The parties desirous of establishing permanent peace, &c.

necessary, just, and friendly arrangements: the president of the United States, by **Henry Knox**, secretary for the department of war, whom he hath constituted with full powers for these purposes, by and with the advice and consent of the senate of the United States, and the Creek nation, by the undersigned kings, chiefs, and warriors, representing the said nation, have agreed to the following articles:

Perpetual peace and friendship, &c.

ART. 1. There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals, towns, and tribes, of the Upper, Middle, and Lower Creeks and Seminoles, composing the Creek nation of Indians.

The Creeks under the protection of the United States.

ART. 2. The undersigned kings, chiefs, and warriors, for themselves and all parts of the Creek nation within the limits of the United States, do acknowledge themselves, and the said parts of the Creek nation, to be under the protection of the United States of America, and of no other sovereign whosoever; and they also stipulate that the said Creek nation will not hold any treaty with an individual state, or with individuals of any state.

The Creeks not to treat with any state, &c.

Prisoners to be delivered up by the Creeks, &c.

ART. 3. The Creek nation shall deliver, as soon as practicable, to the commanding officer of the troops of the United States, stationed at the Rock Landing on the Oconee river, all citizens of the United States, white inhabitants, or negroes, who are now prisoners in any part of the said nation. And if any such prisoners or negroes should not be so delivered, on or before the first day of June ensuing, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners and negroes.

Boundary between the United States and the Creeks, &c.

ART. 4. The boundary between the citizens of the United States and the Creek nation, is, and shall be, from where the old line strikes the river Savannah; thence up the said river to a place on the most northern branch of the same, commonly called the Keowee, where a northeast line to be drawn from the top of the Occunna mountain shall intersect; thence along the said line in a southwest direction to Tugelo river; thence to the top of the Currahee mountain; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with the Oakmulgee, which form the river Altamaha; and thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river St. Mary's.

The source of the main south branch of the Oconee to be ascertained by actual survey, &c.

And in order to preclude forever all disputes relatively to the head or source of the main south branch of the river Oconee, at the place where it shall be intersected by the line aforesaid, from the Currahee mountain, the same shall be ascertained by an able surveyor on the part of the United States, who shall be assisted by three old citizens of Georgia, who may be appointed by the governor of the said state, and three old Creek chiefs, to be appointed by the said nation; and the said surveyor, citizens, and chiefs, shall assemble for this purpose, on the first day of October, one thousand seven hundred and ninety-one, at

The survey to commence on the 1st of October, 1791, at

the Rock Landing on the said river Oconee, and thence proceed the Rock
to ascertain the said head or source of the main south branch of Landing, &c.
the said river, at the place where it shall be intersected by the
line aforesaid, to be drawn from the Currahee mountain. And
in order that the said boundary shall be rendered distinct and ^{Boundary to}
well known, it shall be marked by a line of felled trees at least ^{be marked by}
twenty feet wide, and the trees chopped on each side from the ^{felled trees,}
^{&c.}

said Currahee mountain, to the head or source of the said
main south branch of the Oconee river, and thence down the
margin of the said main south branch and river Oconee, for the
distance of twenty miles, or as much farther as may be neces-
sary to mark distinctly the said boundary. And in order to
extinguish forever all claims of the Creek nation, or any part
thereof, to any of the land lying to the northward and eastward
of the boundary herein described, it is hereby agreed, in addi-
tion to the considerations heretofore made for the said land,
that the United States will cause certain valuable Indian goods, ^{The United}
now in the state of Georgia, to be delivered to the said Creek ^{States to de-}
nation; and the said United States will also cause the sum of ^{liver goods to}
one thousand and five hundred dollars to be paid annually to the ^{the Creeks,}
said Creek nation. And the undersigned kings, chiefs, and ^{and pay them}
warriors, do hereby, for themselves and the whole Creek nation, ^{annually}
their heirs, and descendants, for the considerations abovementioned, ^{\$1,500.}
release, quit claim, relinquish, and cede, all the land to
the northward and eastward of the boundary herein described. ^{Quit claim of}
^{the Creeks.}

ART. 5. The United States solemnly guaranty to the Creek ^{Guarantee of}
nation, all their lands within the limits of the United States, to ^{lands to the}
the westward and southward of the boundary described by the ^{Creeks.}
preceding article.

ART. 6. If any citizen of the United States, or other person, ^{Citizens set-}
not being an Indian, shall attempt to settle on any of the Creeks' ^{ting on lands}
lands, such person shall forfeit the protection of the United ^{of the Creeks,}
States; and the Creeks may punish him or not, as they please. ^{outlawed.}

ART. 7. No citizen or inhabitant of the United States shall ^{Citizens not}
attempt to hunt or destroy the game on the Creek lands: nor ^{to hunt on}
shall any such citizen or inhabitant go into the Creek country, ^{lands of the}
without a passport first obtained from the governor of some ^{Creeks, &c.}
one of the United States, or the officer of the troops of the ^{Passports to}
United States, commanding at the nearest military post on the ^{go into the}
frontiers, or such other person as the president of the United ^{country of the}
States may, from time to time, authorize to grant the same. ^{Creeks.}

ART. 8. If any Creek Indian or Indians, or person residing ^{The Creeks}
among them, or who shall take refuge in their nation, shall com- ^{to deliver up}
mit a robbery or murder, or other capital crime, on any of the ^{robbers, mur-}
citizens or inhabitants of the United States, the Creek nation, or ^{derers, &c. for}
town, or tribe to which such offender or offenders may belong, ^{punishment.}
shall be bound to deliver him or them up, to be punished ac-
cording to the laws of the United States.

ART. 9. If any citizen or inhabitant of the United States, or ^{Citizens com-}
of either of the territorial districts of the United States, shall ^{mitting of-}
go into any town, settlement, or territory, belonging to the ^{fences in}
Creek nation of Indians, and shall there commit any crime ^{Creek towns,}
upon, or trespass against the person or property of any peacea- ^{&c. punisha-}
ble in like ^{manner as if}

committed against a white inhabitant in the United States, &c.

ble and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Retaliation for private injuries, restrained, &c.

ART. 10. In cases of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

The Creeks to give notice of hostile designs.

ART. 11. The Creeks shall give notice to the citizens of the United States of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whatever, against the peace and interests of the United States.

The Creeks to be furnished with domestic animals, &c.

ART. 12. That the Creek nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful domestic animals and implements of husbandry. And further, to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many, persons to reside in said nation, as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Creeks for cultivation, for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

The United States to send interpreters to reside in the Creek nation, &c.

ART. 13. All animosities for past grievances shall henceforth cease; and the contracting parties will carry the foregoing treaty into full execution, with all good faith and sincerity.

All animosities to cease, &c.

This treaty to take effect as soon as ratified.

ART. 14. This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined, between the United States of America, and the whole Creek nation, the parties have hereunto set their hands and seals, in the city of New York, within the United States, this seventh day of August, one thousand seven hundred and ninety.

In behalf of the United States:

H. Knox, secretary of war, and sole commissioner for treating with the Creek nation of Indians. L. S.

In behalf of themselves and the whole Creek nation of Indians:

Alexander M^cGillivray, L. S.

CUSETANS.

Fuskatche Mico, or Birdtail King, his x mark, L. S.
 Neathlock, or Second Man, his x mark, L. S.
 Halletemahle, or Blue Giver, his x mark, L. S.

LITTLE TALLISEE.

Opay Mico, or the Singer, his x mark, L. S.
 Totkeshajou, or Samoniac, his x mark, L. S.

BIG TALLISEE.

Hopotho Mico, or Tallisee King, his x mark, L. S.
 Opototache, or Long Side, his x mark, L. S.

TUCKABATCHY.

Soholessee, or Young Second Man, his x mark, L. S.
 Ocheehajou, or Aleck Cornel, his x mark, L. S.

NATCHEZ.

Chinabie, or the Great Natchez Warrior, his x mark, L. S.
 Natsowachehee, or the Great Natchez Warrior's brother, his x mark, L. S.
 Thakoteehee, or the Mole, his x mark, L. S.
 Oquakabee, his x mark, L. S.

COWETAS.

Tuskenaah, or Big Lieutenant, his x mark, L. S.
 Homatah, or Leader, his x mark, L. S.
 Chinnabie, or Matthews, his x mark, L. S.
 Julectaulematha, or Dry Pine, his x mark, L. S.

OF THE BROKEN ARROW.

Chawookly Mico, his x mark, L. S.

COOSADES.

Coosades Hopoy, or the Measurer, his x mark, L. S.
 Muthtee, the Misser, his x mark, L. S.
 Stimafutchkee, or Good Humor, his x mark, L. S.

ALABAMA CHIEF.

Stilnaleeje, or Disputer, his x mark, L. S.

OAKSOYS.

Mumagechee, David Francis, his x mark, L. S.

Done in the presence of

Richard Morris, *chief justice of the state of New York,*

Richard Varick, *mayor of the city of New York,*

Marinus Willet,

Thomas Lee Shippen, *of Pennsylvania,*

John Rutledge, junr.

Joseph Allen Smith,

Henry Izard,

Joseph Cornell, *interpreter,* his x mark.

JOHN ADAMS, PRESIDENT OF THE UNITED STATES OF AMERICA,

To all to whom these presents shall come; greeting:

Whereas a treaty of peace and friendship was made and concluded on, at Coleraine, in the state of Georgia, the twenty-ninth day of June, one thousand seven hundred and ninety-six, between the president of the United States of America, on the one part, and behalf of the said states, and the kings, chiefs, and warriors, of the Creek nation of Indians, on the part of the said nation; which treaty is in the words following, to wit:

No. 2. A treaty of peace and friendship, made and concluded between the president Treaty be-
 of the United States of America, on the one part, and behalf of the said states, and tween the
 the undersigned kings, chiefs, and warriors, of the Creek nation of Indians, on the United States
 part of the said nation. and the
 Creeks.

The parties being desirous of establishing permanent peace
 and friendship between the United States and the said Creek Mutual desire
 nation, and the citizens and members thereof; and to remove peace and

friendship,
&c.

the causes of war, by ascertaining their limits, and making other necessary, just, and friendly arrangements; the president of the United States, by Benjamin Hawkins, George Clymer, and Andrew Pickens, commissioners whom he hath constituted with powers for these purposes, by and with the advice and consent of the senate; and the Creek nation of Indians, by the undersigned kings, chiefs, and warriors, representing the whole Creek nation, have agreed to the following articles:

The treaty of
New York
binding; ex-
cept, &c.

ART. 1. The treaty entered into at New York, between the parties, on the 7th day of August, 1790,* is, and shall remain obligatory on the contracting parties, according to the terms of it, except as herein provided for.

A certain por-
tion of the
boundary line
to be clearly
ascertained.
See ante, No.
1, art. 4,
page 360.

ART. 2. The boundary line, from the Currahee mountain to the head or source of the main south branch of the Oconee river, called by the white people Appalatchee, and by the Indians Tulapocka, and down the middle of the same, shall be clearly ascertained and marked, at such time, and in such manner, as the president shall direct. And the Indians will, on being informed of the determination of the president, send as many of their old chiefs as he may require, to see the line ascertained and marked.

The presi-
dent may es-
tablish a trad-
ing or milita-
ry post, on the
south side of
Alatamaha,
&c.

ART. 3. The president of the United States of America shall have full powers, whenever he may deem it advisable, to establish a trading or military post on the south side of the Alatamaha, on the bluff, about one mile above Beard's Bluff; or any where, from thence down the said river on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the post, and to prevent the violation of any of the provisions or regulations subsisting between the parties: and the Indians do hereby annex to the post aforesaid, a tract of land of five miles square, bordering one side on the river; which post and the lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government, of the United States of America.†

Five miles
square annex-
ed to the post,
&c.

Creek com-
missioners to
see the line
completed
from the Cur-
rahee, &c.

ART. 4. As soon as the president of the United States has determined on the time and manner of running the line from the Currahee mountain, to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons on their part shall attend to see the same completed: and if the president should deem it proper, then to fix on any place or places adjoining the river, and on the Indian lands, for military or trading posts, the Creeks who attend there will concur in fixing the same, according to the wishes of the president. And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America: provided always, that whenever any of the trading or military posts mentioned in this treaty, shall, in the opinion of the president of the United States of America, be no longer neces-

Military
posts, &c. to
be established
by concurren-
ce, &c.

Five miles
square to each
post, &c.

Proviso; as to
the reversion
of lands for
military posts.

* See ante, No. 1, page 359.

† See, in relation to the effect of this and following articles, a proviso and condition in the ratification. Post. page 359.

sary for the purposes intended by this cession, the same shall revert to, and become a part of the Indian lands.

ART. 5. Whenever the president of the United States of America, and the king of Spain, may deem it advisable to mark the boundaries which separate their territories,* the president shall give notice thereof to the Creek chiefs, who will furnish two principal chiefs and twenty hunters to accompany the persons employed on this business, as hunters and guides, from the Choctaw country to the head of St. Mary's. The chiefs shall receive each half a dollar per day, and the hunters one quarter of a dollar each per day, and ammunition, and a reasonable value for the meat delivered by them for the use of the persons on this service.

The Creeks to be notified and attend the marking the boundary line between the American and Spanish territories, &c.

ART. 6. The treaties of Hopewell,† between the United States and the Choctaws and Chickasaws, and at Holston,‡ between the Cherokees and the United States, mark the boundaries of those tribes of Indians. And the Creek nation do hereby relinquish all claims to any part of the territory inhabited or claimed by the citizens of the United States, in conformity with the said treaties.

The Creeks relinquish claims to territory ceded by the Choctaws, Chickasaws, and Cherokees.

ART. 7. The Creek nation shall deliver, as soon as practicable, to the superintendent of Indian affairs, at such place as he may direct, all citizens of the United States, white inhabitants, and negroes, who are now prisoners in any part of the said nation, agreeable to the treaty at New York,§ and also all citizens, white inhabitants, negroes, and property taken since the signing of that treaty. And if any such prisoners, negroes, or property, should not be delivered, on or before the first day of January next, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners, negroes, and property; under the direction of the president of the United States.

The Creeks to restore prisoners; negroes, &c.

[§ Ante, art. 3, page 360.]

ART. 8. In consideration of the friendly disposition of the Creek nation towards the government of the United States, evidenced by the stipulations in the present treaty, and particularly the leaving it in the discretion of the president to establish trading or military posts on their lands, the commissioners of the United States, on behalf of the said states, give to the said nation goods to the value of six thousand dollars, and stipulate to send to the Indian nation, two blacksmiths, with strikers, to be employed for the upper and lower Creeks, with the necessary tools.

The United States give to the Creeks goods to the value of \$6,000, &c.

ART. 9. All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity: provided nevertheless, that persons now under arrest, in the state of Georgia, for a violation of the treaty at New York, are not to be included in this amnesty, but are to abide the decision of law.

Animosities to cease, &c.

Proviso; excluding persons under arrest, &c.

ART. 10. This treaty shall take effect and be obligatory on

This treaty to

* These boundaries were designated under the treaty of San Lorenzo el Real, of the 27th of October, 1795. See ante, page 264, and the note at bottom there.

† See ante, chap. 18, No. 1, article 3, page 342; and chap. 19, No. 1, art. 3, page 352.

‡ See ante, chapter 17, No. 2, article 4, page 326.

take effect as soon as ratified. The contracting parties, as soon as the same shall have been ratified by the president of the United States, by and with the advice and consent of the senate.

Done at Colerain, the 29th of June, one thousand seven hundred and ninety-six.

Benjamin Hawkins, L. S.
George Clymer, L. S.
Andrew Pickens, L. S.

COWETAS.

Chruchateneah, his x mark, L. S.
Tusikia Mico, his x mark, L. S.
Inclenis Mico, his x mark, L. S.
Tuskenah, his x mark, L. S.
Ookfuskee Tustuneka, his x mark, L. S.
Clewalee Tustuneka, his x mark, L. S.

CUSSITAS.

Tusikia Mico, his x mark, L. S.
Cussita Mico, his x mark, L. S.
Fusateehce Mico, his x mark, L. S.
Opoey Mico, his x mark, L. S.

BROKEN ARROWS.

Tustuneka Mico, his x mark, L. S.
Othley Opoey, his x mark, L. S.
Opoey Tustuneka, his x mark, L. S.
Oboethly Tustuneka, his x mark, L. S.

EUCHEES.

Euchee Mico, his x mark, L. S.

USUCHEES.

Osaw Enehah, his x mark, L. S.
Ephah Tuskenah, his x mark, L. S.
Tusikia Mico, his x mark, L. S.

CHEHAW.

Chehaw Mico, his x mark, L. S.

TALEHANAS.

Othley Poey Mico, his x mark, L. S.
Othley Poey Tustimiha, his x mark, L. S.

OAKMULGEES.

Opoey Thlocco, his x mark, L. S.
Parachuckley, his x mark, L. S.
Tuskenah, his x mark, L. S.

EUPHALES.

Pahose Mico, his x mark, L. S.
Tustunika Chopco, his x mark, L. S.

OTTASSEES.

Fusatchee Hulloo Mico, his x mark, L. S.
Tusikia Mico, his x mark, L. S.
Mico Opoey, his x mark, L. S.

TALLESEES.

Tallessee Mico, his x mark, L. S.
Othley Poey Mico, his x mark, L. S.

LITTLE OAKJOYS.

Meeke Matla, his x mark, L. S.

HICORY GROUND.

Opoey Mico, his x mark, L. S.

KUYALEGEES.

Kelese Hatkie, his x mark, L. S.

WEAKIS.

Nenehomotca Opoey, his x mark, L. S.
Tusikia Mico, his x mark, L. S.

	CLEWALLEES.	
	Opoey-e-Matla, his x mark,	L. S.
	COOSIS.	
	Hosonupe Hodjo, his x mark,	L. S.
	TUCKABATHEES.	
	Holahto Mico, his x mark,	L. S.
	Tustunika Thlocco, his x mark,	L. S.
	OKAPUSKEES.	
	Pashphalaha, his x mark,	L. S.
	ABACOUCHES.	
	Spani Hodjo, his x mark,	L. S.
	Tustonika, his x mark,	L. S.
	UPPER EUPHAULES.	
	Opoey, his x mark,	L. S.
	NATCHEES.	
	Chinibe, his x mark,	L. S.
	UPPER CHEEHAWS.	
	Spokoi Hodjo, his x mark,	L. S.
	Tustunika, his x mark,	L. S.
	MACKASOOKOS.	
	Tuskeehenehaw, his x mark,	L. S.
	OCONEES.	
	Knapematha Thlocco, his x mark,	L. S.
	CUSETAHS.	
	Cusa Mico, his x mark,	L. S.
	Tusekia Mico Athee, his x mark,	L. S.
	Halartee Matla, his x mark,	L. S.
	Talahoua Mico, his x mark,	L. S.
	Neathlocto, his x mark,	L. S.
	Nuckfamico, his x mark,	L. S.
	Estechaco Mico, his x mark,	L. S.
	Tuskegee Tuskinagee, his x mark,	L. S.
	Cochus Mico, his x mark,	L. S.
	Opio Hajo, his x mark,	L. S.
	Oneas Tustenagee, his x mark,	L. S.
	Alak Ajo, his x mark,	L. S.
	Stilpeck Chatee, his x mark,	L. S.
	Tuchesee Mico, his x mark,	L. S.
	KEALEEGEES.	
	Cheea Hajo, his x mark,	L. S.
	HITCHETAWS.	
	Talmasee Matla, his x mark,	L. S.
	TUCKABATCHEES.	
	Tustincke Hajo, his x mark,	L. S.
	Okolissa, his x mark,	L. S.
	Coweta Matla, his x mark,	L. S.
	Coosa Mico, his x mark,	L. S.
	Fusatchee Mico, his x mark,	L. S.
	Pio Hatkee, his x mark,	L. S.
	Foosatchee Mico, his x mark,	L. S.
	Neathlaco, his x mark,	L. S.
	Tuchabatchee Howla, his x mark,	L. S.
	Spoko Hajo, his x mark,	L. S.
	KIALEEGERS.	
	Chuckchack Nincha, his x mark,	L. S.
	Opoyo Matla, his x mark,	L. S.
	Lachlee Matla, his x mark,	L. S.
	BIG TALLASEES.	
	Chowestia Hajo, his x mark,	L. S.

Neathloco Opyo, his x mark,	L. S.
Neathloco, his x mark,	L. S.
Chowlactley Mico, his x mark,	L. S.
Tocoso Hajo, his x mark,	L. S.
Hoochee Matla, his x mark,	L. S.
Howlacta, his x mark,	L. S.
Tustinica Mico, his x mark,	L. S.
Opyo Fraico, his x mark,	L. S.
BIG TALASSEE.	
Houlacta, his x mark,	L. S.
Etcatee Hajo, his x mark,	L. S.
Chosolop Hajo, his x mark,	L. S.
Coosa Hajo, his x mark,	L. S.
TUCHABATCHEES.	
Chohajo, his x mark,	L. S.
COOSIS.	
Tuskegee Tustinagee, his x mark,	L. S.
Talmasa Watalica, his x mark,	L. S.
EUPHALEES.	
Totkes Hajo, his x mark,	L. S.
OTASEES.	
Opio Tustinagee, his mark,	L. S.
Yafkee Mall Hajo, his x mark,	L. S.
Oboyethlee Tustinagee, his x mark,	L. S.
Tustinagee Hajo, his x mark,	L. S.
Hillibee Tustinagee Hajo, his x mark,	L. S.
Eña Tuskeena, his x mark,	L. S.
Emathlee Loco, his x mark,	L. S.
Tustanagee Mico, his x mark,	L. S.
Yaha Tustinagee, his x mark,	L. S.
Cunctastee Tustanagee, his x mark,	L. S.
OTTASEES.	
Coosa Tustinagee, his x mark,	L. S.
Neamatle Matla, his x mark,	L. S.
WEEOKES.	
Tusticnika Hajo, his x mark,	L. S.
TUCHABATCHEES.	
Neamatoochee, his x mark,	L. S.
CUSSITAS.	
Talewa Othleopoya, his x mark,	L. S.
Talmasse Matla, his x mark,	L. S.
Niah Weathla, his x mark,	L. S.
Emathlee-laco, his x mark,	L. S.
Ortesee Matla, his x mark,	L. S.
Muclássee Matla, his x mark,	L. S.
Eufalée Matla, his x mark,	L. S.
TUCKABATCHEES.	
Cunipee Howla, his x mark,	L. S.
COWETAS.	
Hospotak Tustinagee, his x mark,	L. S.
NATCHEZ.	
Spoko Hódjo, his x mark,	L. S.
UCHEES.	
Tustinagee Chatee, his x mark,	L. S.
USUCHEES.	
Spokoca Tustinagee, his x mark,	L. S.
Othley-poye-Tustinagee, his x mark,	L. S.
Tuskeeneah, his x mark,	L. S.

Witness:

J. Seagrave, *superintendent Indian affairs, C. N.*
 Henry Gaither, *lieutenant colonel commandant,*
 Const. Freeman, *A. W. D. major artillery and engineers,*
 Samuel Tinsley, *capt. 3d sub-legion,*
 Samuel Allison, *ensign 2d sub-legion,*

John W. Thompson, *ensign 1st. U. S. s. legion,*

Geo. Gillaspay, *surgeon L. U. S.*

Tim. Barnard, *D. A. and sworn interpreter,*

James Burges, *D. A. and sworn interpreter,*

James Jordan,

Richard Thomas, *L.*

Alexander Cornels,

William Eaton, *capt. 4th U. S. sub-legion, comdt. at Colerain, and secretary to the commission.*

And whereas the senate of the United States, two-thirds of the senators present concurring, did, by their resolution of the second day of March instant, "consent to, and advise the president of the United States to ratify the treaty of peace and friendship, made and concluded at Coleraine, in the state of Georgia, on the 29th June, 1796, between the president of the United States of America, on the part and behalf of the said states, and the kings, chiefs, and warriors, of the Creek nation of Indians, on the part of the said nation: provided, and on condition, that nothing in the third and fourth articles of the said treaty, expressed in the words following: 'Article 3d. The president of the United States of America shall have full powers, whenever he may deem it advisable, to establish a trading or military post on the south side of the Altamaha, on the bluff about one mile above Beard's Bluff; or any where from thence down the said river, on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the post; and to prevent the violation of any of the provisions or regulations subsisting between the parties: and the Indians do hereby annex to the post aforesaid, a tract of land of five miles square, bordering one side on the river, which post and the lands annexed thereto, are hereby ceded to, and shall be to the use; and under the government, of the United States of America.' 'ART. 4. As soon as the president of the United States has determined on the time and manner of running the line from the Currahee mountain, to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons on their part shall attend, to see the same completed: and if the president should deem it proper, then to fix on any place or places adjoining the river, and on the Indian lands for military or trading posts; the Creeks who attend there, will concur in fixing the same, according to the wishes of the president. And to each post, the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America: provided always, that whenever any of the trading or military posts mentioned in this treaty, shall, in the opinion of the president of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to, and become a part of the Indian lands: shall be construed to effect any claim of the state of Georgia, to the right of pre-emption in the land thereon set apart for military or trading posts; or to give to the United States without the consent of the said state, any right to the soil or to the exclusive legislation over the same, or any other right than that of establishing,

The senate consent to, and advise the ratification of the treaty, on condition that nothing contained in the 3d and 4th articles, (ante, page 364,) shall affect the claim of the state of Georgia to the right of pre-emption in the land therein set apart for military and trading posts, &c.

maintaining, and exclusively governing military and trading posts within the Indian territory mentioned in the said articles, as long as the frontier of Georgia may require these establishments."

Ratification by the president, with the proviso and condition annexed by the senate.

Now know ye, that I, having seen and considered the said treaty, do hereby accept, ratify, and confirm the same, and every article and clause thereof; under and subject to the proviso and condition mentioned and contained in the aforesaid resolution of the senate of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Given at the city of Philadelphia, the eighteenth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-first year of the sovereignty and independence of the United States of America.

JOHN ADAMS.

By the president of the United States:

TIMOTHY PICKERING, *secretary of state.*

Treaty between the United States and the Creeks.

No. 3. A treaty of limits, between the United States of America and the Creek nation of Indians.

Thomas Jefferson, president of the United States of America, by James Wilkinson, of the state of Maryland, brigadier general in the army of the United States, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, commissioners plenipotentiary of the United States, on the one part, and the kings, chiefs, head men, and warriors, of the Creek nation, in council assembled, on the other part, have entered into the following articles and conditions; viz:

Cession of land by the Creeks.

ART. 1. The kings, chiefs, head men, and warriors, of the Creek nation, in behalf of the said nation, do, by these presents, cede to the United States of America all that tract and tracts of land, situate, lying, and being, within and between the following bounds, and the lines and limits of the extinguished claims of the said nation, heretofore ascertained and established by treaty. That is to say; beginning at the upper extremity of the high shoals of the Appalachee river, the same being a branch of the Oconee river, and on the southern bank of the same; running thence a direct course to a noted ford of the south branch of Little river, called by the Indians Chattochuccohatchee; thence a direct line to the main branch of Commissioners' creek, where the same is intersected by the path leading from the Rock Landing to the Ocmulgee Old Towns; thence a direct line to Palmetto creek, where the same is intersected by the Uchee path, leading from the Oconee to the Ocmulgee river; thence down the middle waters of the said creek to Oconee river, and with the western bank of the same to its junction with the Ocmulgee river; thence across the Ocmulgee river to the south bank of the Altamaha river, and down the same, at

Boundary of the land ceded.

low water mark, to the lower bank of Goose creek; and from thence by a direct line to the mounts, on the margin of the Okefinochau swamp, raised and established by the commissioners of the United States and Spain at the head of the St. Mary's river; thence down the middle waters of the said river, to the point where the old line of demarcation strikes the same, thence with the said old line to the Altamaha river, and up the same to Goose creek: and the said kings, chiefs, head men, and warriors, do relinquish and quit claim to the United States, all their right, title, interest, and pretensions, in and to the tract and tracts of land within and between the bounds and limits aforesaid, forever.

The Creeks quit claim, &c.

ART. 2. The commissioners of the United States, for and in consideration of the foregoing concession on the part of the Creek nation, and in full satisfaction for the same, do hereby covenant and agree with the said nation, in behalf of the United States, that the said states shall pay to the said nation, annually, and every year, the sum of three thousand dollars, and one thousand dollars for the term of ten years, to the chiefs who administer the government, agreeably to a certificate under the hands and seals of the commissioners of the United States, of this date, and also, twenty-five thousand dollars in the manner and form following, viz. Ten thousand dollars in goods and merchandise, the receipt of which is hereby acknowledged; ten thousand dollars to satisfy certain debts due from Indians and white persons of the Creek country to the factory of the United States; the said debts, after the payment aforesaid, to become the right and property of the Creek nation, and to be recovered for their use, in such way and manner as the president of the United States may think proper to direct; five thousand dollars to satisfy claims for property taken by individuals of the said nation, from the citizens of the United States, subsequent to the treaty of Colerain, which has been or may be claimed and established agreeably to the provisions of the act* for regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontiers. And it is further agreed, that the United States shall furnish to the said nation two sets of blacksmith's tools, and men to work them, for the term of three years.

The United States to pay to the Creeks, annually, \$3,000; \$1,000 for the term of ten years; and \$25,000 in the manner described.

[*See sec. 14, chap. 273, vol. 3.]

Blacksmith's tools, &c.

ART. 3. It is agreed by the contracting parties, that the garrison or garrisons which may be found necessary for the protection of the frontiers, shall be established upon the land of the Indians, at such place or places as the president of the United States may think proper to direct, in the manner and on the terms established by the treaty of Colerain.†

Garrisons to be established on Indian lands, &c.

† See ante, No. 2, art. 4, page 364.]

ART. 4. The contracting parties to these presents do agree, that this treaty shall become obligatory and of full effect, so soon as the same shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof.

This treaty to be obligatory as soon as ratified.

In testimony whereof, the commissioners plenipotentiary of the United States, and the kings, chiefs, head men, and warriors, of the Creek nation, have hereunto subscribed their names and affixed their seals, at the camp of the commissioners of the United States, near fort Wilkinson, on the Oconee river, this sixteenth day of June, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States the twenty-sixth.

James Wilkinson,	L. S.
Benjamin Hawkins,	L. S.
Andrew Pickens,	L. S.
Efau Haujo, his x mark,	
1 Tustunnuggee Thlucco, his x mark,	
2 Hopoie Micco, his x mark,	
3 Hopoie Olohtau, his x mark,	
Tallessee Micco, his x mark,	
Tussekia Micco, his x mark,	
Micco Thlucco, his x mark,	
Tuskenechau Chapco, his x mark,	
Chouwacke le Micco, his x mark,	
Toosce hatche Micco, his x mark,	
Hopoie Yauholo, his x mark,	
Hoithlewau le Micco, his x mark,	
Efau Haujo, of Cooloome, his x mark,	
Cussetuh Youholo, his x mark,	
Wewocau Tustunnuggee, his x mark,	
Nehomahte Tustunnuggee, his x mark,	
Tustunu Haujo, his x mark,	
Hopoie Tustunnuggee, his x mark,	
Talchischau Micco, his x mark,	
Yaufkee Emautla Haujo, his x mark,	
Coosaudee Tustunnuggee, his x mark,	
Nenehomohtau Tustunnuggee Micco, his x mark,	
Isfaunau Tustunnuggee, his x mark,	
Eufaulau Tustunnuggee, his x mark,	
Tustunnuc Hoithlepoyuh, his x mark,	
Ishopei Tustunnuggee, his x mark,	
Cowetuh Tustunnuggee, his x mark,	
Hopoithe Haujo, his x mark,	
Wocsee Haujo, his x mark,	
Uctijutchee Tustunnuggee, his x mark,	
Okelesau Hutkee, his x mark,	
Pahose Micco, his x mark,	
Micke Emautlau, his x mark,	
Hoithlepoyau Haujo, his x mark,	
Cussetuh Haujo, his x mark,	
Ochesee Tustunnuggee, his x mark,	
Tooschatchee Haujo, his x mark,	
Isfaune Haujo, his x mark,	
Hopoithe Hopoie, his x mark,	
Olohtuh Emautlau, his x mark,	

Timothy Barnard,
 Alexander Cornells, his x mark, } *interpreters.*
 Joseph Islands, his x mark,
 Alexander Macomb, junr. *secretary to the commission.*
 William R. Boote, *captain 2d regiment infantry,*
 T. Blackburn, *lieut. com. comp. G.*
 John B. Barnes, *lieut. United States' A.*
 Wm. Hill, *Ast. C. D.*
 Olohtau Haujo, his x mark,
 Talmass Haujo, his x mark,
 Auttossee Emautlaw, his x mark.

No. 4. A convention between the United States and the Creek nation of Indians, Treaty between the United States and the Creeks.
 concluded at the city of Washington, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and five.

Articles of a convention made between Henry Dearborn, secretary of war, being specially authorized therefor by the president of the United States, and Oche Haujb, William McIntosh, Tuskenehau Chapco, Tuskenehau, Enehau Thlucco, Chekopeheke Emanthau, chiefs and head men of the Creek nation of Indians, duly authorized and empowered by said nation.

ART. 1. The aforesaid chiefs and head men do hereby agree, in consideration of certain sums of money and goods to be paid to the said Creek nation, by the government of the United States, as hereafter stipulated, to cede and forever quit claim, and do, in behalf of their nation, hereby cede, relinquish, and forever quit claim unto the United States, all right, title, and interest, which the said nation have or claim, in or unto a certain tract of land, situate between the rivers Oconee and Ocmulgee, (except as herein after excepted,) and bounded as follows, viz.

Beginning at the high shoals of Apalacha, where the line of the treaty of fort Wilkinson* touches the same, thence running in a straight line to the mouth of Ulfcofauhatche, it being the first large branch or fork of the Ocmulgee, above the Seven Islands: provided however, that if the said line should strike the Ulfcofauhatche, at any place above its mouth, that it shall continue round with that stream so as to leave the whole of it on the Indian side; then the boundary to continue from the mouth of the Ulfcofauhatche, by the water's edge of the Ocmulgee river, down to its junction with the Oconee; thence up the Oconee to the present boundary at Tauloohatchee creek; thence up said creek, and following the present boundary line, to the first mentioned bounds, at the high shoals of Apalacha; excepting and reserving to the Creek nation, the title and possession of a tract of land, five miles in length and three in breadth, and bounded as follows, viz. Beginning on the eastern shore of the Ocmulgee river, at a point three miles on a straight line above the mouth of a creek called Oakchoncoolgau, which empties into the Ocmulgee, near the lower part of what is called the old Ocmulgee fields; thence running three miles eastwardly, on a course at right angles with the general course of the river, for five miles below the point of beginning; thence from the end of the three miles, to run five miles parallel with the said course of the river; thence westwardly, at right angles with the last mentioned line, to the river; thence by the river to the first mentioned bounds.

And it is hereby agreed, that the president of the United States, for the time being, shall have a right to establish and continue a military post, and a factory or trading house, on said reserved tract; and to make such other use of the said tract as may be found convenient for the United States, as long as the government thereof shall think proper to continue the said military post or trading house. And it is also agreed, on the part of the Creek nation, that the navigation and fishery of the Ocmulgee, from its junction with the Oconee to the mouth of the U-

Cession by the Creeks of a tract of land between Oconee and Ocmulgee.

Boundary of the tract ceded.

[* Ante, No. 3, art. 1, page 370.]

Proviso; as to the Ulfcofauhatche.

Reservation to the Creeks

Boundary of the reservation to the Creeks.

The United States may establish a military post, &c. on the tract reserved to the Creeks, &c.

Navigation and fishery of Ocmulgee, &c.

cofauhatche, shall be free to the white people; provided they use no traps for taking fish; but nets and seines may be used; which shall be drawn to the eastern shore only.

Horse path from the Ocmulgee to the Mobile, &c.

ART. 2. It is hereby stipulated and agreed, on the part of the Creek nation, that the government of the United States shall forever hereafter have a right to a horse path, through the Creek country, from the Ocmulgee to the Mobile, in such direction as shall, by the president of the United States, be considered most convenient, and to clear out the same, and lay logs over the creeks: and the citizens of said states shall, at all times, have a right to pass peaceably on said path, under such regulations and restrictions, as the government of the United States shall, from time to time, direct; and the Creek chiefs will have boats kept at the several rivers for the conveyance of men and horses, and houses of entertainment established at suitable places on said path for the accommodation of travellers; and the respective ferriages and prices of entertainment for men and horses, shall be regulated by the present agent, col. Hawkins, or by his successor in office, or as is usual among white people.

Citizens to pass peaceably, &c.

Boats at the rivers. Houses of entertainment. Ferriages, prices, &c.

ART. 3. It is hereby stipulated and agreed, on the part of the United States, as a full consideration for the land ceded by the Creek nation in the first article,* as well as by permission granted for a horse path through their country, and the occupancy of the reserved tract, at the old Ocmulgee fields, that there shall be paid annually to the Creek nation, by the United States, for the term of eight years, twelve thousand dollars in money or goods, and implements of husbandry, at the option of the Creek nation, seasonably signified from time to time, through the agent of the United States, residing with said nation, to the department of war; and eleven thousand dollars shall be paid in like manner, annually, for the term of the ten succeeding years, making, in the whole, eighteen payments in the course of eighteen years, without interest. The first payment is to be made as soon as practicable after the ratification of this convention by the government of the United States; and each payment shall be made at the reserved tract, on the old Ocmulgee fields.

[* Ante, page 373.]

The United States to pay annually, for eight years, to the Creeks, \$12,000, &c. And \$11,000 annually, for ten years, &c.

ART. 4. And it is hereby further agreed, on the part of the United States, that in lieu of all former stipulations relating to blacksmiths,† they will furnish the Creek nation, for eight years, with two blacksmiths and two strikers.

The United States to furnish blacksmiths, &c.

ART. 5. The president of the United States may cause the line to be run from the high shoals of Apalacha, to the mouth of Ulfcofauhatche, at such time, and in such manner, as he may deem proper, and this convention shall be obligatory on the contracting parties as soon as the same shall have been ratified by the government of the United States.

Line to be run at the time and in the manner prescribed by the president, &c.

Done at the place, and on the day and year above written.

H. Dearborn,	L. S.
Oche Haujo, his x mark,	L. S.
William McIntosh, his x mark,	L. S.
Tuskenehau Chapco, his x mark,	L. S.
Tuskenehau, his x mark,	L. S.
Enehau Thlucco, his x mark,	L. S.
Chekopeheke Emanthau, his x mark,	L. S.

† See ante, No 3, art. 2, page 371.

Signed and sealed in presence of

James Madison,
Rt. Smith,
Benjamin Hawkins,
Timothy Barnard,
Jno. Smith,
Andrew M. Clary.

The foregoing articles have been faithfully interpreted.

TIMOTHY BARNARD, interpreter.

CHAPTER 22.

Contract between the state of New York, and the Seven Nations (of Indians) of Canada, entered into under the sanction of the United States of America.

Art. 1. At a treaty held at the city of New York, with the nations or tribes of Indians, denominating themselves the Seven Nations of Canada; Abraham Ogden, commissioner, appointed under the authority of the United States, to hold the treaty, Onnaweto, alias Goodstream, Teharagwanegen, alias Thomas Williams, two chiefs of the Caghawagas; Atiatoharongwan, alias colonel Lewis Cook, a chief of the St. Regis Indians, and William Gray, deputies, authorized to represent the Seven Nations or tribes of Indians at the treaty; and Mr. Gray, serving also as interpreter; Egbert Benson, Richard Varick, and James Watson, agents for the state of New York; William Constable and Daniel M. Cormick, purchasers under Alexander Macomb;

Contract
between
New York
and the Seven
Nations.

The agents for the state having, in the presence and with the approbation of the commissioner, proposed to the deputies for the Indians the compensation hereinafter mentioned, for the extinguishment of their claim to all lands within the state, and the said deputies being willing to accept the same, it is thereupon granted, agreed, and concluded, between the said deputies and the said agents, as follows: the said deputies do, for and in the name of the said Seven Nations or tribes of Indians, cede, release, and quit claim to the people of the state of New York, forever, all the claim, right, or title of them; the said Seven Nations or tribes of Indians, to lands within the said state: provided nevertheless, that the tract equal to six miles square, reserved in the sale made by the commissioners of the land office of the said state, to Alexander Macomb, to be applied to the use of the Indians of the village of St. Regis, shall still remain so reserved. The said agents do, for and in the name of the people of the state of New York, grant to the said Seven Nations or tribes of Indians, that the people of the state of New York shall pay to them, at the mouth of the river Chazy, on Lake Champlain, on the third Monday in August next, the sum of one thousand two hundred and thirty-three pounds six shillings and eight-pence, and the further sum of two hundred and thirteen pounds six shillings and eight pence, lawful money of the said state; and on the third Monday in August,

Cession by
the Seven
Nations, to
the state of
New York, of
lands within
that state.

Proviso; as to
the tract re-
served to
Alexander
Macomb.

The state of
New York to
pay 1,233l.
6s. 8d. and
213l. 6s. 8d.
and a like an-
nuity forever.

* By act of March 30, 1802, no purchase of lands from Indian tribes or nations is valid in law or equity, unless made by treaty, pursuant to the constitution. By the same act, it is made a misdemeanor in any person, not employed under the authority of the United States, to treat with any Indian nation, or tribe of Indians, for the title or purchase of any lands by them held or claimed, and punishable by fine and imprisonment. See ec. 12, chap. 273, vol. 3.

Proviso; as to the presence of Indian deputies to receive payment, &c.

Reservations for the Indians of the village of St. Regis.

yearly, forever thereafter, the like sum of two hundred and thirteen pounds six shillings and eight pence: provided nevertheless, that the people of the state of New York shall not be held to pay the said sums, unless, in respect to the two sums to be paid on the third Monday in August next, at least twenty, and in respect to the said yearly sum to be paid thereafter, at least five, of the principal men of the said Seven Nations or tribes of Indians, shall attend as deputies to receive and to give receipts for the same: the said deputies having suggested, that the Indians of the village of St. Regis have built a mill on Salmon river, and another on Grass river, and that the meadows on Grass river are necessary to them for hay; in order, therefore, to secure to the Indians of the said village, the use of the said mills and meadows, in case they should hereafter appear not to be included within the above tract so to remain reserved; it is, therefore, also agreed and concluded between the said deputies, the said agents, and the said William Constable and Daniel M'Cormick, for themselves and their associates, purchasers under the said Alexander Macomb, of the adjacent lands, that there shall be reserved, to be applied to the use of the Indians of the said village of St. Regis, in like manner as the said tract is to remain reserved, a tract of one mile square, at each of the said mills, and the meadows on both sides of the said Grass river, from the said mill thereon to its confluence with the river St. Lawrence.

In testimony whereof, the said commissioner, the said deputies, the said agents, and the said William Constable and Daniel M'Cormick, have hereunto, and to two other acts of the same tenor and date, one to remain with the United States, another to remain with the state of New York, and another to remain with the said Seven Nations or tribes of Indians, set their hands and seals, in the city of New York, the thirty-first day of May, in the twentieth year of the independence of the United States, one thousand seven hundred and ninety-six.

- Abraham Ogden, L. S.
- Egbert Benson, L. S.
- Richard Varick, L. S.
- James Watson, L. S.
- William Constable, L. S.
- Daniel M'Cormick, L. S.
- Ohaweio, alias Goodstream, his x mark, L. S.
- Otiatokarongwan, alias col. Lewis Cook, his x mark, L. S.
- William Gray, L. S.
- Teharagwanegen, alias Thomas Williams, his x mark, L. S.

Signed, sealed, and delivered, in the presence of

Samuel Jones, recorder of the city of New York,
John Taylor, recorder of the city of Albany,
Joseph Ogden Hoffman, attorney general of the state of New York.

CHAPTER 23.

Contracts entered into, under the sanction of the United States of America, between Wilhem Willink, and others therein named, with the Seneka nation of Indians.

No. 1. This indenture, made the thirtieth day of June, in the year of our Lord one thousand eight hundred and two, between the sachems, chiefs, and warriors of tveen Wilhem Willink, Pieter Van hem Willink, Eeghen, Hendrik Vollenhoven, W. Willink, the younger, I. Willink, the younger, and others, (son of Jan,) Jan Gabriel Van Staphorst, Roelof Van Staphorst, the younger, and the Seneca Cornelis Vollenhoven, and Hendrik Seye, all of the city of Amsterdam and republic of Batavia, by Joseph Ellicott, esquire, their agent and attorney, of the second part.

Whereas, at a treaty held under the authority of the United States, with the said Seneka nation of Indians, at Buffalo creek, in the county of Ontario and state of New York, on the day of the date of these presents, by the honorable John Taylor, esquire, a commissioner appointed by the president of the United States to hold the same, in pursuance of the constitution,* and of the act of the congress of the United States in such case made and provided, a convention was entered into in the presence and with the approbation of the said commissioner, between the said Seneka nation of Indians and the said Wilhem Willink, Pieter Van Eeghen, Hendrik Vollenhoven, W. Willink, the younger, I. Willink, the younger, (son of Jan,) Jan Gabriel Van Staphorst, Roelof Van Staphorst, the younger, Cornelis Vollenhoven, and Hendrik Seye, by the said Joseph Ellicott, their agent and attorney, lawfully constituted and appointed for that purpose.

Now this indenture witnesseth, That the said parties of the first part, for and in consideration of the lands hereinafter described, do hereby exchange, cede, and forever quit claim to the said parties of the second part, their heirs and assigns, all those lands situate, lying, and being, in the county of Ontario and state of New York, being part of the lands described and reserved by the said parties of the first part, in a treaty or convention held by the honorable Jeremiah Wadsworth, esquire, under the authority of the United States, on the Genesee river, the 15th day of September, one thousand seven hundred and ninety seven, † in the words following, viz.

“Beginning at the mouth of the Eighteen mile or Koghquawgu creek, thence a line or lines to be drawn parallel to lake Erie, at the distance of one mile from the lake, to the mouth of Cataraugos creek, thence a line or lines extending twelve miles up the north side of said creek, at the distance of one mile therefrom, thence a direct line to the said creek, thence down the said creek to lake Erie, thence along the lake to the first mentioned creek, and thence to the place of beginning. Also, one other piece at Cataraugos, beginning at the shore of lake Erie, on the south side of Cataraugos creek, at the distance of one mile from the mouth thereof, thence running one mile from the lake, thence, on a line parallel thereto, to a point within one mile from the Conondauweyca creek, thence up the said creek one

Reference to the authority of the United States, under whose sanction this indenture was made.

[* Ante, clause 2, sec. 2, art. 2, page 67.]
[† See sec. 12, chap. 273, vol. 3.]

The Senekas exchange, cede, &c. to Wilhem Willink, and others, the lands herein described.

Lines of the lands exchanged, ceded, &c. by the Senekas. See page 381, post.

† See the “treaty or convention” referred to, annexed to this contract, post. page 379; entitled “Contract,” &c. “between Robert Morris and the Seneka nation of Indians.”

mile, on a line parallel thereto, thence on a direct line to the said creek, thence down the same to lake Erie, thence along the lake to the place of beginning;" reference being thereunto had will fully appear. Together with all and singular the rights, privileges, hereditaments, and appertenances thereunto belonging, or in any wise appertaining. And all the estate, right, title, and interest whatsoever, of them, the said parties of the first part, and their nation, of, in, and to the said tracts of land, above described, to have and to hold all and singular the said granted premises, with the appertenances, to the said parties of the second part, their heirs and assigns, to their only proper use, benefit, and behoof, forever.

Wilhem Wil-
link, and oth-
ers, exchange,
cede, &c. the
lands herein
described, to
the Senekas;
with reserva-
tion of right
of pre-emp-
tion.

And in consideration of the said lands described and ceded as aforesaid, the said parties of the second part, by Joseph Ellicott, their agent and attorney as aforesaid, do hereby exchange, cede, release, and quit claim to the said parties of the first part and their nation, (the said parties of the second part reserving to themselves the right of pre-emption,) all that certain tract or parcel of land, situate as aforesaid. Beginning at a post marked No. O. standing on the bank of lake Erie, at the mouth of Cataraugos creek, and on the north bank thereof; thence along the shore of said lake north 11° east 21 chains; north 13° east 45 chains; north 19° east $14\frac{1}{2}$ chains 65 links to a post; thence east 119 chains to a post; thence south $14\frac{1}{2}$ chains 27 links to a post; thence east 640 chains to a post, standing in the meridian between the 8th and 9th ranges; thence along said meridian, south 617 chains 75 links to a post standing on the south bank of Cataraugos creek; thence west 160 chains to a post; thence north 290 chains 25 links to a post; thence west 482 chains 31 links to a post; thence north 219 chains 50 links to a post standing on the north bank of Cataraugos creek; thence down the same and along the several meanders thereof to the place of beginning. To hold to the said parties of the first part, in the same manner and by the same tenure, as the lands reserved by the said parties of the first part in and by the said treaty or convention, entered into on Genesee river, the 15th day of September, one thousand seven hundred and ninety-seven, as aforesaid, were intended to be held.

In testimony whereof, the parties to these presents have hereunto, and to two other indentures of the same tenor and date, one to remain with the United States, one to remain with the said parties of the first part, and one other to remain with the said parties of the second part, interchangeably set their hands and seals the day and year first above written.

Conneatiu, his x mark,	L. S.
Koentwahka, or Corn Planter, his x mark,	L. S.
Wondongoohka, his x mark,	L. S.
Tekonnondou, his x mark,	L. S.
Tekiaindau, his x mark,	L. S.
Sagooyes, his x mark,	L. S.
Towyocauna, or Blue Sky, his x mark,	L. S.
Koyingquautah, or Young King, his x mark,	L. S.
Kaoundoowand, or Pollard, his x mark,	L. S.
Connawaudeau, his x mark,	L. S.

Soonoyou, his x mark,	L. S.
Auwennausa, his x mark,	L. S.
Soogoyawautau, or Red Jacket, his x mark,	L. S.
Coshkoutough, his x mark,	L. S.
Teyokaihossa, his x mark,	L. S.
Onayawos, or Farmer's Brother, his x mark,	L. S.
Sonaugoies, his x mark,	L. S.
Gishkaka, or Little Billy, his x mark,	L. S.
Sussaowau, his x mark,	L. S.
Wilhem Willink,	
Pieter Van Eeghen,	
Hendrick Vollenhoven,	
W. Willink, <i>the younger</i> ,	
I. Willink, <i>the younger</i> , (<i>son of Jan.</i>)	
Jan Gabriel Van Staphorst,	
Roelof Van Staphorst, <i>the younger</i> ,	
Cornelis Vollenhoven, and	
Hendrik Seye, <i>by their attorney</i> ,	
Joseph Ellicott.	L. S.

Sealed and delivered in the presence of

John Thomson,
 Israel Chapin,
 James W. Stevens,
 Horatio Jones, } *interpreters.*
 Jasper Parrish, }

Done at a full and general treaty of the Seneka nation of Indians, held at Buffalo creek, in the county of Ontario, and state of New York, on the thirtieth day of June, in the year of our Lord one thousand eight hundred and two, under the authority of the United States.

In testimony whereof I have hereunto set my hand and seal the day and year aforesaid.

JOHN TAYLER, [L. S.]

Contract entered into, under the sanction of the United States of America, between Robert Morris and the Seneka nation of Indians. Contract between Robert Morris and the Senekas.

This indenture, made the fifteenth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, between the sachems, chiefs, and warriors of the Seneka nation of Indians, of the first part, and Robert Morris, of the city of Philadelphia, esquire, of the second part:

Whereas the commonwealth of Massachusetts have granted, bargained, and sold unto the said Robert Morris, his heirs and assigns, forever, the pre-emptive right, and all other the right, title, and interest, which the said commonwealth had to all that tract of land hereinafter particularly mentioned, being part of a tract of land lying within the state of New York, the right of pre-emption of the soil whereof, from the native Indians, was ceded and granted by the said state of New York, to the said commonwealth: and whereas, at a treaty held under the authority of the United States, with the said Seneka nation of Indians, at Genesee, in the county of Ontario, and state of New York, on the day of the date of these presents, and on sundry days immediately prior thereto, by the honorable Jeremiah Wadsworth, esquire, a commissioner appointed by the president of the United States to hold the same, in pursuance of the con-

[* Ante, clause 2, sec. 2, art. 2, page 67.]
 [† See sec. 12, chap. 273, vol. 3.]

Robert Morris to vest \$100,000 in bank stock for the use of the Senekas, &c.

Boundary of the lands sold to Robert Morris.

Reservations to the Senekas.

stitution,* and of the act of the congress of the United States, in such case made and provided, it was agreed, in the presence and with the approbation of the said commissioner, by the sachems, chiefs, and warriors of the said nation of Indians, for themselves and in behalf of their nation, to sell to the said Robert Morris, and to his heirs and assigns, forever, all their right to all that tract of land above recited, and hereinafter particularly specified, for the sum of one hundred thousand dollars, to be by the said Robert Morris vested in the stock of the Bank of the United States, and held in the name of the president of the United States, for the use and behoof of the said nation of Indians, the said agreement and sale being also made in the presence, and with the approbation of the honorable William Shepard, esquire, the superintendent appointed for such purpose, in pursuance of a resolve of the general court of the commonwealth of Massachusetts, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and ninety-one: now this indenture witnesseth, that the said parties, of the first part, for and in consideration of the premises above recited, and for divers other good and valuable considerations them thereunto moving, have granted, bargained, sold, aliened, released, enfeoffed, and confirmed; and by these presents do grant, bargain, sell, alien, release, enfeoff, and confirm, unto the said party of the second part, his heirs and assigns, forever, all that certain tract of land, except as is hereinafter excepted, lying within the county of Ontario, and state of New York, being part of a tract of land, the right of pre-emption whereof was ceded by the state of New York to the commonwealth of Massachusetts, by deed of cession executed at Hartford, on the sixteenth day of December, in the year of our Lord one thousand seven hundred and eighty-six, being all such part thereof as is not included in the Indian purchase made by Oliver Phelps and Nathaniel Gorham, and bounded as follows, to wit: easterly, by the land confirmed to Oliver Phelps and Nathaniel Gorham by the legislature of the commonwealth of Massachusetts, by an act passed the twenty-first day of November, in the year of our Lord one thousand seven hundred and eighty-eight; southerly, by the north boundary line of the state of Pennsylvania; westerly, partly by a tract of land, part of the land ceded by the state of Massachusetts to the United States, and by them sold to Pennsylvania, being a right angled triangle, whose hypotenuse is in or along the shore of lake Erie; partly by lake Erie, from the northern point of that triangle to the southern bounds of a tract of land one mile in width, lying on and along the east side of the strait of Niagara, and partly by the said tract to lake Ontario; and on the north by the boundary line between the United States and the king of Great Britain: excepting nevertheless, and always reserving out of this grant and conveyance, all such pieces or parcels of the aforesaid tract, and such privileges thereunto belonging, as are next hereinafter particularly mentioned, which said pieces or parcels of land so excepted, are, by the parties to these presents, clearly and fully understood to remain the pro-

perty of the said parties of the first part, in as full and ample manner as if these presents had not been executed: that is to say, excepting and reserving to them, the said parties of the first part, and their nation, one piece or parcel of the aforesaid tract, at Canawagus, of two square miles, to be laid out in such manner as to include the village, extending in breadth one mile along the river; one other piece or parcel at Big Tree, of two square miles, to be laid out in such manner as to include the village; extending in breadth along the river one mile; one other piece or parcel of two square miles at Little Beard's town, extending one mile along the river, to be laid off in such manner as to include the village; one other tract of two square miles, at Squawky Hill, to be laid off as follows, to wit: one square mile to be laid off along the river, in such manner as to include the village, the other directly west thereof and contiguous thereto; one other piece or parcel at Gardeau, beginning at the mouth of Steep Hill creek, thence due east until it strikes the old path, thence south until a due west line will intersect with certain steep rocks on the west side of Genesee river, then extending due west, due north, and due east, until it strikes the first mentioned bound, enclosing as much land on the west side as on the east side of the river. One other piece or parcel at Kaounadeau, extending in length eight miles along the river and two miles in breadth. One other piece or parcel* at Cata-

Reservations
to the Seneca-
kas.

[*This is a tract exchanged, ceded, &c. to Wilhem Willink, and others. See ante, page 377.]

[† And this is another tract so exchanged, &c. See ante, page 377.]

raugos, beginning at the mouth of the Eighteen mile or Kogh-
 quaugu creek, thence a line or lines to be drawn parallel to
 lake Erie, at the distance of one mile from the lake, to the
 mouth of Cataaugos creek, thence a line or lines extending
 twelve miles up the north side of said creek at the distance of
 one mile therefrom, thence a direct line to the said creek, thence
 down the said creek to lake Erie, thence along the lake to the
 first mentioned creek, and thence to the place of beginning.
 Also, one other piece† at Cataaugos, beginning at the shore of
 lake Erie, on the south side of Cataaugos creek, at the dis-
 tance of one mile from the mouth thereof, thence running one
 mile from the lake, thence on a line parallel thereto to a point
 within one mile from the Connondauweya creek, thence up
 the said creek one mile, on a line parallel thereto, thence on a
 direct line to the said creek, thence down the same to lake Erie,
 thence along the lake to the place of beginning. Also one other
 piece or parcel of forty-two square miles, at or near the Alle-
 genny river. Also, two hundred square miles, to be laid off
 partly at the Buffalo and partly at the Tannawanta creeks. Also,
 excepting and reserving to them, the said parties of the first
 part and their heirs, the privilege of fishing and hunting on the
 said tract of land hereby intended to be conveyed. And it is
 hereby understood by and between the parties to these presents,
 that all such pieces or parcels of land as are hereby reserved,
 and are not particularly described as to the manner in which the
 same are to be laid off, shall be laid off in such manner as shall
 be determined by the Sachems and chiefs residing at or near
 the respective villages where such reservations are made, a par-
 ticular note whereof to be endorsed on the back of this deed,

and recorded therewith, together with all and singular the rights, privileges, hereditaments, and appertinances thereunto belonging, or in anywise appertaining. And all the estate, right, title, and interest whatsoever, of them the said parties of the first part and their nation, of, in, and to the said tract of land above described, except as is above excepted, to have and to hold all and singular the said granted premises, with the appertinances to the said party of the second part, his heirs and assigns, to his and their proper use, benefit, and behoof forever.

In witness whereof, the parties to these presents have hereunto interchangeably set their hands and seals, the day and year first above written.

Robert Morris, by his attorney, Thomas Morris,	L. S.
Koyengquahtah, als. Young King, his x mark,	L. S.
Soonookshewan, his x mark,	L. S.
Konutaico, als. Handsome Lake, his x mark,	L. S.
Sattakangyase, als. Two Skies of a length, his x mark,	L. S.
Onayawos, or Farmer's Brother, his x mark,	L. S.
Soogooyawautau, als. Red Jacket, his x mark,	L. S.
Gishkaka, als. Little Billy, his x mark,	L. S.
Kaoundowana, als. Pollard, his x mark,	L. S.
Ouneashataikau, or Tall Chief, by his agent Stevenson, his x mark,	L. S.
Teahdowainggua, als. Thos. Jemison, his x mark,	L. S.
Onnonggaiheko, als. Infant, his x mark,	L. S.
Tekonnondee, his x mark,	L. S.
Oneghtaugooau, his x mark,	L. S.
Connawaudeau, his x mark,	L. S.
Taosstaiefi, his x mark,	L. S.
Koeentwahka, or Corn Planter, his x mark,	L. S.
Oosaukaundauki, als. to Destroy a Town, his x mark,	L. S.
Sooeowa, alias Parrot Nose, his x mark,	L. S.
Toonahookahwa, his x mark,	L. S.
Howwennounew, his x mark,	L. S.
Kounahkaetoue, his x mark,	L. S.
Taouyaukauna, his x mark,	L. S.
Woudougoohkta, his x mark,	L. S.
Sonauhquaukau, his x mark,	L. S.
Twaunaiyana, his x mark,	L. S.
Takaounoudea, his x mark,	L. S.
Shequinedaughque, or Little Beard, his x mark,	L. S.
Jowaa, his x mark,	L. S.
Saunajee, his x mark,	L. S.
Tauoiyuatakausea, his x mark,	L. S.
Taoundaudish, his x mark,	L. S.
Toouaquainda, his x mark,	L. S.
Ahtaou, his x mark,	L. S.
Taukooshoondakoo, his x mark,	L. S.
Kauneskanggo, his x mark,	L. S.
Soononjuwau, his x mark,	L. S.
Tonowauyiya, or Captain Bullet, his x mark,	L. S.
Jaahkaeayas, his x mark,	L. S.
Taugihshauta, his x mark,	L. S.
Sukkenjoonau, his x mark,	L. S.
Ahquatieya, or Hot Bread, his x mark,	L. S.
Suggonundau, his x mark,	L. S.
Taunowaintooh, his x mark,	L. S.
Konnonjoowauna, his x mark,	L. S.
Soogoeyaudestak, his x mark,	L. S.
Hautwanauekkau, by Young King, his x mark,	L. S.
Sagwejuwau, his x mark,	L. S.
Kaunooohshauwen, his x mark,	L. S.
Taukonondaugakta, his x mark,	L. S.

Kaonymaughque, or John Jemison, his x mark,
Hoiegush, his x mark,
Taknaahquau, his x mark,

G. S.
L. S.
L. S.

Sealed and delivered in presence

Nat. W. Howell,
Joseph Ellicott,
Israel Chapin,
James Rees,
Henry Aaron Hills,
Henry Abeel,
Jasper Parrish, } *interpreters.*
Horatio Jones, }

Done at a full and general treaty of the Seneka nation of Indians, held at Genesee, in the county of Ontario, and state of New York, on the fifteenth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, under the authority of the United States.

In testimony whereof, I have hereunto set my hand and seal, the day and year aforesaid.

JERE. WADSWORTH, [L. S.]

Pursuant to a resolution of the legislature of the commonwealth of Massachusetts, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and ninety-one, I have attended a full and general treaty of the Seneka nation of Indians, at Genesee, in the county of Ontario, when the within instrument was duly executed in my presence by the sachems, chiefs, and warriors of the said nation, being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their universal satisfaction: I do therefore certify and approve of the same.

WM. SHEPARD.

Subscribed in presence of

NAT. W. HOWELL.

No. 2. At a treaty held under the authority of the United States, at Buffalo creek, in Contract between the county of Ontario, and state of New York, between the sachems, chiefs, twēen Oliver and warriors of the Seneka nation of Indians, on behalf of said nation, and Oliver Phelps, and Phelps, esquire, of the county of Ontario, Isaac Bronson, esquire, of the city of others, and New York, and Horatio Jones, of the said county of Ontario, in the presence of the Senekas. John Tayler, esquire, commissioner appointed by the president of the United States for holding said treaty.

Know all men by these presents, that the said sachems, chiefs, Oliver Phelps, and warriors, for and in consideration of the sum of twelve hundred dollars, lawful money of the United States, unto them in Isaac Bronson, and Horatio Jones, at or immediately before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have and pay \$1,200 to the Senekas. by these presents do grant, remise, release, and forever quit claim and confirm unto the said Oliver Phelps, Isaac Bronson, and Horatio Jones, and to their heirs and assigns, all that tract of land commonly called and known by the name of Little Beard's reservation, situate, lying, and being, in the said

Description of

a tract of land granted and confirmed to Oliver Phelps, Isaac Bronson, and Horatio Jones.

[* See ante, page 381.]

county of Ontario, bounded on the east by the Genesee river and Little Beard's creek, on the south and west by other lands of the said parties of the second part, and on the north by Big Tree reservation,* containing two square miles, or twelve hundred and eighty acres, together with all and singular the hereditaments and appertences whatsoever thereunto belonging, or in anywise appertaining, to hold to them the said Oliver Phelps, Isaac Bronson, and Horatio Jones, their heirs and assigns, to the only proper use and behoof of them the said Oliver Phelps, Isaac Bronson, and Horatio Jones, their heirs and assigns, forever.

In testimony whereof, the said commissioner and the said parties have hereunto, and to two other instruments of the same tenor and date, one to remain with the United States, one to remain with the Seneca nation of Indians, and one to remain with the said Oliver Phelps, Isaac Bronson, and Horatio Jones, interchangeably set their hands and seals. Dated the 30th day of June, in the year of our Lord one thousand eight hundred and two.

Conneatiu, his x mark,	L. S.
Koeentwahka, or Corn Planter, his x mark,	L. S.
Wondongoohkta, his x mark,	L. S.
Tekonnondu, his x mark,	L. S.
Tekiandau, his x mark,	L. S.
Sagooyes, his x mark,	L. S.
Touyocauna, or Blue Sky, his x mark,	L. S.
Koyingquautah, or Young King, his x mark,	L. S.
Soogooyawautau, or Red Jacket, his x mark,	L. S.
Onayawos, or Farmer's Brother, his x mark,	L. S.
Kaoundoowand, or Pollard, his x mark,	L. S.
Auwennausa, his x mark,	L. S.

Sealed and delivered in the presence of

John Thomson,
James W. Stevens,
Israel Chapin,
Jasper Parrish, *interpreter.*

Relinquishment of all claim to lands in the state of New York by the Mohawks.

Relinquishment to New York, by the Mohawk nation of Indians, under the sanction of the United States of America, of all claim to lands in that state.

[† See the note at bottom of page 375, ante.]

At a treaty held under the authority of the United States,† with the Mohawk nation of Indians, residing in the province of Upper Canada, within the dominions of the king of Great Britain, present, the honorable Isaac Smith, commissioner appointed by the United States to hold this treaty; Abraham Ten Broeck, Egbert Benson, and Ezra L'Hommedieu, agents for the state of New York; captain Joseph Brandt, and captain John Deserontyon, two of the said Indians and deputies, to represent the said nation at this treaty.

The said agents having, in the presence, and with the approbation of the said commissioner, proposed to and adjusted with the said deputies, the compensation as hereinafter mentioned to be made to the said nation, for their claim, to be extinguished by this treaty, to all lands within the said state: it is thereupon

finally agreed and done, between the said agents, and the said deputies, as follows, that is to say: the said agents do agree to pay to the said deputies, the sum of one thousand dollars, for the use of the said nation, to be by the said deputies paid over to, and distributed among, the persons and families of the said nation, according to their usages. The sum of five hundred dollars, for the expenses of the said deputies, during the time they have attended this treaty: and the sum of one hundred dollars, for their expenses in returning, and for conveying the said sum of one thousand dollars, to where the said nation resides. And the said agents do accordingly, for and in the name of the people of the state of New York, pay the said three several sums to the said deputies, in the presence of the said commissioner. And the said deputies do agree to cede and release, and these presents witness, that they accordingly do, for and in the name of the said nation, in consideration of the said compensation, cede and release to the people of the state of New York, forever, all the right or title of the said nation to lands within the said state: and the claim of the said nation to lands within the said state, is hereby wholly and finally extinguished.

The agents of New York pay to the Mohawk deputies \$1,000 and their expenses.

The Mohawks cede all right, title, &c. forever.

In testimony whereof, the said commissioner, the said agents, and the said deputies, have hereunto, and to two other acts, of the same tenor and date, one to remain with the United States, one to remain with the said state, and one delivered to the said deputies, to remain with the said nation, set their hands and seals, at the city of Albany, in the said state, the twenty-ninth day of March, in the year one thousand seven hundred and ninety-seven.

Isaac Smith,	L. S.
Abm Ten Broeck,	L. S.
Egbt. Benson,	L. S.
Ezra L'Hommedieu,	L. S.
Jos. Brandt,	L. S.
John Deserontyon,	L. S.

Witnesses.

Robert Yates,
John Taylor,
Chas. Williamson,
Thomas Morris,

The mark of x John Abeel, alias the Cornplanter, a *chief of the Senecas.*

[Note. At a treaty held with the Oneidas, at their village, in the state of New York, on the 1st of June, 1798, Joseph Hopkinson attending as commissioner of the United States, there was purchased from the Oneida nation, for the use of the people of New York, a part of the lands reserved for the benefit of the said nation, for which there was paid \$500 in hand, and an annuity allowed of \$700. The treaty was ratified on the 21st of February, 1799. For other treaties, to which different tribes of the Six Nations are parties, see ante, chap. 16, Nos. 1, 2, 3, and 4, pages 307, 309, 311, 315; and post. chap. 27.]

CHAPTER 24.

Treaty between the United States of America, and the Kaskaskia tribe of Indians.

No. 1. Articles of a treaty made at Vincennes, in the Indiana territory, between William Henry Harrison, governor of the said territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States, for concluding any treaty or treaties which may be found necessary with any of the Indian tribes, and the Kaskaskia tribe of Indians, so called, (but which tribe is the remains and rightfully represent all the tribes of the Illinois Indians, originally called the Kaskaskia, Mitchigamia, Cahokia, and Tamaroi,) of the other part.

ART. 1. Whereas, from a variety of unfortunate circumstances, the several tribes of Illinois Indians are reduced to a very small

Treaty between the United States and the Kaskaskia.

to the Kaskaskia- number, the remains of which have been long consolidated and
 kla-tribe, &c. known by the name of the Kaskaskia tribe, and finding them-

selves unable to occupy the extensive tract of country which of right belongs to them, and which was possessed by their ancestors for many generations, the chiefs and warriors of the said tribe being also desirous of procuring the means of improvement in the arts of civilized life, and a more certain and effectual support for their women and children, have, for the considerations hereinafter mentioned, relinquished, and by these presents do

The Kaskaskias cede all their lands in the Illinois Reservation of 350 acres, &c.

Another tract of 1,280 acres.

relinquish and cede to the United States, all the lands in the Illinois territory, which the said tribe has heretofore possessed, or which they may rightfully claim, reserving to themselves, however, the tract of about three hundred and fifty acres near the town of Kaskaskia, which they have always held, and which was secured to them by the act of congress, of the third day of March, one thousand seven hundred and ninety-one,* and also the right of locating one other tract of twelve hundred and eighty acres, within the bounds of that now ceded, which two tracts of land shall remain to them forever.

United States take the Kaskaskias under their protection; who are not to make war, &c. without the consent of the United States.

ART. 2. The United States will take the Kaskaskia tribe under their immediate care and patronage, and will afford them a protection as effectual against the other Indian tribes, and against all other persons whatever, as is enjoyed by their own citizens. And the said Kaskaskia tribe do hereby engage to refrain from making war, or giving any insult or offence to any other Indian tribe, or to any foreign nation, without having first obtained the approbation and consent of the United States.

Former annuity increased to \$1,000, payable in money or merchandise, &c.

ART. 3. The annuity heretofore given by the United States to the said tribe, shall be increased to one thousand dollars;† which is to be paid them either in money, merchandise, provisions, or domestic animals, at the option of the said tribe: and when the said annuity or any part thereof is paid in merchandise, it is to be delivered to them either at Vincennes, fort Massac, or Kaskaskia, and the first cost of the goods in the seaport where they may be procured, is alone to be charged to the said tribe, free from the cost of transportation, or any other contingent expense. Whenever the said tribe may choose to receive money, provisions, or domestic animals, for the whole or in part of the said annuity, the same shall be delivered at the town of Kaskaskia. The United States will also cause to be built a house suitable for the accommodation of the chief of the said tribe, and will enclose for their use a field, not exceeding one hundred acres, with a good and sufficient fence. And whereas the greater part of the said tribe have been baptized and received into the catholic church, to which they are much attached, the United States will give, annually, for seven years, one hundred dollars towards the support of a priest of that religion, who will engage to perform for the said tribe the duties of his office, and also to instruct as many of their children as possible in the rudiments of literature. And the United States will further give the sum of

The United States to build a house for the chief, and enclose a field for the tribe.

The United States to give \$700 towards the support of a priest; and

* See chap. 101, sec. 6, vol. 2.

† By the 4th article of the treaty of Greenville, of the 3d of August, 1795, the Kaskaskia tribe are allowed only \$500 annually. See chap. 26, No. 3, post.

three hundred dollars to assist the said tribe in the erection of a church. The stipulations made in this and the preceding article, together with the sum of five hundred and eighty dollars, which is now paid, or assured to be paid, for the said tribe, for the purpose of procuring some necessary articles, and to relieve them from debts which they have heretofore contracted, is considered as a full and ample compensation for the relinquishment made to the United States in the first article.

\$300 to aid in erecting a church.
\$580, with preceding stipulations, full compensation, &c.

ART. 4. The United States reserve to themselves the right, at any future period, of dividing the annuity now promised to the said tribe, amongst the several families thereof, reserving always a suitable sum for the great chief and his family.

The United States reserve the right of dividing the annuity, &c.

ART. 5. And to the end that the United States may be enabled to fix with the other Indian tribes, a boundary between their respective claims, the chiefs and head warriors of the said Kaskaskia tribe, do hereby declare, that their rightful claim is as follows, viz: beginning at the confluence of the Ohio and the Mississippi, thence up the Ohio to the mouth of the Saline creek, about twelve miles below the mouth of the Wabash, thence along the dividing ridge, between the said creek and the Wabash, until it comes to the general dividing ridge between the waters which fall into the Wabash and those which fall into the Kaskaskia river; and thence along the said ridge, until it reaches the waters which fall into the Illinois river, thence in a direct course to the mouth of the Illinois river, and thence down the Mississippi to the beginning.

Boundary of the lands ceded by the Kaskaskias.

ART. 6. As long as the lands which have been ceded by this treaty, shall continue to be the property of the United States, the said tribe shall have the privilege of living and hunting upon them, in the same manner that they have hitherto done.

Kaskaskias retain a temporary right to hunt on the ceded lands.

ART. 7. This treaty is to be in force and binding upon the said parties, as soon as it shall be ratified by the president and senate of the United States.

This treaty to be binding as soon as ratified.

In witness whereof, the said commissioner plenipotentiary, and the head chiefs and warriors of the said Kaskaskia tribe of Indians, have hereunto set their hands and affixed their seals, the thirteenth day of August, in the year of our Lord one thousand eight hundred and three, and of the independence of the United States the twenty-eighth.

- William Henry Harrison, L. S.
- The mark x of Jean Baptiste Ducoigne, L. S.
- The mark x of Pedagouge, L. S.
- The mark x of Micolas or Nicholas, L. S.
- The mark x of Ocksinga, a Mitchigamian, L. S.
- The mark x of Keetinsa, a Cahokian, L. S.
- Louis Decoucigne, L. S.

Sealed and delivered in the presence of
 John Rice Jones, secretary to the commissioner,
 Henry Vanderburgh, one of the judges of the Indiana territory,
 T. F. Rivet, Indian missionary,
 Vigo, colonel of Knox county militia,
 Cornelius Lyman, captain 1st infantry regiment,
 Jas. Johnson, of Indiana territory,
 B. Parke, of the Indiana territory,
 Joseph Barron, interpreter.

[Note. The Kaskaskias are, also, parties, in common, to treaties Nos. 3, 4, and 5, of chap. 26; post.]

CHAPTER 25.

Treaties between the United States of America, and the Piankeshaw tribe of Indians, concluded at different periods, up to the year 1814.

Treaty between the United States and the Piankeshaws.

No. 1. A treaty between the United States of America, and the Piankeshaw tribe of Indians.

The president of the United States, by William Henry Harrison, governor of the Indiana territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for concluding any treaty or treaties, which may be found necessary, with any of the Indian tribes northwest of the river Ohio, and the chiefs and head men of the Piankeshaw tribe, have agreed to the following articles, which, when ratified by the president of the United States, by and with the advice and consent of the senate, shall be binding upon the said parties.

Treaty binding when ratified.

The Piankeshaws cede a tract of country between the Ohio and the Wabash. See ante, treaty with the Delawares, No. 2, art. 1, page 305, and art. 5, page 306.

Right of the Kaskaskias to sell the country ceded by them. See ante, chap. 24, No. 1, page 385.

Additional annuity of \$200 to the Piankeshaws for ten years, and \$700 worth of goods delivered, &c.

The United States reserve the right to divide the whole annuity among the Piankeshaw families, &c.

ART. 1. The Piankeshaw tribe relinquishes, and cedes to the United States forever, all that tract of country which lies between the Ohio and Wabash rivers, and below Clark's grant and the tract called the Vincennes tract, which was ceded by the treaty of fort Wayne, and a line connecting the said tract and grant, to be drawn parallel to the general course of the road leading from Vincennes to the falls of the Ohio, so as not to pass more than half a mile to the northward of the most northerly bend of said road.*

ART. 2. The Piankeshaw tribe acknowledges explicitly the right of the Kaskaskia tribe to sell the country which they have lately ceded to the United States, and which is separated from the lands of the Piankeshaws by the ridge or high land which divides the waters of the Wabash from the waters of the Saline creek; and by that which divides the waters of the said Wabash from those which flow into the Auvase, and other branches of the Mississippi.

ART. 3. An additional annuity† of two hundred dollars shall be paid by the United States to the said tribe, for ten years, in money, merchandise, provisions, or domestic animals, and implements of husbandry, at the option of the said tribe; and this annuity, together with goods to the value of seven hundred dollars, which are now delivered to them by the commissioner of the United States, is considered as a full compensation for the abovementioned relinquishment.

ART. 4. The United States reserve to themselves the right of dividing the whole annuity which they pay to the said tribe, amongst the families which compose the same; allowing always a due proportion for the chiefs. And the said chiefs, whenever the president of the United States may require it, shall, upon proper notice being given, assemble their tribe for the purpose of effecting this arrangement.

In witness whereof, the commissioner plenipotentiary of the United States, and the chiefs and head men of the said tribe, have hereunto set their hands and affixed their seals.

* See treaty with the Delawares, concluded at Vincennes the 18th of August, 1804. Ante, chap. 15, No. 2, art. 5, page 306.

† By the treaty of Greenville, of the 3d of August, 1795, the annuity allotted to the Piankeshaws was \$500. See post. chap. 26, No. 3, art. 4.

Done at Vincennes, in the Indiana territory, the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and four; and of the independence of the United States the twenty-ninth.

William Henry Harrison,	L. S.
Wabochquinke, La Gros Bled, or Big Corn, his x mark,	L. S.
Swekania, Trois Fesse, or Three Thighs, his x mark,	L. S.
Makatewelama, Chien Noir, or Black Dog, his x mark,	L. S.
Alemoin, Le Chien, or the Dog, his x mark,	L. S.
Kekelanquagoh, or Lightning, his x mark,	L. S.

Signed, sealed, and delivered, in presence of

John Gibson, *secretary to the commissioner,*
 John Griffin, *one of the judges of the t'y. of Indiana,*
 Henry Vanderburgh, *one of the judges of the Indiana territory,*
 B. Parke, *attorney general of the t'y. of Indiana,*
 William Prince, *sberiff of Knox county, Indiana territory,*
 George Wallace, *jun. of the Indiana territory,*
 Peter Jones, *of Knox county, Indiana territory,*
 Edward Hempstead, *attorney at law, Indiana territory,*
 Abraham F. Snapp,
 Joseph Barron, *interpreter.*

I do certify that each and every article of the foregoing treaty was carefully explained and precisely interpreted, by me, to the Piankeshaw chiefs who have signed the same.

JOSEPH BARRON, interpreter.

No. 2. Articles of a treaty made at Vincennes, in the Indiana territory, between William Henry Harrison, governor of the said territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States, for concluding any treaty or treaties, which may be found necessary, with any of the Indian tribes northwest of the Ohio, of the one part, and the chiefs and head men of the Piankeshaw tribe, of the other part. **Treaty between the United States and the Piankeshaws.**

ART. 1. The Piankeshaw tribe cedes and relinquishes to the United States forever, all that tract of country, (with the exception of the reservation hereinafter made,) which lies between the Wabash and the tract ceded by the Kaskaskia tribe, in the year one thousand eight hundred and three,* and south of a line to be drawn from the northwest corner of the Vincennes tract, north seventy-eight degrees west, until it intersects the boundary line which has heretofore separated the lands of the Piankeshaws from the said tract ceded by the Kaskaskia tribe. **The Piankeshaws cede a tract of country herein described.**

[* See ante, chap. 24, No 1, page 385.]

ART. 2. The United States take the Piankeshaw tribe under their immediate care and patronage, and will extend to them a protection as effectual as that which is enjoyed by the Kaskaskia tribe; and the said Piankeshaw tribe will never commit any depredations or make war upon any of the other tribes without the consent of the United States. **The United States take the Piankeshaws under their care and protection, &c.**

ART. 3. The said United States will cause to be delivered to the Piankeshaws yearly, and every year, an additional annuity of three hundred dollars, which is to be paid in the same manner, and under the same conditions, as that to which they are entitled by the treaty of Greenville:† provided always, that the United States may, at any time they shall think proper, divide the said annuity amongst the individuals of the said tribe. **Additional annuity of \$500 to the Piankeshaws, &c.**

[† See post, chap. 26, No 3, art. 4.]
 Division of annuity.

Preceding stipulations, and \$1,100, full compensation, &c.

The Piankeshaws allowed to hunt, &c. on the ceded lands whilst the property of the United States. Reservation of 1,280 acres. This treaty to be in force as soon as ratified.

ART. 4. The stipulations made in the preceding articles, together with the sum of one thousand one hundred dollars, which is now delivered, the receipt whereof the said chiefs do hereby acknowledge, is considered a full compensation for the cession and relinquishment abovementioned.

ART. 5. As long as the lands now ceded remain the property of the United States, the said tribe shall have the privilege of living and hunting upon them, in the same manner that they have heretofore done; and they reserve to themselves the right of locating a tract of two square miles, or twelve hundred and eighty acres, the fee of which is to remain with them forever.

ART. 6. This treaty shall be in force as soon as it shall be ratified by the president of the United States, by and with the advice and consent of the senate.

In testimony whereof, the said William Henry Harrison, and the chiefs and head men representing the said Piankeshaw tribe, have hereunto set their hands and affixed their seals.

Done at Vincennes, on the thirtieth day of December, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

Willm. Henry Harrison,	L. S.
Wabakinklelia, or Gros Bled,	L. S.
Pauquia, or Montour,	L. S.
Macatiwaaluna, or Chien Noir,	L. S.

Signed, sealed, and executed, in presence of

William Prince, *secretary to the commissioner,*
 John Griffin, *one of the judges of the Indiana territory,*
 John Gibson, *secretary Indiana territory,*
 John Badollet, *register of the land office,*
 Nathl. Ewing, *receiver public moneys,*
 John Rice Jones, *of the Indiana territory,*
 Dubois, *of the Indiana territory,*
 Wm. Bullett, *of Vincennes,*
 Jacob Kingskendall, *Vincennes,*
 H. Hurst, *Vincennes, I. T.*
 John Johnson,
 Michel Brouillet, *interpreter.*

[*Note.* Besides the two preceding treaties, the Piankeshaws are parties, together with other Indian tribes and nations, to the treaty of Greenville, of the 3d of August, 1795; of fort Wayne, of the 7th of June, 1803; and of Vincennes, of the 7th of August, 1803. See post. chap. 26, Nos. 3, 4, and 5.]

CHAPTER 26.

Treaties between the United States of America, and different tribes and nations of Indians.

Treaty between the United States and the Wyandots, Delaware, Chippewas, and Ottawas. The United States give peace, &c.

No. 1. Articles of a treaty concluded at fort McIntosh, the twenty-first day of January, one thousand seven hundred and eighty-five, between the commissioners plenipotentiary of the United States of America, of the one part, and the sachems and warriors of the Wyandot, Delaware, Chippewa, and Ottawa nations, of the other:

The commissioners plenipotentiary of the United States in congress assembled, give peace to the Wyandot, Delaware, Chippewa, and Ottawa nations of Indians, on the following conditions:

ART. 1. Three chiefs, one from among the Wyandot, and two from among the Delaware nations, shall be delivered up to the commissioners of the United States, to be by them retained till all the prisoners, white and black, taken by the said nations, or any of them, shall be restored.

Three hostages for the restoration of prisoners.

ART. 2. The said Indian nations do acknowledge themselves and all their tribes to be under the protection of the United States, and of no other sovereign whatsoever.

The tribes under the protection of the United States.

ART. 3. The boundary line between the United States and the Wyandot and Delaware nations, shall begin at the mouth of the river Cayahoga, and run thence up the said river to the portage between that and the Tuscarawas branch of Muskingum; then down the said branch to the forks at the crossing place above fort Lawrence; then westerly to the portage of the Big Miami, which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Ome river, and down the southeast side of the same to its mouth; thence along the south shore of lake Erie, to the mouth of Cayahoga, where it began.

Boundary between the United States and the Wyandots and Delawares.

ART. 4. The United States allot all the lands contained within the said lines to the Wyandot and Delaware nations, to live and to hunt on, and to such of the Ottawa nation as now live thereon; saving and reserving for the establishment of trading posts, six miles square at the mouth of Miami or Ome river, and the same at the portage on that branch of the Big Miami which runs into the Ohio, and the same on the lake of Sandusky where the fort formerly stood, and also two miles square on each side of the lower rapids of Sandusky river, which posts and the lands annexed to them, shall be to the use and under the government of the United States.

Lands allotted to the Indians.

Reservations for trading posts, &c.

ART. 5. If any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands allotted to the Wyandot and Delaware nations in this treaty, except on the lands reserved to the United States in the preceding article, such person shall forfeit the protection of the United States, and the Indians may punish him as they please.

Citizens settling on Indian lands, outlawed.

ART. 6. The Indians who sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands east, south, and west, of the lines described in the third article, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same, or any part of it.

Title of the United States to lands, &c. acknowledged, &c.

ART. 7. The post of Detroit, with a district beginning at the mouth of the river Rosine, on the west end of lake Erie, and running west six miles up the southern bank of the said river, thence northerly and always six miles west of the strait, till it strikes the lake St. Clair, shall be also reserved to the sole use of the United States.

Post of Detroit, &c. reserved.

ART. 8. In the same manner, the post of Michilimackinac, with its dependencies, and twelve miles square about the same, shall be reserved to the use of the United States.

Post at Michilimackinac, &c. reserved

ART. 9. If any Indian or Indians shall commit a robbery or Indian robbery

murder on any citizen of the United States, the tribe to which such offenders may belong, shall be bound to deliver them up at the nearest post, to be punished according to the ordinances of the United States.

bers and murderers, to be delivered up, &c.
The United States to distribute goods among the tribes.

ART. 10. The commissioners of the United States, in pursuance of the humane and liberal views of congress, upon this treaty's being signed, will direct goods to be distributed among the different tribes for their use and comfort.

SEPARATE ARTICLE.

Amnesty, former rank, &c. for the three Delaware chiefs, Henry, Big Cat, and White Eyes.

It is agreed that the Delaware chiefs, Kelelaman, or colonel Henry, Hengue Pushees, or the Big Cat, Wicocalind, or captain White Eyes, who took up the hatchet for the United States, and their families, shall be received into the Delaware nation, in the same situation and rank as before the war, and enjoy their due portions of the lands given to the Wyandot and Delaware nations in this treaty, as fully as if they had not taken part with America, or as any other person or persons in the said nations.

- Go. Clark, L. S.
- Richard Butler, L. S.
- Arthur Lee, L. S.
- Daunghquat, his x mark, L. S.
- Abraham Kuhn, his x mark, L. S.
- Ottawerreri, his x mark, L. S.
- Hobocan, his x mark, L. S.
- Walendightun, his x mark, L. S.
- Talapoxic, his x mark, L. S.
- Wingenum, his x mark, L. S.
- Packelant, his x mark, L. S.
- Gingewanno, his x mark, L. S.
- Waanooos, his x mark, L. S.
- Konalawassee, his x mark, L. S.
- Shawnaqum, his x mark, L. S.
- Quecoockia, his x mark, L. S.

Witness:

- Saml. J. Atlee, } P. commissioners,
- Fras. Johnston, }
- Alex. Campbell, }
- Jos. Harmar, *lieut. col. com't,*
- Alex. Lowrey,
- Joseph Nicholas, *interpreter,*
- I. Bradford,
- George Slaughter,
- Van Swearingen,
- John Boggs,
- G. Evans,
- D. Luckett.

[Note. For other treaties to which the Delawares are parties, see ante, page 302, chap. 15, No. 1; and No. 2, page 305. Also, post. Nos. 2, 3, 4, 6, 7, and 10, of this chapter. The Wyandots, Chippewas, and Ottawas, are parties to the treaties Nos. 2, 3, 6, 8, and 9; and the Wyandots, moreover, to No. 5, of this chapter. See these Nos. post.]

No. 2. Articles of a treaty made at fort Harmar, between Arthur St. Clair, governor of the territory of the United States southwest of the river Ohio, and commissioner plenipotentiary of the United States of America, for removing all causes of controversy, regulating trade, and settling boundaries, with the Indian nations in the northern department, of the one part; and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawatima, and Sac nations, on the other part.

United States and the Wyandots, Ottawas, Delawares, Chippewas, Pattawatimas, and Sacs. Reference to the treaty of fort M^cIntosh. [* See ante, No. 1, of this chap. page 390.]

Renewal of engagements.

The nations to deliver up prisoners.

Two hostages for delivery of prisoners.

The boundary established by the treaty of fort M^cIntosh;

for peace granted, presents received, and \$6,000 worth of goods

ART. 1. Whereas the United States in congress assembled, did, by their commissioners, George Rogers Clark, Richard Butler, and Arthur Lee, esquires, duly appointed for that purpose, at a treaty holden with the Wyandot, Delaware, Ottawa, and Chippewa nations, at fort M^cIntosh,* on the twenty-first day of January, in the year of our Lord one thousand seven hundred and eighty-five, conclude a peace with the Wyandots, Delawares, Ottawas, and Chippewas, and take them into their friendship and protection: And whereas, at the said treaty, it was stipulated that all prisoners that had been made by those nations, or either of them, should be delivered up to the United States. And whereas the said nations have now agreed to, and with the aforesaid Arthur St. Clair, to renew and confirm all the engagements they had made with the United States of America, at the before mentioned treaty, except so far as are altered by these presents. And there are now in the possession of some individuals of these nations, certain prisoners, who have been taken by others not in peace with the said United States, or in violation of the treaties subsisting between the United States and them; the said nations agree to deliver up all the prisoners now in their hands (by what means soever they may have come into their possession) to the said governor St. Clair, at fort Harmar; or, in his absence, to the officer commanding there, as soon as conveniently may be; and for the true performance of this agreement, they do now agree to deliver into his hands, two persons of the Wyandot nation, to be retained in the hands of the United States as hostages, until the said prisoners are restored; after which they shall be sent back to their nation.

ART. 2. And whereas, at the before mentioned treaty, it was agreed between the United States and said nations, that a boundary line should be fixed between the lands of those nations and the territory of the United States,† which boundary is as follows, viz: beginning at the mouth of Cayahoga river, and running thence up the said river to the portage between that and the Tuscarawa branch of Muskingum, then down the said branch to the forks at the crossing place above fort Lawrence, thence westerly to the portage on that branch of the Big Miami river which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two, then along the said portage to the Great Miami or Omie river, and down the southeast side of the same to its mouth; thence along the southern shore of lake Erie to the mouth of Cayahoga, where it began. And the said Wyandot, Delaware, Ottawa, and Chippewa nations, for and in consideration of the peace then granted to them by the said United States,

† See ante, No. 1, of this chapter, article 3, page 391.

now delivered;

renewed and confirmed, &c.

The nations cede all the land, east, south, and west, of the lines described.

Lands for the Indians to live and hunt on; but not to sell, except to the United States.

Individuals of the nations may hunt on the lands ceded.

Indian murderers and robbers to be given up for punishment.

Citizens murdering or robbing Indians of the nations, to be punished.

Stealing of horses restrained.

and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do, by these presents, renew and confirm the said boundary line; to the end that the same may remain as a division line between the lands of the United States of America and the lands of said nations, forever. And the undersigned Indians, do hereby, in their own names, and the names of their respective nations and tribes, their heirs and descendants, for the consideration above mentioned, release, quit claim, relinquish, and cede to the said United States, all the land east, south, and west, of the lines above described, so far as the said Indians formerly claimed the same; for them the said United States to have and to hold the same, in true and absolute propriety, forever.

ART. 3. The United States of America do, by these presents, relinquish and quit claim to the said nations respectively, all the lands lying between the limits above described, for them, the said Indians, to live and hunt upon, and otherwise to occupy as they shall see fit: but the said nations, or either of them, shall not be at liberty to sell or dispose of the same, or any part thereof, to any sovereign power, except the United States; nor to the subjects or citizens of any other sovereign power, nor to the subjects or citizens of the United States.

ART. 4. It is agreed between the said United States and the said nations, that the individuals of said nations shall be at liberty to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the subjects or citizens of the said United States.

ART. 5. It is agreed, that if any Indian or Indians, of the nations before mentioned, shall commit a murder or robbery on any of the citizens of the United States, the nation or tribe to which the offender belongs, on complaint being made, shall deliver up the person or persons complained of, at the nearest post of the United States; to the end that he or they may be tried, and, if found guilty, punished according to the laws established in the territory of the United States northwest of the river Ohio, for the punishment of such offences, if the same shall have been committed within the said territory; or according to the laws of the state where the offence may have been committed, if the same has happened in any of the United States. In like manner, if any subject or citizen of the United States shall commit murder or robbery, on any Indian or Indians of the said nations, upon complaint being made thereof, he or they shall be arrested, tried, and punished agreeable to the laws of the state, or of the territory wherein the offence was committed; that nothing may interrupt the peace and harmony now established between the United States and said nations.

ART. 6. And whereas the practice of stealing horses has prevailed very much, to the great disquiet of the citizens of the United States, and if persisted in, cannot fail to involve both the United States of America and the Indians in endless ani-

mosity, it is agreed that it shall be put an entire stop to on both sides; nevertheless, should some individuals, in defiance of this agreement, and of the laws provided against such offences, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity the laws of the respective states, or territory of the United States northwest of the Ohio, where the offence may have been committed, will admit of: and all horses so stolen, either by the Indians from the citizens or subjects of the United States, or by the citizens or subjects of the United States from any of the Indian nations, may be reclaimed, into whose possession soever they may have passed, and, upon due proof, shall be restored; any sales in market ouvert, notwithstanding. And the civil magistrates in the United States respectively, and in the territory of the United States northwest of the Ohio, shall give all necessary aid and protection to Indians claiming such stolen horses.

Horse thieves to be severely punished.

Stolen horses may be reclaimed, &c.

Civil magistrates to aid recovery of stolen horses.

ART. 7. Trade shall be opened with the said nations, and they do hereby respectively engage to afford protection to the persons and property of such as may be duly licensed to reside among them for the purposes of trade, and to their agents, factors, and servants; but no person shall be permitted to reside at their towns, or at their hunting camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the governor of the territory of the United States northwest of the Ohio, for the time being, or under the hand and seal of one of his deputies for the management of Indian affairs; to the end that they may not be imposed upon in their traffic. And if any person or persons shall intrude themselves without such license, they promise to apprehend him or them, and to bring them to the said governor, or one of his deputies, for the purpose before mentioned, to be dealt with according to law: and that they may be defended against persons who might attempt to forge such licenses, they further engage to give information to the said governor, or one of his deputies, of the names of all traders residing among them, from time to time, and at least once in every year.

Trade with the nations.

Licenses necessary for traders.

Persons intruding without license, to be apprehended, &c.

Names of traders to be reported.

ART. 8. Should any nation of Indians meditate a war against the United States, or either of them, and the same shall come to the knowledge of the before mentioned nations, or either of them, they do hereby engage to give immediate notice thereof to the governor, or, in his absence, to the officer commanding the troops of the United States at the nearest post. And should any nation, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt to the said governor or commanding officer, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States: in like manner, the United States shall give notice to the said Indian nations, of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

The Indians to give notice of hostile designs, &c.

Indians to prevent the passage of hostile nations, &c.

The United States to notify the Indians of harm intended, &c.

Citizens settling on Indian lands, outlawed.

ART. 9. If any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed to the said nations, he and they shall be out of the protection of the United States; and the said nations may punish him or them in such manner as they see fit.

Renewal of reservations for trading posts.

ART. 10. The United States renew the reservations heretofore made* in the before mentioned treaty at fort M'Intosh, for the establishment of trading posts, in manner and form following; that is to say: six miles square at the mouth of the Miami or Omie rivers; six miles square at the portage upon that branch of the Miami which runs into the Ohio; six miles square upon the lake Sandusky, where the fort formerly stood; and two miles square upon each side the Lower Rapids, on Sandusky river: which posts, and the lands annexed to them, shall be for the use and under the government of the United States.

The post at Detroit, &c. reserved.

ART. 11. The post at Detroit, with a district of land beginning at the mouth of the river Rosine, at the west end of lake Erie, and running up the southern bank of said river six miles; thence northerly, and always six miles west of the strait, until it strikes the lake St. Clair, shall be reserved for the use of the United States.

The post at Michilimackinac, &c. reserved.

ART. 12. In like manner, the post at Michilimackinac, with its dependencies, and twelve miles square about the same, shall be reserved to the sole use of the United States.

Peace and friendship renewed and confirmed, &c.

ART. 13. The United States of America do hereby renew and confirm the peace and friendship entered into with the said nations, at the treaty before mentioned, held at fort M'Intosh; and the said nations again acknowledge themselves, and all their tribes, to be under the protection of the said United States, and no other power whatever.

The United States receive into friendship and protection the Pattawatimas and Sacs, &c.

ART. 14. The United States of America do also receive into their friendship and protection, the nations of the Pattawatimas and Sacs; and do hereby establish a league of peace and amity between them respectively; and all the articles of this treaty, so far as they apply to these nations, are to be considered as made and concluded in all, and every part, expressly with them and each of them.

Correction of the boundary line; for which, see ante, article 2, page 393.

ART. 15. And whereas, in describing the boundary before mentioned, the words, if strictly constructed, would carry it from the portage on that branch of the Miami which runs into the Ohio, over to the river Auglaize; which was neither the intention of the Indians, nor of the commissioners; it is hereby declared, that the line shall run from the said portage directly to the first fork of the Miami river, which is to the southward and eastward of the Miami village, thence down the main branch of the Miami river to the said village, and thence down that river to lake Erie, and along the margin of the lake to the place of beginning.

Done at fort Harmar, on the Muskingum, this ninth day of January, in the year of our Lord one thousand seven hundred and eighty-nine.

* See ante, article 4, page 391.

In witness whereof, the parties have hereunto interchangeably set their hands and seals.

Ar. St. Clair,	L. S.
Peoutewatamie, his x mark,	L. S.
Konatikina, his x mark,	L. S.
SACS.	
Tepakee, his x mark,	L. S.
Keshëyiva, his x mark,	L. S.
CHIPPEWAS.	
Mesass, his x mark,	L. S.
Paushquash, his x mark,	L. S.
Pawasicko, his x mark,	L. S.
OTTAWAS.	
Wewiskia, his x mark,	L. S.
Neagey, his x mark,	L. S.
PATTAWATIMAS.	
Windigo, his x mark,	L. S.
Wapaskea, his x mark,	L. S.
Nequea, his x mark,	L. S.
DELAWARES.	
Captain Pipe, his x mark,	L. S.
Wingenond, his x mark,	L. S.
Pekelan, his x mark,	L. S.
Teataway, his x mark,	L. S.
CHIPPEWAS.	
Nanamakeak, his x mark,	L. S.
Wetenasa, his x mark,	L. S.
Soskene, his x mark,	L. S.
Pewanakum, his x mark,	L. S.
WYANDOTS.	
Teyandatontec, his x mark,	L. S.
Cheyawe, his x mark,	L. S.
Doueyenteat, his x mark,	L. S.
Tarhe, his x mark,	L. S.
Terhataw, his x mark,	L. S.
Datasay, his x mark,	L. S.
Maudoronk, his x mark,	L. S.
Skahomat, his x mark,	L. S.

In presence of

Jos. Harnar, *lt. col. comt. 1st U. S. regt. and brig. genl. by brevet,*
 Richard Butler,
 Jno. Gibson,
 Will. M'Curdey, *capt.*
 E. Denny, *ens. 1st U. S. regt.*
 A. Hartshorn, *ensn.*
 Robt. Thompson, *ens. 1st U. S. regt.*
 Frans. Luse, *ens.*
 J. Williams, *jun.*
 Wm. Wilson,
 Joseph Nicholas,
 James Rincken.

Be it remembered, that the Wyandots have laid claim to the lands that were granted to the Shawanees at the treaty held at the Miami;* and have declared, that as the Shawanees have been so restless, and caused so much trouble, both to them and to the United States, if they will not now be at peace, they will dispossess them, and take the country into their own hands; for that the country is theirs of right, and the Shawanees are only living upon it by their permission. They further lay claim to all the country west of the Miami boundary, from the village to the lake Erie, and declare that it is now under their management and direction.

Wyandot
claim to
Shawanee
lands.

Threat of dis-
possessing the
Shawanees.

Further
claim of the
Wyandots.

* See ante, chap. 20, page 352.

SEPARATE ARTICLE.

Two Wyandot villages, within the reservation mentioned, not to be disturbed. Ante, art. 11, page 396.

Whereas the Wyandots have represented, that within the reservation from the river Rosine, along the strait, they have two villages from which they cannot, with any convenience, remove; it is agreed, that they shall remain in possession of the same, and shall not be in any manner disturbed therein.

[*Note.* The Wyandots are parties, in common, to No. 5, of this chapter. See post. The Delawares are sole parties to treaty No. 1, chapter 15; see ante, page 302; and to No. 2, of the same chapter, page 305. Also, in common, to Nos. 1, 3, 4, 6, 7, and 10, of this chapter. The Wyandots, Ottawas, and Chippewas, are parties, in common, to the treaties Nos. 1, 3, 6, 8, and 9, of this chapter. See these Nos. ante and post. The Pattawatimas are parties, in common, to treaties Nos. 3, 4, 6, 7, 8, 9, and 10, of this chapter. See these Nos. post. The Sacs, in common, to treaty No. 1, chapter 28. See it, post.]

Treaty between the United States and the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatimas, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias.

No. 3. A treaty of peace between the United States of America, and the tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatimas, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias.

To put an end to a destructive war, to settle all controversies, and to restore harmony and friendly intercourse between the said United States and Indian tribes, Anthony Wayne, major general, commanding the army of the United States, and sole commissioner for the good purposes abovementioned, and the said tribes of Indians, by their sachems, chiefs, and warriors, met together at Greenville, the headquarters of the said army, have agreed on the following articles, which, when ratified by the president, with the advice and consent of the senate of the United States, shall be binding on them and the said Indian tribes.

Peace established, &c.

ART. 1. Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place between the said United States and Indian tribes.

Prisoners to be mutually restored.

ART. 2. All prisoners shall, on both sides, be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greenville, fort Wayne, or fort Defiance; and ten chiefs of the said tribes shall remain at Greenville as hostages, until the delivery of the prisoners shall be effected.

Ten chiefs to remain as hostages.

Boundary line between the United States and the tribes.

ART. 3. The general boundary line between the lands of the United States and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage, between that and the Tuscarawas branch of the Muskingum, thence down that branch to the crossing place above fort Lawrence, thence westerly to a fork of that branch of the great Miami river, running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami which runs into lake Erie; thence a westerly course to fort Recovery, which stands on a branch of the Wabash; thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttawa river. And in consideration of the peace

In considera-

now established; of the goods formerly received from the United States; of those now to be delivered; and of the yearly delivery of goods now stipulated to be made hereafter; and to indemnify the United States for the injuries and expenses they have sustained during the war, the said Indian tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes, or any of them, of war or injury to the United States, or any of the people thereof.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land, to wit: 1. One piece of land six miles square, at or near Loromie's store, before mentioned. 2. One piece two miles square, at the head of the navigable water or landing, on the St. Mary's river, near Girty's town. 3. One piece six miles square, at the head of the navigable water of the Auglaize river. 4. One piece six miles square, at the confluence of the Auglaize and Miami rivers, where fort Defiance now stands. 5. One piece six miles square, at or near the confluence of the rivers St. Mary's and St. Joseph's, where fort Wayne now stands, or near it. 6. One piece two miles square, on the Wabash river, at the end of the portage from the Miami of the lake, and about eight miles westward from fort Wayne. 7. One piece six miles square, at the Ouataon, or old Wea towns, on the Wabash river. 8. One piece twelve miles square, at the British fort on the Miami of the lake, at the foot of the rapids. 9. One piece six miles square, at the mouth of the said river, where it empties into the lake. 10. One piece six miles square, upon Sandusky lake, where a fort formerly stood. 11. One piece two miles square, at the lower rapids of Sandusky river. 12. The post of Detroit, and all the land to the north, the west, and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments: and so much more land to be annexed to the district of Detroit, as shall be comprehended between the river Rosine, on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie and Detroit river. 13. The post of Michilimackinac, and all the land on the island on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles, on lake Huron, or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait; and also, the island De Bois Blanc, being an extra and voluntary gift of the Chippewa nation. 14. One piece of land six miles square, at the mouth of Chikago river, emptying into the south-

tion of the peace, and goods delivered, and to be delivered, the tribes cede forever all lands lying eastwardly and southwardly of the line described, &c. See post. art. 4, page 400.

The tribes, for the considerations mentioned, cede sixteen pieces of land herein described.

west end of lake Michigan, where a fort formerly stood. 15. One piece twelve miles square, at or near the mouth of the Illinois river, emptying into the Mississippi. 16. One piece six miles square, at the old Piorias fort and village, near the south end of the Illinois lake, on said Illinois river. And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

The United States to notify the tribes when they intend to survey, &c.

The tribes allow a free passage by land and water, through their country, along the chain of posts or pieces of land ceded by this article, &c. according to the route herein specified.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts hereinbefore mentioned; that is to say, from the commencement of the portage aforesaid, at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to fort Wayne, and then down the Miami to lake Erie; again, from the commencement of the portage at or near Loromie's store along the portage from thence to the river Auglaize, and down the same to its junction with the Miami at fort Defiance; again, from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake; and from thence to Detroit. Again, from the mouth of Chikago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi; also, from fort Wayne, along the portage aforesaid, which leads to the Wabash, and then down the Wabash to the Ohio.

The tribes also allow the free use of harbors, &c.

And the said Indian tribes will also allow to the people of the United States, the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

ART. 4. In consideration of the peace now established, and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual, the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land are explicitly excepted—1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to general Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes, on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been

The United States relinquish all claim to other lands, according to the boundary line established by the definitive treaty of peace with Great Britain. See ante, chap. 8, No. 3, art. 2, page 203. Reservation of four tracts out of the lands relinquished by

extinguished as mentioned in the 3d article; and 4th. The post the United States.
of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward, every year, forever, the United States will deliver, at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place in the United States where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following:

- 1st. To the Wyandots, the amount of one thousand dollars.
- 2d. To the Delawares, the amount of one thousand dollars.
- 3d. To the Shawanees, the amount of one thousand dollars.
- 4th. To the Miamis, the amount of one thousand dollars.
- 5th. To the Ottawas, the amount of one thousand dollars.
- 6th. To the Chippewas, the amount of one thousand dollars.
- 7th. To the Pattawatimas, the amount of one thousand dollars.
- 8th. And to the Kickapoo, Wea, Eel River, Piankeshaw, and Kaskaskia tribes, the amount of five hundred dollars each.

Provided, that if either of the said tribes shall hereafter, at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall, at the subsequent annual deliveries, be furnished accordingly.

ART. 5. To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon, so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever.

ART. 6. If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they

The United States deliver goods to the value of \$20,000. Annuity, in future, of \$9,500.

Apportionment of the annuity of \$9,500 among the several tribes, parties to this treaty.

Either of the tribes may commute a part of their portion for implements of husbandry, &c. on notice.

Explanation of the meaning of the relinquishment of lands by the United States, in the preceding article. The tribes to sell only to the United States, &c.

Citizens settling on the lands of the tribes, outlawed, &c.

shall think fit; and because such settlements, made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

The tribes may hunt on the lands they have ceded, &c.

ART. 7. The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

Trade to be opened, &c.

ART. 8. Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade; and to their agents and servants; but no person shall be permitted to reside at any

No trader allowed at Indian towns or hunting camps, without a license.

of their towns or hunting camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department northwest of the Ohio, or such other person as the president of the United States shall authorize to grant such licenses; to the end, that the said Indians may not be imposed on in their trade.* And if any

Traders abusing privilege, to forfeit license, &c.

licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a

Unlicensed traders to be arrested, &c.

trader, without such license, the said Indians shall take and bring him before the superintendent, or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall, at least once a year, give information to the superintendent, or his deputies, of the names of the traders residing among them.

Names of traders to be reported.

ART. 9. Lest the firm peace and friendship now established, should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured, to the other: by the said Indian tribes, or any of them, to the president of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the president, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the legislature (or great council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States, or either of them, and the same shall come to the knowledge of the before-mentioned tribes, or either of them, they do hereby engage to

Revenge for private injuries prohibited, &c.

The tribes to give notice of hostile designs against the United States,

* See, in relation to this licensed trade, the "first explanatory article" of the treaty of amity, commerce, and navigation, between the United States and Great Britain, of the 19th of November, 1794. Ante, page 223.

give immediate notice thereof to the general, or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt, to the general, or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner, the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

and prevent the passage of other tribes who are inimical.

The United States to notify the tribes of intended harm, &c.

ART. 10. All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.*

All other treaties, subsequent to the 3d of September, 1783, within the purview of this treaty, void.

In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the beforementioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne, L. S.

WYANDOTS.

- Tarhe, or Crane, his x mark, L. S.
- J. Williams, jun. his x mark, L. S.
- Teyyaghtaw, his x mark, L. S.
- Haroenyau, or half king's son, his x mark, L. S.
- Tehaawtorens, his x mark, L. S.
- Awmeeyeray, his x mark, L. S.
- Stayetah, his x mark, L. S.
- Shateyyaronyah, or Leather Lips, his x mark, L. S.
- Daughshuttayah, his x mark, L. S.
- Shaawrunthe, his x mark, L. S.

DELAWARES.

- Tetabokshke, or Grand Glaize King, his x mark, L. S.
- Lemantanquis, or Black King, his x mark, L. S.
- Wabathoe, his x mark, L. S.
- Maghpiway, or Red Feather, his x mark, L. S.
- Kikthawenund, or Anderson, his x mark, L. S.
- Bukongehelas, his x mark, L. S.
- Peekeelund, his x mark, L. S.
- Wellebawkeelund, his x mark, L. S.
- Peekeetelemund, or Thomas Adams, his x mark, L. S.
- Kishkokekund, or captain Buffalo, his x mark, L. S.
- Amenahahan, or captain Crow, his x mark, L. S.
- Qeshawksey, or George Washington, his x mark, L. S.
- Weywinquis, or Billy Siscomb, his x mark, L. S.
- Moses, his x mark, L. S.

SHAWANEES.

- Misquaconacaw, or Red Pole, his x mark, L. S.
- Cutthewekasaw, or Black Hoof, his x mark, L. S.

* See, with respect to the treaties in which the tribes, parties to this treaty, are concerned, the note at the end of this treaty. Post. page 405.

Kaysewaesekah, his x mark,	L. S.
Weythapamattha, his x mark,	L. S.
Nianymseka, his x mark,	L. S.
Waytheah, or Long Shanks, his x mark,	L. S.
Weypiersenwaw, or Blue Jacket, his x mark,	L. S.
Nequetaughaw, his x mark,	L. S.
Hahgooseekaw, or Captain Reed, his x mark,	L. S.

OTTAWAS.

Augooshaway, his x mark,	L. S.
Keenoshameek, his x mark,	L. S.
La Malice, his x mark,	L. S.
Machiwetah, his x mark,	L. S.
Thowonawa, his x mark,	L. S.
Secaw, his x mark,	L. S.

CHIPPEWAS.

Mashipinashiwish, or Bad Bird, his x mark,	L. S.
Nahshogashe, (from lake Superior,) his x mark,	L. S.
Kathawasung, his x mark,	L. S.
Masass, his x mark,	L. S.
Nemekass, or Little Thunder, his x mark,	L. S.
Peshawkay, or Young Ox, his x mark,	L. S.
Nanguay, his x mark,	L. S.
Meenedohgeesogh, his x mark,	L. S.
Peewanshememogh, his x mark,	L. S.
Weymegwas, his x mark,	L. S.
Gobmaatick, his x mark,	L. S.

OTTAWA.

Chegonickska, (an Ottawa from Sandusky,) his x mark,	L. S.
--	-------

PATAWATIMAS OF THE RIVER ST. JOSEPH.

Thupenebu, his x mark,	L. S.
Nawac, (for himself and brother Etsimethe,) his x mark,	L. S.
Nenanseka, his x mark,	L. S.
Keesass, or Sun, his x mark,	L. S.
Kabamasaw, (for himself and brother Chisagan,) his x mark,	L. S.
Sugganunk, his x mark,	L. S.
Wapmeme, or White Pigeon, his x mark,	L. S.
Wacheness, (for himself and brother Pedagogshok,) his x mark,	L. S.
Wabshicawnaw, his x mark,	L. S.
La Chasse, his x mark,	L. S.
Meshegethenogh, (for himself and brother Wawasek,) his x mark,	L. S.
Hingoswash, his x mark,	L. S.
Anewasaw, his x mark,	L. S.
Nawbudgh, his x mark,	L. S.
Missenogomaw, his x mark,	L. S.
Waweegshe, his x mark,	L. S.
Thawme, or Le Blanc, his x mark,	L. S.
Geeque, (for himself and brother Shewinse,) his x mark,	L. S.

PATAWATIMAS OF HURON.

Okia, his x mark,	L. S.
Chamung, his x mark,	L. S.
Segagewan, his x mark,	L. S.
Nanawme, (for himself and brother A. Gin,) his x mark,	L. S.
Marchand, his x mark,	L. S.
Wenameac, his x mark,	L. S.

MIAMIS.

Nagohquangogh, or Le Gris, his x mark,	L. S.
Meshekunnoghquoh, or Little Turtle, his x mark,	L. S.

MIAMIS AND EEL RIVERS.

Peejeeewa, or Richard Ville, his x mark,	L. S.
Cochkepoghtogh, his x mark,	L. S.

EEL RIVER TRIBE.

Shamekunnesa, or Soldier, his x mark,	L. S.
---------------------------------------	-------

MIAMIS.

Wapamangwa, or the White Loon, his x mark, L. S.

WEAS, FOR THEMSELVES AND THE PIANKESHAW.

Amacunsa, or Little Beaver, his x mark, L. S.

Acoolatha, or Little Fox, his x mark, L. S.

Francis, his x mark, L. S.

KICKAPOOS AND KASKASKIAS.

Keeawhah, his x mark, L. S.

Nemighka, or Josey Renard, his x mark, L. S.

Paikkeekanogh, his x mark, L. S.

DELAWARES OF SANDUSKY.

Hawkinpumiska, his x mark, L. S.

Peyamawksey, his x mark, L. S.

Reyntueco, (of the Six Nations, living at Sandusky,) his x mark, L. S.

In presence of, (the word "goods" in the 6th line of the 3d article; the word "before" in the 26th line of the 3d article; the words "five hundred" in the 10th line of the 4th article, and the word "Piankeshaw" in the 14th line of the 4th article, being first interlined.)

H. De Butts, first A. D. C. and sec'y to M. G. Wayne,

Wm. H. Harrison, aid de camp to M. G. Wayne,

T. Lewis, aid de camp to M. G. Wayne,

James O'Hara, quartermaster genl.

John Mills, major of infantry, and adj. genl.

Caleb Swan, P. M. T. U. S.

Geo. Demter, lieut. artillery,

Vigo,

P. Frs. La Fontaine,

Ant. Lasselle,

H. Laselle,

Jn. Beau Bien,

David Jones, chaplain U. S. S.

Lewis Beaufait,

R. Lachambre,

Jas. Pepen,

Baties Coutien,

F. Navarre.

Sworn interpreters.

Wm. Wells,

Jacques Lasselle,

M. Morins,

Bt Sans Crainte,

Christopher Miller,

Robert Wilson,

Abraham Williams, his x mark,

Isaac Zane, his x mark.

[*Note.* The Wyandots are parties, in common, to No. 5, of this chapter. See post. The Delawares are sole parties to No. 1, chapter 15. See ante, page 302; and to No. 2, of the same chapter, page 305. Also, in common, to Nos. 1, 2, 4, 6, 7, and 10, of this chapter. The Wyandots, Ottawas, and Chippewas, are parties, in common, to the treaties Nos. 1, 2, 6, 8, and 9, of this chapter. See these Nos. ante and post. The Pattawatimas, in common, to treaties Nos. 2, 4, 6, 7, 8, 9, and 10, of this chapter. See these Nos. ante and post. The Shawanees are sole parties to treaty No. 1, chapter 20. See ante, page 358; and, in common, to treaties Nos. 4, 6, and 9, of this chapter. See them, post. The Miamis and Eel Rivers are parties, in common, to treaties Nos. 4, 7, 10, and 11, of this chapter. See these Nos. post. The Eel Rivers, in common, are parties to No. 5, of this chapter; the Weas to Nos. 4, 7, and 12, of this chapter; which see, post. The Kickapoos and Kaskaskias are parties, in common, to Nos. 4 and 5, of this chapter; and the Kickapoos, alone, to No. 13. See them, post. The Kaskaskias, alone, to No. 1, chapter 24. See it, ante, page 385. The Piankeshaws are sole parties to treaties Nos. 1 and 2, chapter 25, ante, pages 388, 389; and, in common, to Nos. 4 and 5, of this chapter. See them, post.]

Treaty between the United States and the Delawares, Shawanees, Pattawatimas, Miamis, Kickapoos, Eel Rivers, Weas, Piankeshaws, and Kaskaskias.

[* Ante, page 400.]

Boundaries of a tract reserved to the United States, by the 4th article of the treaty of Greenville, about the post of St. Vincennes, described.

The United States relinquish adjoining lands.

Salt spring upon the Saline creek ceded to the United States, with a quantity of land surrounding it. United States engage to deliver, for the use of the Indians, a certain quantity of salt yearly, &c.

As soon as the tribes mentioned herein consent, the United States to have the right to locate four tracts of land, for houses of entertainment, &c.

No. 4. Articles of a treaty made at fort Wayne, on the Miami of the Lake, between William Henry Harrison, governor of the Indiana territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for concluding any treaty or treaties, which may be found necessary, with any of the Indian tribes northwest of the Ohio, of the one part, and the tribes of Indians called the Delawares, Shawanees, Pattawatimas, Miamis, and Kickapoos, by their chiefs and head warriors, and those of the Eel River, Weas, Piankeshaws, and Kaskaskias, by their agents and representatives, Tuthinipee, Winnemac, Richewille, and Little Turtle, (who are properly authorized by the said tribes,) of the other part.

ART. 1. Whereas it is declared by the fourth article of the treaty of Greenville,* that the United States reserve for their use the post of St. Vincennes, and all the lands adjacent, to which the Indian titles had been extinguished. And whereas it has been found difficult to determine the precise limits of the said tract as held by the French and British governments: it is hereby agreed, that the boundaries of the said tract shall be as follows: beginning at Point Coupee, on the Wabash, and running thence by a line north seventy-eight degrees, west twelve miles, thence by a line parallel to the general course of the Wabash, until it shall be intersected by a line at right angles to the same, passing through the mouth of White river, thence by the last mentioned line across the Wabash, and towards the Ohio, seventy-two miles, thence by a line north twelve degrees west, until it shall be intersected by a line at right angles to the same, passing through Point Coupee, and by the last mentioned line to the place of beginning.

ART. 2. The United States hereby relinquish all claim which they may have had to any lands adjoining to, or in the neighborhood of, the tract above described.

ART. 3. As a mark of their regard and attachment to the United States, whom they acknowledge for their only friends and protectors, and for the consideration hereinafter mentioned, the said tribes do hereby relinquish and cede to the United States, the great salt spring upon the Saline creek, which falls into the Ohio below the mouth of the Wabash, with a quantity of land surrounding it, not exceeding four miles square, and which may be laid off in a square or oblong as the one or the other may be found most convenient to the United States: and the said United States being desirous that the Indian tribes should participate in the benefits to be derived from the said spring, hereby engage to deliver yearly, and every year, for the use of the said Indians, a quantity of salt, not exceeding one hundred and fifty bushels, and which shall be divided among the several tribes in such manner as the general council of the chiefs may determine.

ART. 4. For the considerations before mentioned, and for the convenience which the said tribes will themselves derive from such establishments, it is hereby agreed, that as soon as the tribes called the Kickapoos, Eel Rivers, Weas, Piankeshaws, and Kaskaskias, shall give their consent to the measure,† the United States shall have the right of locating three tracts of land (of such size as may be agreed upon with the last mentioned tribes) on the main road between Vincennes and Kaskaskias, and one other between Vincennes and Clarksville, for the purpose of

† See the consent of these tribes given: No. 5, of this chapter; post, page 408: except the Weas.

erecting houses of entertainment, for the accommodation of travellers. But it is expressly understood, that if the said locations are made on any of the rivers which cross the said road, and ferries should be established on the same, that in times of high water any Indian or Indians, belonging to either of the tribes who are parties to the treaty, shall have the privilege of crossing such ferry toll free.

Indians to pass ferries toll free.

ART. 5. Whereas there is reason to believe, that if the boundary lines of the tract described in the first article should be run in the manner therein directed, that some of the settlements and locations of land, made by the citizens of the United States, will fall in the Indian country; it is hereby agreed, that such alterations shall be made in the direction of these lines, as will include them; and a quantity of land, equal in quantity to what may be thus taken, shall be given to the said tribes, either at the east or the west end of the tract.

Boundary line, (see art. 1, page 406,) to be so run as to include settlements, &c. by citizens, &c.

In testimony whereof, the commissioner of the United States, and the chiefs and warriors of the Delawares, Shawanes, Pattawatimas, Miamis, and Kickapoos, and those of the Eel Rivers, Weas, Piankeshaws, and Kaskaskias, by their agents and representatives, Tuthinipee, Winnemac, Richewille, and the Little Turtle, who are properly authorized by the said tribes, have hereunto subscribed their names and affixed their seals, at fort Wayne, this seventh day of June, in the year of our Lord one thousand eight hundred and three, and of the independence of the United States the twenty-seventh.

William Henry Harrison,
MIAMIS.

L. S.

Richewille, his x mark,
Meshekunnoghquoh, or Little Turtle, his x mark,

L. S.

L. S.

On behalf of themselves, Eel Rivers, Weas, Piankeshaws, and Kaskaskias, whom they represent.

KICKAPOOS.

Nehmehtohah, or Standing, his x mark,
Pashshewehah, or Cat, his x mark,

L. S.

L. S.

SHAWANEES.

Neahmemeiech, his x mark,

L. S.

PATAWATIMAS.

Tuthinipee, his x mark,

L. S.

Winnemac, his x mark,

L. S.

On behalf of the Pattawatimas, and Eel Rivers, Weas, Piankeshaws, and Kaskaskias, whom they represent.

Wannangsea, or Five Medals, his x mark,

L. S.

Keesaas, or Sun, his x mark,

L. S.

DELAWARES.

Teta Buxike, his x mark,

L. S.

Bukongehelas, his x mark,

L. S.

Hockingpomsken, his x mark,

L. S.

Kechkawhanund, his x mark,

L. S.

SHAWANEES.

Cuthewekasaw, or Black Hoof, his x mark,

L. S.

Methawnasice, his x mark,

L. S.

Signed, sealed, and delivered, in the presence of
John Rice Jones, secretary to the commissioner,

John Gibson, *secretary Indiana territory,*
 Tho. Pasteur, *capt. first regt. infantry,*
 William Wells, *interpreter,*
 John Johnston, *United States' factor,*
 Hendrick Aupaumut, *chief of Mubbecon,*
 Thomas Freeman.

The proceedings at the within treaty were faithfully interpreted by us, John Gibson and William Wells; that is, for the Delawares, John Gibson, and for the rest of the tribes, William Wells.

**JOHN GIBSON,
 WILLIAM WELLS.**

[*Note.* See the treaty immediately following, (No 5,) which is necessary to the perfection of the preceding one; (No. 4;) and the note at the end of No. 5, referring to other treaties to which the parties to Nos. 4 and 5, of this chapter, are also parties, solely, or in common.]

Treaty between the United States and the Eel Rivers, Wyandots, Piankeshaws, Kaskaskias, and Kickapoos. The 4th article of the treaty of fort Wayne, (ante, page 406,) consented to.

No. 5. At a council holden at Vincennes, on the seventh day of August, one thousand eight hundred and three, under the direction of William Henry Harrison, governor of the Indiana territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for concluding any treaty or treaties which may be found necessary, with any of the Indian nations northwest of the river Ohio, at which were present the chiefs and warriors of the Eel River, Wyandot, Piankeshaw, and Kaskaskia nations, and also the tribe of the Kickapoos, by their representatives, the chiefs of the Eel River nation.

The fourth article of the treaty holden and concluded at fort Wayne, on the seventh day of June, one thousand eight hundred and three, being considered, the chiefs and warriors of the said nations give their free and full consent to the same, and they do hereby relinquish and confirm to the United States the privilege and right of locating three several tracts of land of one mile square each, on the road leading from Vincennes to Kaskaskia, and also one other tract of land of one mile square on the road leading from Vincennes to Clarksville; which locations shall be made in such places on the aforesaid roads, as shall best comport with the convenience and interests of the United States in the establishment of houses of entertainment for the accommodation of travellers.

In witness whereof, the said William Henry Harrison, and the said chiefs and warriors of the before mentioned nations and tribe of Indians, have hereunto set their hands and affixed their seals, the day and year first above written.

William Henry Harrison,	L. S.
Ka Tunga, or Charly, his x mark,	L. S.
Akaketa, or Ploughman, his x mark,	L. S.
Gros Bled, or Big Corn, his x mark,	L. S.
Black Dog, his x mark,	L. S.
Puppequor, or Gun, his x mark,	L. S.
La Bousier, his x mark,	L. S.
Ducoigne, his x mark,	L. S.
Pedegogue, his x mark,	L. S.
Sacouquaneva, or Tired Legs, his x mark,	L. S.
Little Eyes, his x mark,	L. S.

Signed, sealed, and delivered, in the presence of us,
 John Rice Jones,
 B. Parke,
 Joseph Barron, *interpreter.*

[Note. For other treaties to which the Delawares are parties, see ante, page 302, chap. 15, No. 1; and No 2, page 305. Also, Nos. 1, 2, 3, 4, 6, 7, and 10, of this chapter. The Wyandots, Chippewas, and Ottawas, are parties to the treaties, Nos. 1, 2, 3, 6, 8, and 9, of this chapter. See these Nos. ante and post.]

No. 6. A treaty between the United States of America, and the sachems, chiefs, and warriors, of the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawanee, and Pattawatima nations, holden at fort Industry, on the Miami of the lake, on the fourth day of July, Anno Domini, one thousand eight hundred and five.

Treaty between the United States and the Wyandots, &c.

ART. 1. The said Indian nations do again acknowledge themselves and all their tribes, to be in friendship with, and under the protection of, the United States.

The nations in friendship with, and under the protection of the United States.

ART. 2. The boundary line between the United States and the nations aforesaid, shall in future* be a meridian line drawn north and south, through a boundary to be erected on the south shore of lake Erie, one hundred and twenty miles due west of the west boundary line of the state of Pennsylvania, extending north until it intersects the boundary line of the United States, and extending south it intersects a line heretofore established by the treaty of Greenville.†

Future boundary line between the United States and the tribes.

ART. 3. The Indian nations aforesaid, for the consideration of friendship to the United States, and the sums of money hereinafter mentioned, to be paid annually to the Wyandot, Shawanee, Munsee, and Delaware nations, have ceded, and do hereby cede and relinquish to said United States forever, all the lands belonging to said United States, lying east of the aforesaid line, bounded southerly and easterly by the line established by said treaty of Greenville, and northerly by the northernmost part of the forty-first degree of north latitude.

Cession of lands lying east of the boundary line to the United States.

ART. 4. The United States, to preserve harmony, manifest their liberality, and in consideration of the cession made in the preceding article, will, every year forever hereafter, at Detroit, or some other convenient place, pay and deliver to the Wyandot, Munsee, and Delaware nations, and those of the Shawanee and Seneká nations who reside with the Wyandots, the sum of eight hundred and twenty-five dollars, current money of the United States, and the further sum of one hundred and seventy-five dollars, making in the whole an annuity of one thousand dollars; which last sum of one hundred and seventy-five dollars, has been secured to the president, in trust for said nations, by the Connecticut land company, and by the company incorporated by the name of "the proprietors of the half million acres of land lying south of lake Erie, called Sufferers' Land," payable annually as aforesaid, and to be divided between said nations, from time to time, in such proportions as said nations, with the approbation of the president, shall agree.

Annuity of \$1,000 to the Wyandots, Munsees, Delawares, Shawanees, &c.

\$175 of the annuity of \$1,000 by the Connecticut land company, and another company of land proprietors.

ART. 5. To prevent all misunderstanding hereafter, it is to be expressly remembered, that the Ottawa and Chippewa nations, and such of the Pattawatima nation as reside on the river Huron of lake Erie, and in the neighborhood thereof, have received

The Connecticut land company, and other land proprietors.

* For the former boundary line, see ante, No. 3, art. 3, page 398; and No. 4, articles 1 and 5, pages 406, 407.

† See ante, No. 3, art. 3, page 398.

have paid to the Ottawas, Chippewas, and Pattawatimas \$4,000, and have secured to be paid the further sum of \$12,000, &c.

ed from the Connecticut land company, and the company incorporated by the name of "the proprietors of the half million acres of land lying south of lake Erie, called Sufferers' Land," the sum of four thousand dollars, in hand, and have secured to the president of the United States, in trust for them, the further sum of twelve thousand dollars, payable in six annual instalments of two thousand dollars each; which several sums is the full amount of their proportion of the purchases effected by this treaty, and also by a treaty with said companies, bearing even date herewith;* which proportions were agreed on and concluded by the whole of said nations in their general council; which several sums, together with two thousand nine hundred and sixteen dollars and sixty-seven cents, secured to the president, to raise said sum of one hundred and seventy-five dollars annuity as aforesaid, is the amount of the consideration paid by the agents of the Connecticut Reserve, for the cession of their lands.

The nations at liberty to fish and hunt within the territory ceded, &c.

ART. 6. The said Indian nations, parties to this treaty, shall be at liberty to fish and hunt within the territory and lands which they have now ceded to the United States, so long as they shall demean themselves peaceably.

In witness whereof, Charles Jouett, esquire, a commissioner on the part of the United States, and the sachems, chiefs, and warriors, of the Indian nations aforesaid, have hereto set their hands and seals.

Charles Jouett,

L. S.

OTTAWA.

Nekeik, or Little Otter, his x mark,

L. S.

Kawachewan, or Eddy, his x mark,

L. S.

Mechimenduch, or Big Bowl, his x mark,

L. S.

Aubaway, his x mark,

L. S.

Ogonse, his x mark,

L. S.

Sawgamaw, his x mark,

L. S.

Tusquagan, or M^cCarty, his x mark,

L. S.

Tondawganie, or the Dog, his x mark,

L. S.

Ashawet, his x mark,

L. S.

CHIPPEWA.

Macquettequet, or Little Bear, his x mark,

L. S.

Quitichonequit, or Big Cloud, his x mark,

L. S.

Queoonequetwabaw, his x mark,

L. S.

Oscaguassanu, or Young Boy, his x mark,

L. S.

Monimack, or Cat Fish, his x mark,

L. S.

Tonquish, his x mark,

L. S.

PATTAWATIMA.

Noname, his x mark,

L. S.

Mogawh, his x mark,

L. S.

WYANDOT.

Tarhee, or the Crane, his x mark,

L. S.

Miere, or Walk in Water, his x mark,

L. S.

Thateyyanayoh, or Leather Lips, his x mark,

L. S.

Harrowenyoh, or Cherokee Boy, his x mark,

L. S.

Tschauendah, his x mark,

L. S.

Tahunehawetee, or Adam Brown, his x mark,

L. S.

Shawrunthie, his x mark,

L. S.

* This treaty does not appear in the former edition of the laws, nor is it to be found in the archives of the department of state.

MUNSEE AND DELAWARE.

Puckconsitond, his x mark,	L. S.
Paahmehelot, his x mark,	L. S.
Pamoxet, or Armstrong, his x mark,	L. S.
Pappellelond, or Beaver Hat, his x mark,	L. S.

SHAWANEE.

Weyapurseawaw, or Blue Jacket, his x mark,	L. S.
Cutheawasaw, or Black Hoff, his x mark,	L. S.
Auonasechla, or Civil Man, his x mark,	L. S.
Isaac Peters, his x mark,	L. S.

In presence of

Wm. Dean, C. F. L. C.

J. B. Mower,

Jasper Parrish,

Whitmore Knaggs,

William Walker,

Israel Ruland,

E. Brush.

} interpreters.

[*Note.* The Wyandots, Ottawas, and Chippewas, are parties, in common with other tribes, to treaties Nos. 1, 2, 3, 8, and 9, of this chapter, which see, ante and post. The Wyandots, in common, to No. 5 of this chapter; ante. The Delawares are sole parties to treaties No. 1, chapter 15, ante, page 302, and No 2, page 305. Also, in common, to the treaties Nos. 1, 2, 3, 4, 7, and 10, of this chapter: see them, ante and post. The Shawanees are sole parties to the treaty of the Great Miami, of the 31st of January, 1786, which see, ante, No. 1, chapter 20, page 358. The Shawanees and Pattawatimas are parties, in common, to treaties Nos. 3, 4, and 9, of this chapter: see them, ante and post. And the Pattawatimas, in common, to treaties Nos. 2, 7, 8, and 10, of this chapter, which see, ante and post.]

No. 7. Articles of a treaty made and entered into, at Grouseland, near Vincennes, Treaty between the Indiana territory, by and between William Henry Harrison, governor of the said territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for treating with the northwestern tribes of Indians, of the one part, and the tribes of Indians, called the Delawares, Pattawatimas, Miamis, Eel Rivers, and Weas, jointly and severally, by their chiefs and head men, of the other part.

ART. 1. Whereas, by the fourth article of a treaty made between the United States and the Delaware tribe, on the eighteenth day of August, eighteen hundred and four, the said United States engaged to consider the said Delawares as the proprietors of all that tract of country which is bounded by the White river on the north; the Ohio and Clark's grant on the south, the general boundary line running from the mouth of Kentucky river on the east, and the tract ceded by the treaty of fort Wayne and the road leading to Clark's grant on the west and southwest. And whereas the Miami tribe, from whom the Delawares derived their claim, contend that, in their cession of said tract to the Delawares, it was never their intention to convey to them the right of the soil, but to suffer them to occupy it as long as they thought proper, the said Delawares have, for the sake of peace and good neighborhood, determined to relinquish their claim to the said tract, and do, by these presents, release the United States from the guarantee made in the before-mentioned article of the treaty of August, eighteen hundred and four.

Reference to the 4th article of the treaty with the Delawares, of 18th August, 1804. See ante, No. 2, chap. 15, page 305.

Interfering claims of Miamis and Delawares.

Delawares relinquish their claim, &c.

ART. 2. The said Miami, Eel River, and Wea tribes, cede and relinquish to the United States, forever, all that tract of

Cession by the Miamis, Eel

Rivers, and
Weas.

country which lies to the south of a line to be drawn from the northeast corner of the tract ceded by the treaty of fort Wayne, so as to strike the general boundary line, running from a point opposite to the mouth of the Kentucky river to fort Recovery, at the distance of fifty miles from its commencement on the Ohio river.

Additional annuities to the Miamis, Eel Rivers, Weas, and to the Pattawatimas; and \$4,000 in hand, full compensation, &c.

ART. 3. In consideration of the cession made in the preceding article, the United States will give an additional permanent annuity to said Miamis, Eel River, and Wea tribes, in the following proportions, viz: to the Miamis, six hundred dollars; to the Eel River tribe, two hundred and fifty dollars; to the Weas, two hundred and fifty dollars; and also to the Pattawatimas, an additional annuity of five hundred dollars, for ten years, and no longer; which, together with the sum of four thousand dollars, which is now delivered, the receipt whereof they do hereby acknowledge, is to be considered as a full compensation for the land now ceded.

The United States consider the Miamis, Eel Rivers, and Weas, as joint owners of the lands herein described, &c.

ART. 4. As the tribes which are now called the Miamis, Eel Rivers, and Weas, were formerly, and still consider themselves as one nation, and as they have determined that neither of those tribes shall dispose of any part of the country which they hold in common; in order to quiet their minds on that head, the United States do hereby engage to consider them as joint owners of all the country on the Wabash and its waters, above the Vincennes tract, and which has not been ceded to the United States by this or any former treaty; and they do further engage, that they will not purchase any part of the said country, without the consent of each of the said tribes: provided always, that nothing in this section contained, shall in any manner weaken or destroy any claim which the Kickapoos, who are not represented at this treaty, may have to the country they now occupy on the Vermion river.

Proviso: as to claim of the Kickapoos, &c.

The right of the Delawares to sell, &c. See ante, chap. 15, No. 2, art. 1, page 305.

ART. 5. The Pattawatimas, Miami, Eel River, and Wea tribes, explicitly acknowledge the right of the Delawares to sell the tract of land conveyed to the United States by the treaty of the eighteenth day of August, eighteen hundred and four, which tract was given by the Piankeshaws to the Delawares, about thirty-seven years ago.

Delivery of annuities, as heretofore.

ART. 6. The annuities herein stipulated to be paid by the United States, shall be delivered in the same manner, and under the same conditions, as those which the said tribes have heretofore received.

This treaty obligatory as soon as ratified.

ART. 7. This treaty shall be in force and obligatory on the contracting parties, as soon as the same shall have been ratified by the president, by and with the advice and consent of the senate of the United States.

In testimony whereof, the said commissioner plenipotentiary of the United States, and the sachems, chiefs, and head men of the said tribes, have hereunto set their hands and affixed their seals.

Done at Grouseland, near Vincennes, on the twenty-first day of August, in the year eighteen hundred and five, and of the independence of the United States the thirtieth.

Willm. Henry Harrison,	L. S.
DELAWARES.	
Hocking Pomskan, his x mark,	L. S.
Kecklawhenund, or William Anderson, his x mark,	L. S.
Allime, or White Eyes, his x mark,	L. S.
Tomague, or Beaver, his x mark,	L. S.
PATTAWATIMAS.	
Topanepee, his x mark,	L. S.
Lishahecon, his x mark,	L. S.
Wenamech, his x mark,	L. S.
MIAMIS.	
Kakonweconner, or Long Legs, his x mark,	L. S.
Missingguimeschan, or Owl, his x mark,	L. S.
Wabsier, or White Skin, his x mark,	L. S.
Mashekanochquah, or Little Turtle, his x mark,	L. S.
Richardville, his x mark,	L. S.
EEL RIVERS.	
Waionecana, or Night Stander, his x mark,	L. S.
Metausauner, or Sam, his x mark,	L. S.
Archekataub, or Earth, his x mark,	L. S.
WEAS.	
Assonnonquah, or Labossiere, his x mark,	L. S.
Misquaonaqua, or Painted Pole, his x mark,	L. S.
Ohequanah, or Little Eyes, his x mark,	L. S.
DELAWARES.	
Missenewand, or Captain Bullet, his x mark,	L. S.

Done in the presence of

- B. Parke, *secretary to the commissioner,*
 John Gibson, *secretary Indiana territory,*
 John Griffin, *a judge of the Indiana territory,*
 B Chambers, *president of the council,*
 Jesse B. Thomas, *speaker of the house of representatives,*
- John Rice Jones, }
 Saml. Gwathmey, } *members of the legislative council, Indiana territory.*
 Pierre Menard, }
- Davis Floyd, }
 Shadrach Bond, } *members of the house of representatives, Indiana territory.*
 William Biggs, }
 John Johnson, }
- W. Wells, *agent of Indian affairs,*
 Vigo, *colonel of Knox county militia,*
 John Conner, }
 Joseph Barront, } *sworn interpreters.*

ADDITIONAL ARTICLE.

It is the intention of the contracting parties, that the boundary line herein directed to be run, from the northeast corner of the Vincennes tract to the boundary line running from the mouth of the Kentucky river, shall not cross the Embarrass or Driftwood fork of White river; but if it should strike the said fork, such an alteration in the direction of the said line is to be made, as will leave the whole of the said fork in the Indian territory.

Boundary line, (ante, art. 2, page 411,) not to cross the Driftwood fork of White river, &c.

[Note The Delawares are sole parties to treaties No. 1, chapter 15, ante, page 302, and No 2, page 305. Also, in common, to the treaties Nos. 1, 2, 3, 4, 6, and 10, of this chapter; which see, ante and post. The Pattawatimas are parties, in common, to treaties Nos. 2, 3, 4, 6, 8, 9, and 10, of this chapter. See them, ante and post. The Miamis, Eel Rivers, and Weas, are parties, in common, to Nos 3 and 4, of this chapter: the Miamis and Eel Rivers, in common, to Nos. 10 and 11; the Eel Rivers, in common, to No. 5; and the Weas, alone, to No. 12, of this chapter; which see, ante and post.]

Treaty between the United States and the Ottawas, &c.

No. 8. Articles of a treaty made at Detroit, this seventeenth day of November, in the year of our Lord one thousand eight hundred and seven, by William Hull, governor of the territory of Michigan, and superintendent of Indian affairs, and sole commissioner of the United States, to conclude and sign a treaty or treaties, with the several nations of Indians northwest of the river Ohio, on the one part, and the sachems, chiefs, and warriors of the Ottawa, Chippewa, Wyandot, and Pattawatima nations of Indians, on the other part.

This treaty to confirm and perpetuate friendship, &c.

To confirm and perpetuate the friendship, which happily subsists between the United States and the nations aforesaid, to manifest the sincerity of that friendship, and to settle arrangements mutually beneficial to the parties; after a full explanation and perfect understanding, the following articles are agreed to, which, when ratified by the president, by and with the advice and consent of the senate of the United States, shall be binding on them, and the respective nations of Indians.

Treaty binding when ratified.

The United States to pay money and goods. See below, art. 2.

The nations, parties hereto, cede lands, &c.

Lines and boundaries of the lands ceded.

[* See the definitive treaty of peace, No. 3, art. 2, page 203, ante.]

The United States to pay \$10,000 in money, goods, &c.

Amount to be paid to each nation, party to this treaty.

Annuity for-

ART. 1. The sachems, chiefs, and warriors, of the nations aforesaid, in consideration of money and goods, to be paid to the said nations, by the government of the United States, as hereafter stipulated; do hereby agree to cede, and forever quit claim, and do, in behalf of their nations, hereby cede, relinquish, and forever quit claim, unto the said United States, all right, title, and interest, which the said nations now have, or claim, or ever had, or claimed, in, or unto, the lands comprehended within the following described lines and boundaries: beginning at the mouth of the Miami river of the lakes, and running thence up the middle thereof, to the mouth of the great Auglaize river, thence running due north, until it intersects a parallel of latitude, to be drawn from the outlet of lake Huron, which forms the river Sinclair; thence running northeast, the course that may be found will lead in a direct line to White Rock, in lake Huron, thence due east, until it intersects the boundary line between the United States and Upper Canada,* in said lake, thence southwardly, following the said boundary line down said lake, through river Sinclair, lake St. Clair, and the river Detroit, into lake Erie, to a point due east of the aforesaid Miami river, thence west to the place of beginning.

ART. 2. It is hereby stipulated and agreed on the part of the United States, as a consideration for the lands ceded by the nations aforesaid in the preceding article, that there shall be paid to the said nations, at Detroit, ten thousand dollars, in money, goods, implements of husbandry, or domestic animals, (at the option of the said nations, seasonably signified through the superintendent of Indian affairs residing with the said nations, to the department of war,) as soon as practicable, after the ratification of the treaty by the president, with the advice and consent of the senate of the United States; of this sum, three thousand three hundred and thirty-three dollars thirty-three cents and four mills shall be paid to the Ottawa nation; three thousand three hundred and thirty-three dollars thirty-three cents and four mills to the Chippewa nation; one thousand six hundred sixty-six dollars sixty-six cents and six mills to the Wyandot nation; one thousand six hundred sixty-six dollars sixty-six cents and six mills to the Pattawatima nation; and likewise an annuity forever, of two thousand four hundred

dollars, to be paid at Detroit, in manner as aforesaid: the first payment to be made on the first day of September next, and to be paid to the different nations in the following proportions: eight hundred dollars to the Ottawas, eight hundred dollars to the Chippewas, four hundred dollars to the Wyandots, and four hundred dollars to such of the Pattawatimas as now reside on the river Huron of lake Erie, the river Raisin, and in the vicinity of the said rivers.

ART. 3. It is further stipulated and agreed, if at any time hereafter the said nations should be of the opinion that it would be more for their interest, that the annuity aforesaid should be paid by instalments, the United States will agree to a reasonable commutation for the annuity, and pay it accordingly.

ART. 4. The United States, to manifest their liberality and disposition to encourage the said Indians in agriculture, further stipulate to furnish the said Indians with two blacksmiths, one to reside with the Chippewas, at Saguina, and the other to reside with the Ottawas, at the Miami, during the term of ten years; said blacksmiths are to do such work for the said nations as shall be most useful to them.

ART. 5. It is further agreed and stipulated, that the said Indian nations shall enjoy the privilege of hunting and fishing on the lands ceded as aforesaid, as long as they remain the property of the United States.

ART. 6. It is distinctly to be understood, for the accommodation of the said Indians, that the following tracts of land within the cession aforesaid, shall be, and hereby are, reserved to the said Indian nations: one tract of land six miles square, on the Miami of lake Erie, above Roche de Boeuf, to include the village where Tondaganie (or the Dog) now lives. Also, three miles square on the said river, (above the twelve miles square ceded to the United States by the treaty of Greenville,*) including what is called Presque Isle; also, four miles square on the Miami bay, including the villages where Meshkemau and Wangau now live; also, three miles square on the river Raisin, at a place called Macon, and where the river Macon falls into the river Raisin, which place is about fourteen miles from the mouth of said river Raisin; also, two sections of one mile square each, on the river Rouge, at Seginsavin's village; also, two sections of one mile square each, at Tonquish's village, near the river Rouge; also, three miles square on lake St. Clair, above the river Huron, to include Machonee's village; also, six sections, each section containing one mile square, within the cession aforesaid, in such situations as the said Indians shall elect, subject, however, to the approbation of the president of the United States, as to the places of location. It is further understood and agreed, that whenever the reservations cannot conveniently be laid out in squares, they shall be laid out in parallelograms, or other figures, as found most practicable and convenient, so as to contain the area specified in miles; and in all cases they are to be located in such manner, and in such situations, as not to interfere with any improvements of the French or other white people, or any former cessions.

ever, of \$2,400, &c. Proportion of annuity to each nation.

Annuity may be paid by instalments, &c.

The United States to furnish two blacksmiths, for ten years, &c.

The Indians may hunt and fish on the lands ceded, whilst the property of the United States.

Tracts reserved to the Indians.

* Ante, No. 3, art. 3, page 399.]

Reservations may be laid out in parallelograms, or other figures, &c.

Not to interfere with improvements of whites, &c.

The nations
under protec-
tion of the
United States,
&c.

ART. 7. The said nations of Indians acknowledge themselves to be under the protection of the United States, and no other power, and will prove by their conduct that they are worthy of so great a blessing.

In testimony whereof, the said William Hull, and the sachems and war chiefs representing the said nations, have hereunto set their hands and seals.

Done at Detroit, in the territory of Michigan, the day and year first above written.

William Hull,

L. S.

CHIPPEWAS.

Peewanshememogh, his x mark, L. S.
Mamaushegauta, or Bad Legs, his x mark, L. S.
Pooquigauboawie, his x mark, L. S.
Kiosk, his x mark, L. S.
Poquaquet, or the Ball, his x mark, L. S.
Segangewan, his x mark, L. S.
Quitichonequit, or Big Cloud, his x mark, L. S.
Quiconquish, his x mark, L. S.
Puckeneze, or the Spark of Fire, his x mark, L. S.
Negig, or the Otter, his x mark, L. S.
Measita, his x mark, L. S.
Macquettequet, or Little Bear, his x mark, L. S.
Nemekas, or Little Thunder, his x mark, L. S.
Sawanabenase, or Pechegabua, or Grand Blanc, his x mark, L. S.
Tonquish, his x mark, L. S.
Miott, his x mark, L. S.
Meuetugesheck, or the Little Cedar, his x mark, L. S.

OTTAWAS.

Aubauway, his x mark, L. S.
Kawachewan, his x mark, L. S.
Sawgamaw, his x mark, L. S.
Ogouse, his x mark, L. S.
Wasagashick, his x mark, L. S.

PATAWATIMAS.

Toquish, his x mark, L. S.
Noname, his x mark, L. S.
Nawme, his x mark, L. S.
Ninnewa, his x mark, L. S.
Skush, his x mark, L. S.

WYANDOTS.

Skahomat, his x mark, L. S.
Miere, or Walk in the Water, his x mark, L. S.
Iyonayotaha, his x mark, L. S.

In presence of

George McDougall, *chief judge Ct. D. H. and D.*
C. Rush, *attorney general.*

Jacob Visger, *associate judge of the D. court,*
Jos. Watson, *secretary to the legislature of Michigan,*
Abijah Hull, *surveyor for Michigan territory,*
Harris H. Hickman, *counsellor at law,*
Abraham Fuller Hull, *counsellor at law and secretary to the commission,*
Whitmore Knaggs, }
William Walker, } *sworn interpreters.*

[Note. The Ottawas, Chippewas, and Wyandots, are parties, in common with other tribes, to treaties Nos. 1, 2, 3, 6, and 9, of this chapter, which see, ante and post. The Wyandots, in common, to No. 5, of this chapter. The Pattawatimas are parties, in common, to treaties Nos. 2, 3, 4, 6, 7, 9, and 10, of this chapter: see them, ante and post.]

Art. 9. Articles of a treaty made and concluded at Brownstown, in the territory of Michigan, between William Hull, governor of the said territory, superintendent of the Indian affairs, and commissioner plenipotentiary of the United States of America, for concluding any treaty or treaties, which may be found necessary, with any of the Indian tribes northwest of the river Ohio, of the one part, and the sachems, pewas, &c. chiefs, and warriors, of the Chippewa, Ottawa, Pattawatima, Wyandot, and Shaw-
Treaty between the United States and the Indian nations of the territory of Michigan, of the one part, and the sachems, pewas, &c. chiefs, and warriors, of the Chippewa, Ottawa, Pattawatima, Wyandot, and Shaw-
ance nations of Indians, of the other part.

ART. 1. Whereas, by a treaty concluded at Detroit, on the seventeenth day of November, in the year of our Lord one thousand eight hundred and seven, a tract of land lying to the west and north of the river Miami, of lake Erie, and principally within the territory of Michigan, was ceded by the Indian nations to the United States,* and whereas the lands lying on the southeastern side of the said river Miami, and between said river, and the boundary lines established by the treaties of Greenville and fort Industry, with the exception of a few small reservations to the United States, still belong to the Indian nations, so that the United States cannot, of right, open and maintain a convenient road from the settlements in the state of Ohio to the settlements in the territory of Michigan, nor extend those settlements so as to connect them; in order therefore to promote this object, so desirable and evidently beneficial to the Indian nations, as well as to the United States, the parties have agreed to the following articles, which, when ratified by the president of the United States, by and with the advice and consent of the senate thereof, shall be reciprocally binding.

Reference to the treaty of Detroit.

* See ante, No. 8, art. 1, page 414.]

Difficulties in opening a road from Ohio to Michigan, &c.

Treaty, when ratified, to be binding.

ART. 2. The several nations of Indians aforesaid, in order to promote the object mentioned in the preceding article, and in consideration of the friendship they bear towards the United States, for the liberal and benevolent policy which has been practised towards them by the government thereof, do hereby give, grant, and cede, unto the said United States, a tract of land for a road, of one hundred and twenty feet in width, from the foot of the rapids of the river Miami of lake Erie to the western line of the Connecticut Reserve, and all the land within one mile of the said road, on each side thereof, for the purpose of establishing settlements along the same; also, a tract of land, for a road only, of one hundred and twenty feet in width, to run southwardly from what is called Lower Sandusky, to the boundary line established by the treaty of Greenville,† with the privilege of taking, at all times, such timber and other materials from the adjacent lands, as may be necessary for making and keeping in repair the said road, with the bridges that may be required along the same.

The Indian nations cede a tract of land for a road from the foot of the rapids of the Miami of lake Erie to the western line of the Connecticut Reserve, &c.

Another tract for a road.

[† Ante, No. 3, art. 3, page 398.]

ART. 3. It is agreed, that the lines embracing the lands given and ceded by the preceding article, shall be run in such directions as may be thought most advisable by the president of the United States, for the purposes aforesaid.

The lines of the lands ceded, to be run as the president may deem most advisable.

ART. 4. It is agreed the said Indian nations shall retain the privilege of hunting and fishing on the lands given and ceded as above, so long as the same shall remain the property of the United States.

The Indians may hunt, &c. on the ceded lands, &c.

ART. 5. The several nations of Indians aforesaid, do again acknowledge themselves to be under the protection of the United

The nations under the sole

protection of
the United
States.

States, and of no other sovereign; and the United States, on their part, do renew their covenant to extend protection to them according to the intent and meaning of stipulations in former treaties.*

Done at Brownstown, in the territory of Michigan, this 25th day of November, in the year of our Lord one thousand eight hundred and eight, and of the independence of the United States of America the thirty-third.

William Hull, *commissioner*, L. S.

CHIPPEWAS.

Nemekas, or Little Thunder, his x mark, L. S.
Puckanese, or Spark of Fire, his x mark, L. S.
Macquettequet, or Little Bear, his x mark, L. S.
Shimnanaquette, his x mark, L. S.

OTTAWAS.

Kewachewan, his x mark, L. S.
Tondagane, his x mark, L. S.

PATTAWATIMAS.

Mogau, his x mark, L. S.
Wapmeme, or White Pigeon, his x mark, L. S.
Mache, his x mark, L. S.

WYANDOTS.

Miere, or Walk in the Water, his x mark, L. S.
Iyonayotaha, or Joe, his x mark, L. S.
Skahomat, or Black Chief, his x mark, L. S.
Adam Brown, L. S.

SHAWANEES.

Makatewekasha, or Black Hoof, his x mark, L. S.
Koitawaypie, or col. Lewis, his x mark, L. S.

Executed, after having been fully explained and understood, in presence of

Reuben Attwater, *secretary of the territory Michigan*,

James Witherill, *a judge of Michigan territory*,

Jacob Visger, *judge of the district court*,

Jos. Watson, *secretary L. M. T.*

Wm. Brown,

B. Campau,

Lewis Bond, } *as to the Ottawa chiefs,*

A. Lyons,

Whitmore Knaggs,

William Walker,

F. Duchonquet,

Samuel Saunders,

} *sworn interpreters.*

Attest,

HARRIS HAMPDEN HICKMAN,

Secretary to the commission.

[*Note.* The Chippewas, Ottawas, and Wyandots, are parties to the treaties Nos. 1, 2, 3, 6, and 8, of this chapter. See them, ante. The Wyandots, in common, to No. 5. The Pattiwatimas are parties, in common, to Nos. 2, 3, 4, 6, 7, 8, and 10, of this chapter; ante and post. The Shawanees are sole parties to No. 1, chapter 20; which see, ante, page 358; and, in common, to Nos. 3, 4, and 6. See them, ante.]

* See the several treaties of this chapter. Ante.

No. 10. A treaty between the United States of America, and the tribes of Indians called the Delawares, Pattawatimas, Miamis, and Eel River Miamis.

Treaty between the United States and the Delawares, &c.

James Madison, president of the United States; by William Henry Harrison, governor and commander in chief of the Indiana territory, superintendent of Indian affairs, and commissioner plenipotentiary of the United States for treating with the said Indian tribes, and the sachems, head men, and warriors, of the Delaware, Pattawatima, Miami, and Eel River tribes of Indians, have agreed and concluded upon the following treaty; which, when ratified by the said president, with the advice and consent of the senate of the United States, shall be binding on said parties.

This treaty, when ratified, to be binding.

ART. 1. The Miami and Eel River tribes, and the Delawares and Pattawatimas, as their allies, agree to cede to the United States all that tract of country which shall be included between the boundary line established by the treaty of fort Wayne,* the Wabash, and a line to be drawn from the mouth of a creek called Racoon creek, emptying into the Wabash, on the southeast side, about twelve miles below the mouth of the Vermilion river, so as to strike the boundary line established by the treaty of Grouseland† at such a distance from its commencement, at the northeast corner of the Vincennes tract, as will leave the tract now ceded thirty miles wide at the narrowest place. And also all that tract which shall be included between the following boundaries, viz: beginning at fort Recovery, thence southwardly along the general boundary line established by the treaty of Greenville,‡ to its intersection with the boundary line established by the treaty of Grouseland; thence along said line to a point, from which a line, drawn parallel to the first mentioned line, will be twelve miles distant from the same, and along the said parallel line to its intersection with a line to be drawn from fort Recovery, parallel to the line established by the said treaty of Grouseland.

The tribes cede a tract of country herein described.

* See ante, No. 4, art. 1 and 5, pages 406, 407.]

† Ante, No. 7, art. 2, page 411.]

‡ Ante, No. 5, art. 3, page 398.]

ART. 2. The Miamis explicitly acknowledge the equal right of the Delawares with themselves to the country watered by the White river. But it is also to be clearly understood, that neither party shall have the right of disposing of the same without the consent of the others; and any improvements which shall be made on the said land by the Delawares, or their friends the Mochecans, shall be theirs forever.

The Miamis acknowledge the equal right of the Delawares to the country watered by the White river, &c.

ART. 3. The compensation to be given for the cession made in the first article, shall be as follows, viz: to the Delawares, a permanent annuity of five hundred dollars; to the Miamis, a like annuity of five hundred dollars; to the Eel River tribe, a like annuity of two hundred and fifty dollars; and to the Pattawatimas, a like annuity of five hundred dollars.

Annuities, as compensation for the cession made.

ART. 4. All the stipulations made in the treaty of Greenville, relatively to the manner of paying the annuities, and the right of the Indians to hunt upon the land, shall apply to the annuities granted, and the land ceded, by the present treaty. §

Stipulations of Greenville to apply.

§ See ante, No. 3, art. 4 and 7, pages 401, 402.]

ART. 5. The consent of the Wea tribe shall be necessary to complete the title to the first tract of land here ceded; a separate convention shall be entered into between them and the Unit-

The consent of the Wea tribe necessary.

See art. No. 12, p. 422.

ed States, and a reasonable allowance of goods given them in hand, and a permanent annuity, which shall not be less than three hundred dollars, settled upon them.

annuities and goods worth full compensation.

ART. 6. The annuities promised by the third article, and the goods now delivered to the amount of five thousand two hundred dollars, shall be considered as a full compensation for the cession made in the first article.

depredations on cattle, &c. to put an end by deducting from annuities, &c.

ART. 7. The tribes who are parties to this treaty, being desirous of putting an end to the depredations which are committed by abandoned individuals of their own color, upon the cattle, horses, &c. of the more industrious and careful, agree to adopt the following regulations, viz: when any theft or other depredation shall be committed by any individual or individuals of one of the tribes abovementioned, upon the property of any individual or individuals of another tribe, the chiefs of the party injured shall make application to the agent of the United States, who is charged with the delivery of the annuities of the tribe to which the offending party belongs, whose duty it shall be to hear the proofs and allegations on either side, and determine between them: and the amount of his award shall be immediately deducted from the annuity of the tribe to which the offending party belongs, and given to the person injured, or to the chief of his village for his use.

United States partial relinquish serve.

ART. 8. The United States agree to relinquish their right to the reserve, at the old Ouroctenon towns, made by the treaty of Greenville,* so far, at least, as to make no further use of it than for the establishment of a military post.

ceded ensure the Kickapoos and vicinity of W., &c.

ART. 9. The tribes who are parties to this treaty, being desirous to show their attachment to their brothers the Kickapoos, agree to cede to the United States the lands on the northwest side of the Wabash, from the Vincennes tract to a northwarily extension of the line running from the mouth of the aforesaid Racoon creek, and fifteen miles in width from the Wabash, on condition that the United States shall allow them an annuity of four hundred dollars. But this article is to have no effect unless the Kickapoos will agree to it.†

see post. 13.]

In testimony whereof, the said William Henry Harrison, and the sachems and war chiefs of the before mentioned tribes, have hereunto set their hands and affixed their seals, at fort Wayne, this thirtieth of September, eighteen hundred and nine.

- | | |
|--|-------|
| William Henry Harrison, | L. S. |
| DELAWARES. | |
| Anderson, for Hockingpomskon, who is absent, his x mark, | L. S. |
| Anderson, his x mark, | L. S. |
| Petchekekapon, his x mark, | L. S. |
| The Beaver, his x mark, | L. S. |
| Captain Killbuck, his x mark, | L. S. |
| PATAWATIMAS. | |
| Winemac, his x mark, | L. S. |
| Five Medals, by his son, his x mark, | L. S. |
| Mogawgo, his x mark, | L. S. |
| Shissahecon, for himself and his brother Tuthinipee, his x mark, | L. S. |
| Ossmeet, brother to Five Medals, his x mark, | L. S. |

* See ante, No. 3, art. 3, page 399.

Nanousekah, Penamo's son, his x mark,	L. 3.
Mosser, his x mark,	L. 3.
Chequinimo, his x mark,	L. 3.
Sackanackshut, his x mark,	L. 3.
Conengee, his x mark,	L. 3.

MIAMIS.

Pucan, his x mark,	L. 3.
The Owl, his x mark,	L. 3.
Meshekenoghqua, or the Little Turtle, his x mark,	L. 3.
Wapemangua, or the Loon, his x mark,	L. 3.
Silver Heels, his x mark,	L. 3.
Shawapenomo, his x mark,	L. 3.

EEL RIVERS.

Charley, his x mark,	L. 3.
Sheshangomequah, or Swallow, his x mark,	L. 3.
The young Wyandot, a Miami of Elk Hart, his x mark,	L. 3.

In presence of

Peter Jones, *secretary to the commissioner*,
 John Johnston, *Indian agent*,
 A. Heald, *capt. the United States' army*,
 A. Edwards, *surgeon's mate*,
 Ph: Ostrander, *lieut. United States' army*,
 John Shaw,
 Stephen Johnston,
 J. Hamilton, *sberiff of Dearborn county*,
 Hendrick Aupaumut,
 William Wells,
 John Conner,
 Joseph Barron,
 Abraham Ash,

} *sworn interpreters.*

[*Note.* The Delawares are sole parties to treaties No. 1, chap. 15, ante, page 302; and to No. 2, page 305. Also, in common, to Nos. 1, 2, 3, 4, 6, and 7, of this chapter. See them, ante. The Pattawatimas are parties, in common, to treaties Nos. 2, 3, 4, 6, 7, 8, and 9, of this chapter; which see, ante. The Miamis and Eel Rivers are parties, in common, to treaties Nos. 3, 4, 7, and 11; and the Eel Rivers, in common, to No. 5; all of this chapter. See these Nos. ante and post.]

No. 11. A separate article entered into at fort Wayne, on the thirtieth day of September, in the year of our Lord one thousand eight hundred and nine, between William Henry Harrison, commissioner plenipotentiary of the United States for treating with the Indian tribes, and the sachems and chief warriors of the Miami and Eel River tribes of Indians, which is to be considered as forming part of the treaty this day concluded between the United States and the said tribes, and their allies the Delawares and Pattawatimas. Treaty between the United States and the Miami and Eel Rivers.

As the greater part of the lands ceded to the United States, by the treaty this day concluded,* was the exclusive property of the Miami nation, and guaranteed to them by the treaty of Grouseland,† it is considered by the said commissioner, just and reasonable that their request, to be allowed some further and additional compensation, should be complied with. It is, therefore, agreed, that the United States shall deliver for their use, in the course of the next spring, at fort Wayne, domestic animals to the amount of five hundred dollars, and the like number for the two following years, and that an armory shall be also maintained at fort Wayne, for the use of the Indians, as heretofore. It is also agreed, that if the Kickapoos confirm the ninth article

* See the treaty of fort Wayne, ante, No. 10, art. 1, page 419.]

† Ante, No. 7, art. 4, page 412.]

Further compensation to the Miamis, in domestic animals, to the amount of \$1,500: armory, &c.

Further permanent annuity to the Miamis of \$200, if the Kickapoos confirm, &c. and \$100 to the Weas and Eel Rivers, each.

of the treaty to which this is a supplement,* the United States will allow to the Miamis a further permanent annuity of two hundred dollars, and to the Wea and Eel River tribes a further annuity of one hundred dollars, each.

In testimony whereof, the said William Henry Harrison, and the sachems and war chiefs of the said tribes, have hereunto set their hands and affixed their seals, the day and place abovementioned.

William Henry Harrison,	L. S.
Charley, an Eel River, his x mark,	L. S.
Pacan, his x mark,	L. S.
Sheshaquouquah, or Swallow, an Eel River, his x mark,	L. S.
The young Wyandot, a Miami or Elk Hart, his x mark,	L. S.
Shywahbeanomo, his x mark,	L. S.

MIAMIS.

The Owl, his x mark,	L. S.
Wafremanqua, or the Loon, his x mark,	L. S.
Mushekeuoghqua, or the Little Turtle, his x mark,	L. S.
Silver Heels, his x mark,	L. S.

In presence of

Peter Jones, *secretary to the commissioner,*
Joseph Barron,
A. Edwards,
William Wells,
John Shaw.

[*Note.* The Miamis and Eel Rivers are parties, in common, to treaties Nos. 3, 4, 7, and 10, of this chapter; and the Eel Rivers, in common, to No. 5, of the same chapter. See these numbers, ante.]

Convention between the United States and the Wea tribe.

The Weas consent to the treaty of fort Wayne of September, 30, 1809; and to separate article concluded with the Miamis and Eel Rivers.

Additional annuity of \$300 and a present of \$1,500 to the Weas; and a further permanent annuity of \$100 when the Kickapoos consent, &c.

No. 12. A convention entered into at Vincennes, in the Indiana territory, between William Henry Harrison, commissioner plenipotentiary of the United States for treating with the Indian tribes northwest of the Ohio, and the Wea tribe.

The said tribe, by their sachems and head warriors, hereby declare their full and free consent to the treaty concluded at fort Wayne, † on the thirtieth ultimo, by the abovementioned commissioner, with the Delaware, Miami, Pattawatima, and Eel River tribes; and also to the separate article ‡ entered into on the same day, with the Miami and Eel River tribes. And the said commissioner, on the part of the United States, agrees to allow the said tribe an additional annuity of three hundred dollars, and a present sum of fifteen hundred dollars, in consideration of the relinquishment made in the first article of said treaty; and a further permanent annuity of one hundred dollars, as soon as the Kickapoos can be brought to give their consent to the ninth article of said treaty. §

In testimony whereof, the said William Henry Harrison, and the sachems and head warriors of the said tribe, have hereunto set their hands and affixed their seals, this twenty-sixth day of October, eighteen hundred and nine.

* See the confirmation of the ninth article of the treaty of fort Wayne, by the Kickapoos; No. 13, post.

† See ante, No. 10, page 419.

‡ See ante, No. 11, page 421.

§ See the consent of the Kickapoos given; post. No. 13.

William H. Harrison,	L. S.
Jacco, his x mark,	L. S.
Shawanee, his x mark,	L. S.
Tosania, his x mark,	L. S.
Cohona, his x mark,	L. S.
Lapousier, his x mark,	L. S.
Pequia, his x mark,	L. S.
Quewa, or Negro Legs, his x mark,	L. S.
Alengua, his x mark,	L. S.
Chequia, or Little Eyes, his x mark,	L. S.

In the presence of

Peter Jones, secretary to the commissioner,
 B. Parke, one of the judges of the Indiana territory,
 Thomas Randolph, A. G. of Indiana,
 Will. Jones, of Vincennes,
 Saml. W. Davis, lt. col. Ohio state,
 Shadrach Bond, jr. of the Illinois territory,
 Joseph Barron, sworn interpreter.

[Note. The Weas are parties, in common, to treaties Nos. 3, 4, and 7, of this chapter. See them, ante.]

No. 13. A treaty between the United States of America and the Kickapoo tribe of Indians. Treaty between the United States and the Kickapoo.

William Henry Harrison, governor of the Indiana territory, and commissioner plenipotentiary of the United States, for treating with the Indian tribes northwest of the Ohio, and the sachems and war chiefs of the Kickapoo tribe, on the part of said tribe, have agreed to the following articles, which, when ratified by the president, by and with the advice of the senate, shall be binding on said parties. This treaty binding, when ratified.

ART. 1. The ninth article of the treaty concluded at fort Wayne* on the thirtieth of September last, and the cession it contains, is hereby agreed to by the Kickapoos, and a permanent additional annuity of four hundred dollars, and goods to the amount of eight hundred dollars, now delivered, is to be considered as a full compensation for the said cession. The Kickapoos agree to the 9th article of the treaty of fort Wayne, for additional permanent annuity of \$400, and \$800 worth of goods.

ART. 2. The said tribe further agrees to cede to the United States all that tract of land which lies between the tract above ceded, the Wabash, the Vermilion river, and a line to be drawn from the north corner of the said ceded tract, so as to strike the Vermilion river at the distance of twenty miles in a direct line from its mouth. For this cession a further annuity of one hundred dollars, and the sum of seven hundred dollars in goods now delivered, is considered as a full compensation. But if the Miamis should not be willing to sanction the latter cession, and the United States should not think proper to take possession of the land without their consent, they shall be released from the obligation to pay the additional annuity of one hundred dollars. The Kickapoos cede another tract, herein described, for further annuity of \$100, and \$700 in goods. Condition as to the sanction of the Miamis.

ART. 3. The stipulations contained in the treaty of Greenville, † relatively to the manner of paying the annuity, and of the right of the Indians to hunt upon the land, shall apply to the annuity granted and the land ceded by the present treaty. Stipulations of the treaty of Greenville to apply to provisions of this treaty.

* See ante, No. 10, page 420.

† See ante, No. 3, art. 4 and 7, pages 401, 402.

In testimony whereof, the said William Henry Harrison, and the sachems and head war chiefs of the said tribe, have hereunto set their hands and affixed their seals, this ninth day of December, one thousand eight hundred and nine.

William Henry Harrison, L. s.
 Joe Renard, Nemahson, or a Man on his Feet, his x mark, L. s.
 Knoshania, or the Otter, his x mark, L. s.
 Wakoah, or Fox Hair, his x mark, L. s.
 Nonoah, or a Child at the Breast, his x mark, L. s.
 Moquiah, or the Bear Skin, his x mark, L. s.

Signed in presence of (the word "seven" in the second article being written upon an erasure)

Peter Jones, *secretary to the commissioner,*
 George Wallace, jun. *justice peace, K.*
 Jno. Gibson, *secretary Indiana terri.*
 Will. Jones, *justice of peace,*
 E. Stout, *justice of peace,*
 Charles Smith, *of Vincennes,*
 Hyacinthe Lasselle, *of Vincennes,*
 Dom. Lacroix, *of Vincennes,*
 Joseph Barron, *interpreter.*

[*Note.* The Kickapoos are parties, in common, to treaties Nos. 3, 4, and 5, of this chapter. See them, ante.]

CHAPTER 27.

Treaty between the United States of America, and the Oneida, Tuscarora, and Stockbridge nations of Indians.

Treaty between the United States and Oneidas, Tuscaroras, and Stockbridges. No. 1. A treaty between the United States, and the Oneida, Tuscarora, and Stockbridge Indians, dwelling in the country of the Oneidas.

Whereas, in the late war between Great Britain and the United States of America, a body of the Oneida, and Tuscarora, and the Stockbridge Indians, adhered faithfully to the United States, and assisted them with their warriors; and, in consequence of this adherence and assistance, the Oneidas and Tuscaroras, at an unfortunate period of the war, were driven from their homes, and their houses were burnt, and their property destroyed: and as the United States, in the time of their distress, acknowledged their obligations to these faithful friends, and promised to reward them; and the United States being now in a condition to fulfil the promises then made; the following articles are stipulated by the respective parties, for that purpose; to be in force when ratified by the president and senate:

ART. 1. The United States will pay the sum of five thousand dollars, to be distributed among individuals of the Oneida and Tuscarora nations, as a compensation for their individual losses and services during the late war between Great Britain and the United States. The only man of the Kaughnawaugas now remaining in the Oneida country, as well as some few very meritorious persons of the Stockbridge Indians, will be considered in the distribution.

ART. 2. For the general accommodation of these Indian nations, residing in the country of the Oneidas, the United States will cause to be erected a complete grist mill and saw mill, in a situation to serve the present principal settlements of these nations. Or if such one convenient situation cannot be found, then the United States will cause to be erected two

\$5,000 to the Oneidas and Tuscaroras.
 A Kaughnawanga and the Stockbridges to be considered, &c.
 Grist and saw mills to be erected by the United States, &c.

such grist mills and saw mills, in places where it is now known the proposed accommodation may be effected. Of this the United States will judge.

ART. 3. The United States will provide, during three years the United States to provide for persons three years to manage the mills, &c. the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the three nations in the arts of the miller and sawyer, and to provide teams and utensils for carrying on the work of the mills.

ART. 4. The United States will pay one thousand dollars, \$1,000 to build a church at Oneida, in the place of the one which was there burnt by the enemy, in the late war.

ART. 5. In consideration of the above stipulations, to be performed on the part of the United States, the Oneida, Tuscarora, and Stockbridge Indians aforementioned, now acknowledge themselves satisfied, and relinquish all other claims of compensation and rewards, for their losses and services in the late war: excepting only, the unsatisfied claims of such men of the said nations as bore commissions under the United States, for any arrears which may be due to them as officers.

In witness whereof, the chiefs of those nations, residing in the country of the Oneidas, and Timothy Pickering, agent for the United States, have hereto set their hands and seals, at Oneida, the second day of December, in the year one thousand seven hundred and ninety-four.

Timothy Pickering,

L. S.

WOLF TRIBE.

Odotsaihte, his x mark,
Konnoquenyau, his x mark, } head sachems of the Oneidas.
John Skenendo, eldest war chief, his x mark,

L. S.

L. S.

L. S.

TURTLE TRIBE.

Shonohleyo, war chief, his x mark,
Peter Konnauterlook, sachem, his x mark,
Daniel Teouneslees, son of Skenendo, war chief, his x mark,

L. S.

L. S.

L. S.

BEAR TRIBE.

Lodowik Kohsauwetau, his x mark,
Cornelius Kauhiktoton, his x mark, } war chiefs.
Thos. Osauhataugaunlot, his x mark,

L. S.

L. S.

L. S.

TUSCARORAS.

Thaulondauwaugon, sachem, his x mark,
Kanatjogh, or Nicholas Cusick, war chief, his x mark,

L. S.

L. S.

Witnesses to the signing and sealing of the agent of the United States, and of the chiefs of the Oneida and Tuscarora nations:

S. Kirkland,

James Dean, interpreter.

Witnesses to the signing and sealing of the four chiefs of the Stockbridge Indians, whose names are below:

Saml. Kirkland,

John Sergeant.

STOCKBRIDGE INDIANS.

Hendrick Aupaumut,
Joseph Quonney,
John Konkapot,
Jacob Konkapot,

L. S.

L. S.

L. S.

L. S.

[*Note.* The Oneida, Tuscarora, and Stockbridge Indians, are part of the Six Nations. For treaties in which they are concerned, see ante, chapter 16, No. 1, page 307; No. 2, page 309; No. 3, page 311; and No. 4, page 315.]

CHAPTER 28.

Treaty between the United States of America, and the united tribes of Sac and Fox Indians.

Treaty between the United States and the Sacs and Foxes.

ART. 1. Articles of a treaty made at St. Louis, in the district of Louisiana, between William Henry Harrison, governor of the Indiana territory, and of the district of Louisiana, superintendent of Indian affairs for the said territory and district, and commissioner plenipotentiary of the United States for concluding any treaty or treaties, which may be found necessary, with any of the northwestern tribes of Indians, of the one part, and the chiefs and head men of the united Sac and Fox tribes, of the other part.

The Sacs and Foxes under the protection of the United States.

ART. 1. The United States receive the united Sac and Fox tribes into their friendship and protection, and the said tribes agree to consider themselves under the protection of the United States, and of no other power whatsoever.

Boundary line between the lands of the United States and those of the Sacs and Foxes.

ART. 2. The general boundary line between the lands of the United States and of the said Indian tribes shall be as follows, to wit: beginning at a point on the Missouri river opposite to the mouth of the Gasconade river; thence in a direct course so as to strike the river Jeffreon, at the distance of thirty miles from its mouth, and down the said Jeffreon to the Mississippi, thence up the Mississippi to the mouth of the Ouisconsing river, and up the same to a point which shall be thirty-six miles in a direct line from the mouth of the said river, thence by a direct line to the point where the Fox river (a branch of the Illinois) leaves the small lake called Sakaegan, thence down the Fox river to the Illinois river, and down the same to the Mississippi. And the said tribes, for and in consideration of the friendship and protection of the United States, which is now extended to them, of the goods (to the value of two thousand two hundred and thirty-four dollars and fifty cents) which are now delivered, and of the annuity hereinafter stipulated to be paid,* do hereby cede and relinquish forever to the United States, all the lands included within the above described boundary.

For friendship and protection, \$2,234 50 cts. worth of goods, and annuity, the tribes cede the lands within the boundary herein described.

Annuity of \$1,000 worth of goods. \$600 for the Sacs, and \$400 for the Foxes.

ART. 3. In consideration of the cession and relinquishment of land made in the preceding article, the United States will deliver to the said tribes, at the town of St. Louis, or some other convenient place on the Mississippi, yearly, and every year, goods suited to the circumstances of the Indians, of the value of one thousand dollars, (six hundred of which are intended for the Sacs, and four hundred for the Foxes,) reckoning that value at the first cost of the goods in the city or place in the United States where they shall be procured. And if the said tribes shall hereafter, at an annual delivery of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, or in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall, at the subsequent annual delivery, be furnished accordingly.

The tribes, on notice, may commute a part of their annuities for domestic animals, &c.

The United States to protect the tribes in the possession of their lands.

ART. 4. The United States will never interrupt the said tribes in the possession of the lands which they rightfully claim, but will, on the contrary, protect them in the quiet enjoyment of

* See article 3, on this page.

the same, against their own citizens, and against all other white persons who may intrude upon them. And the said tribes do hereby engage, that they will never sell their lands, or any part thereof, to any sovereign power but the United States, nor to the citizens or subjects of any other sovereign power, nor to the citizens of the United States.

ART. 5. Lest the friendship which is now established between the United States and the said Indian tribes, should be interrupted by the misconduct of individuals, it is hereby agreed, that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made by the party injured to the other; by the said tribes, or either of them, to the superintendent of Indian affairs, or one of his deputies, and by the superintendent or other person appointed by the president, to the chiefs of the said tribes. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons, against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the state or territory where the offence may have been committed; and in like manner, if any robbery, violence, or murder, shall be committed on any Indian, or Indians, belonging to the said tribes, or either of them, the person or persons, so offending, shall be tried, and if found guilty, punished in the like manner as if the injury had been done to a white man. And it is further agreed, that the chiefs of the said tribes shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen from any citizen or citizens of the United States, by any individual, or individuals, of their tribes, and the property so recovered, shall be forthwith delivered to the superintendent or other person authorized to receive it, that it may be restored to the owner; and in cases where the exertions of the chiefs shall be ineffectual in recovering the property stolen as aforesaid, if sufficient proof can be obtained that such property was actually stolen by any Indian or Indians, belonging to the said tribes, or either of them, the United States may deduct from the annuity of the said tribes, a sum equal to the value of the property which has been stolen. And the United States hereby guaranty to any Indian or Indians of the said tribes, a full indemnification for any horses or other property, which may be stolen from them by any of their citizens; provided that the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States.

ART. 6. If any citizen of the United States, or other white person, should form a settlement upon lands which are the property of the Sac and Fox tribes, upon complaint being made thereof to the superintendent or other person having charge of the affairs of the Indians, such intruder shall forthwith be removed.

ART. 7. As long as the lands which are now ceded to the United States remain their property, the Indians belonging to the said tribes shall enjoy the privilege of living and hunting upon them.

ART. 8. As the laws of the United States, regulating trade and

The tribes not to sell to a foreign power, nor to citizens.

Revenge for private injuries, prohibited.

Complaint to be made of private injuries.

Offending Indians to be delivered up for punishment.

Citizens to be punished for robbery, &c. of Indians.

Chiefs to exert themselves to recover stolen property, which is to be restored.

In case stolen property is not restored, the value to be deducted from annuity, on proof.

Guarantee of indemnification for property stolen by citizens, &c.

Intruders on the lands of the Sacs and Foxes to be removed, on complaint.

Sacs and Foxes may live and hunt on the ceded lands, &c.

Sacs and Foxes not to suffer unlicensed traders to reside among them.

Notice to be given of traders. Trading house, or factory, to be established, &c.

Adjustment of differences between the Sacs and Foxes and the Great and Little Osages, under the direction of an agent of the United States.

The tribes allow a fort to be built on the upper side of the Ouisconsing, or, &c. and give a tract of land for the purpose.

A free and safe passage for traders and their property, &c.

This treaty to take effect when ratified.

intercourse with the Indian tribes, are already extended to the country inhabited by the Saukes and Foxes, and as it is provided by those laws, that no person shall reside as a trader in the Indian country, without a license under the hand and seal of the superintendent of Indian affairs, or other person appointed for the purpose by the president, the said tribes do promise and agree, that they will not suffer any trader to reside amongst them without such license; and that they will, from time to time, give notice to the superintendent, or to the agent for their tribes, of all the traders that may be in their country.

ART. 9. In order to put a stop to the abuses and impositions which are practised upon the said tribes by the private traders, the United States will, at a convenient time, establish a trading house or factory, where the individuals of the said tribes can be supplied with goods at a more reasonable rate than they have been accustomed to procure them.

ART. 10. In order to evince the sincerity of their friendship and affection for the United States, and a respectful deference for their advice, by an act which will not only be acceptable to them, but to the common Father of all the nations of the earth, the said tribes do hereby solemnly promise and agree, that they will put an end to the bloody war which has heretofore raged between their tribes and those of the Great and Little Osages. And for the purpose of burying the tomahawk and renewing the friendly intercourse between themselves and the Osages, a meeting of their respective chiefs shall take place, at which, under the direction of the above named commissioner, or the agent of Indian affairs residing at St. Louis, an adjustment of all their differences shall be made, and peace established upon a firm and lasting basis.

ART. 11. As it is probable that the government of the United States will establish a military post at or near the mouth of the Ouisconsing river, and as the land on the lower side of the river may not be suitable for that purpose, the said tribes hereby agree that a fort may be built either on the upper side of the Ouisconsing, or on the right bank of the Mississippi, as the one or the other may be found most convenient, and a tract of land not exceeding two miles square shall be given for that purpose. And the said tribes do further agree, that they will at all times allow to traders and other persons travelling through their country, under the authority of the United States, a free and safe passage for themselves and their property of every description. And that for such passage they shall, at no time and on no account whatever, be subject to any toll or exaction.

ART. 12. This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president by and with the advice and consent of the senate of the United States.

In testimony whereof, the said William Henry Harrison, and the chiefs and head men of the said Sac and Fox tribes, have hereunto set their hands and affixed their seals.

Done at Saint Louis, in the district of Louisiana, on the third day of November, one thousand eight hundred and four,

and of the independence of the United States the twenty-ninth.

Willm. Henry Harrison,	L. S.
Layauvois, or Laiyuwa, his x mark,	L. S.
Pashepaho, or the Giger, his x mark,	L. S.
Quashquame, or Jumping Fish, his x mark,	L. S.
Outchequaha, or Sun Fish, his x mark,	L. S.
Hahshequaxhiqua, or the Bear, his x mark,	L. S.

In presence of (the words "a branch of the Illinois," in the third line of the second article, and the word "forever," in the fifth line of the same article, being first interlined)

Wm. Prince, secretary to the commissioner,
 John Griffin, one of the judges of the Indiana territory,
 J. Bruff, maj. art'y. U. S.
 Amos Stoddard, capt. corps artilleryists,
 P. Chouteau,
 Ch. Gratiot,
 Aug. Chouteau,
 Vigo,
 S. Warrell, lt. U. States' artillery,
 D. Delaunay,
 Joseph Barron,
 Hypolite Bolon, his x mark, } sworn interpreters.

ADDITIONAL ARTICLE.

It is agreed, that nothing in this treaty contained shall affect the claim of any individual or individuals who may have obtained grants of land from the Spanish government, and which are not included within the general boundary line laid down in this treaty,* provided that such grant have at any time been made known to the said tribes and recognized by them.

This treaty not to affect individual claims under Spanish grants not included within the boundary, &c.

[*Note.* The Sacs are parties, in common, to treaty No. 2, chapter 26; ante, page 393.]

CHAPTER 29.

Treaty between the United States of America, and the Great and Little Osage nations of Indians.

No. 1. Articles of a treaty made and concluded at fort Clark, on the right bank of the Missouri, about five miles above the Fire Prairie, in the territory of Louisiana, the tenth day of November, in the year of our Lord one thousand eight hundred and eight, between Peter Chouteau, esquire, agent for the Osage, and specially commissioned and instructed to enter into the same, by his excellency Meriwether Lewis, governor and superintendent of Indian affairs for the territory aforesaid, in behalf of the United States of America, of the one part, and the chiefs and warriors of the Great and Little Osage, for themselves and their nations respectively, on the other part.

Treaty between the United States and the Great and Little Osage nations of Indians, the tenth day of November, in the year of our Lord one thousand eight hundred and eight, between Peter Chouteau, esquire, agent for the Osage, and specially commissioned and instructed to enter into the same, by his excellency Meriwether Lewis, governor and superintendent of Indian affairs for the territory aforesaid, in behalf of the United States of America, of the one part, and the chiefs and warriors of the Great and Little Osage, for themselves and their nations respectively, on the other part.

ART. 1. The United States being anxious to promote peace, friendship, and intercourse, with the Osage tribes, to afford them every assistance in their power; and to protect them from the insults and injuries of other tribes of Indians, situated near the settlements of the white people, have thought proper to build a fort on the right bank of the Missouri, a few miles above the Fire Prairie, and do agree to garrison the same with as many regular troops as the president of the United States may, from time to time, deem necessary for the protection of all orderly, friendly, and well disposed Indians of the Great and Little Osage

Peace, friendship, protection, &c. for the Osages.

A fort on the right bank of Missouri to be garrisoned, &c.

* See the boundary line, ante, article 2, page 426.

nations who reside at this place, and who do strictly conform to, and pursue the counsels or admonitions of the president of the United States through his subordinate officers.

The United States to establish a store of goods for barter, &c.

ART. 2. The United States being also anxious that the Great and Little Osage, resident as aforesaid, should be regularly supplied with every species of merchandise, which their comfort may hereafter require, do engage to establish at this place, and permanently to continue at all seasons of the year, a well assorted store of goods, for the purpose of bartering with them, on moderate terms, for their peltries and furs.

A blacksmith, &c. for the Osages.

ART. 3. The United States agree to furnish, at this place, for the use of the Osage nations, a blacksmith, and tools to mend their arms and utensils of husbandry, and engage to build them a horse mill, or water mill; also to furnish them with ploughs, and to build for the great chief of the Great Osage, and for the great chief of the Little Osage, a strong block house in each of their towns, which are to be established near this fort.

A horse mill, &c.
Block houses for the Osages, &c.

The United States to pay for Osage depredations to the amount of \$5,000.

ART. 4. With a view to quiet the animosities which at present exist between the inhabitants of the territory of Louisiana, and the Osage nations, in consequence of the lawless depredations of the latter, the United States do further agree to pay to their own citizens, the full value of such property as they can legally prove to have been stolen or destroyed by the said Osage, since the acquisition of Louisiana by the United States, provided the same does not exceed the sum of five thousand dollars.

For the lands relinquished by the Osages in the 6th article, (below,) the United States to deliver, yearly, \$1,000 worth of merchandise to the Great, and \$500 worth to the Little, Osages, &c.

ART. 5. In consideration of the lands relinquished by the Great and Little Osage to the United States, as stipulated in the sixth article of this treaty, the United States promise to deliver at Fire Prairie, or at St. Louis, yearly, to the Great Osage nation, merchandise to the amount or value of one thousand dollars, and to the Little Osage nation merchandise to the amount or value of five hundred dollars, reckoning the value of said merchandise at the first cost thereof, in the city or place in the United States where the same shall have been procured.

\$1,200 paid before signature to this treaty.

And in addition to the merchandise aforesaid, the United States have, at and before the signature of these articles, paid to the Great Osage nation the sum of eight hundred dollars, and to the Little Osage nation the sum of four hundred dollars.

In consideration of the stipulated advantages to the Osages, they agree to the boundary line herein described.

ART. 6. And in consideration of the advantages which we derive from the stipulations contained in the foregoing articles, we, the chiefs and warriors of the Great and Little Osage, for ourselves and our nations respectively, covenant and agree with the United States, that the boundary line between our nations and the United States shall be as follows, to wit: beginning at fort Clark, on the Missouri, five miles above Fire Prairie, and running thence a due south course to the river Arkansas, and down the same to the Mississippi, hereby ceding and relinquishing forever to the United States, all the lands which lie east of the said line, and north of the southwardly bank of the said river Arkansas, and all lands situated northwardly of the river Missouri. And we do further cede and relinquish to the United States forever, a tract of two leagues square, to embrace fort

A further tract ceded to embrace fort Clark.

Clark, and to be laid off in such manner as the president of the United States shall think proper.

ART. 7. And it is mutually agreed by the contracting parties, that the boundary lines hereby established shall be run and marked at the expense of the United States, as soon as circumstances or their convenience will permit; and the Great and Little Osage promise to depute two chiefs from each of their respective nations, to accompany the commissioner or commissioners who may be appointed on the part of the United States, to settle and adjust the said boundary line.

Boundary line to be run at the expense of the United States, &c.

Four Osage chiefs to attend.

ART. 8. And the United States agree, that such of the Great and Little Osage Indians as may think proper to put themselves under the protection of fort Clark, and who observe the stipulations of this treaty with good faith, shall be permitted to live and to hunt, without molestation, on all that tract of country west of the north and south boundary line on which they, the said Great and Little Osage, have usually hunted or resided:

The Osages under the protection of fort Clark, &c. may live and hunt on the tract herein mentioned.

provided the same be not the hunting grounds of any nation or tribe of Indians in amity with the United States; and on any other lands within the territory of Louisiana, without the limits of the white settlements, until the United States may think proper to assign the same as hunting grounds to other friendly Indians.

Proviso: as to hunting rights of other Indians.

Osages may live and hunt on other lands, &c.

ART. 9. Lest the friendship which is now established between the United States and the said Indian nations, should be interrupted by the misconduct of individuals, it is hereby agreed, that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made by the party injured to the other, by the said nations, or either of them, to the superintendent or other person appointed by the president to the chiefs of the said nation; and it shall be the duty of the said chiefs, upon complaints being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the state or territory where the offence may have been committed; and in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians belonging to either of said nations, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man.

Revenge for private injuries, prohibited, &c.

Complaint, in case of injuries, &c.

And it is agreed, that the chiefs of the Great and Little Osage shall, to the utmost of their power, exert themselves to recover horses, or other property which may be stolen from any citizen or citizens of the United States, by any individual or individuals of either of their nations; and the property so recovered shall be forthwith delivered to the superintendent, or other person authorized to receive it, that it may be restored to the proper owner; and in cases where the exertions of the chiefs shall be ineffectual in recovering the property stolen as aforesaid, if sufficient proof can be adduced that such property was actually stolen by any Indian or Indians belonging to the said nation, or either of them, the superintendent, or other proper officer, may deduct from the annuity of the said nations, respectively, a sum

Indians offending, to be delivered up for punishment, &c.

Robbery, murder, &c. of Osage Indians, punished as if perpetrated on white men.

Osage chiefs to exert themselves to recover stolen horses, &c. which are to be restored, &c.

The value of stolen property, not recovered and restored, to be deducted, on proof, from annuity.

Guarantee of indemnification for property stolen from the Osages by citizens, &c.

Osages to deliver resident white men on demand.

The Osages in friendship with, and under the protection of, the United States, and disclaim all right to sell lands, without the consent of the United States.

Persons passing over the boundary lines (see ante, art. 6,) without license, may be apprehended by the Osages, &c.

Osages not to supply unfriendly Indians with implements of war.

This treaty to take effect when ratified.

equal to the value of the property which has been stolen. And the United States hereby guaranty to any Indian or Indians, of the said nations, respectively, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: provided that the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said nations of the Great and Little Osage engage, on the requisition or demand of the president of the United States, or of the superintendent, to deliver up any white man resident among them.

ART. 10. The United States receive the Great and Little Osage nations into their friendship, and under their protection; and the said nations, on their part, declare that they will consider themselves under the protection of no other power whatsoever; disclaiming all right to cede, sell, or in any manner transfer, their lands to any foreign power, or to citizens of the United States, or inhabitants of Louisiana, unless duly authorized by the president of the United States to make the said purchase, or accept the said cession on behalf of the government.

ART. 11. And if any person or persons, for hunting or other purpose, shall pass over the boundary lines, as established by this treaty, into the country reserved for the Great and Little Osage nations, without the license of the superintendent or other proper officer, they, the said Great and Little Osage, or either of them, shall be at liberty to apprehend such unlicensed hunters or other persons, and surrender them, together with their property, but without other injury, insult, or molestation, to the superintendent of Indian affairs, or to the agent nearest the place of arrest, to be dealt with according to law.

ART. 12. And the chiefs and warriors as aforesaid, promise and engage, that neither the Great nor Little Osage nation will ever, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunitions, or other implements of war.

ART. 13. This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president, by and with the advice and consent of the senate of the United States.

In testimony whereof, the said Peter Chouteau, commissioned and instructed as aforesaid, and the chiefs and warriors of the Great and Little Osage nation of Indians, have hereunto set their hands and affixed their seals.

Done at fort Clark, the day above mentioned.

P. Chouteau,	L. S.
E. B. Clemson, <i>capt. first regiment infantry,</i>	L. S.
L. Lorimer, <i>lieut. first regiment infantry,</i>	L. S.
Reazen Lewis, <i>sub. agt. In. affairs,</i>	L. S.
Paquisea, the grand chief of the Big Osage, his x mark,	L. S.
Nichu Malli, the grand chief of the Little Osage, his x mark,	L. S.
Voithe Voihe, the second chief of the Big Osage, his x mark,	L. S.
Voithe Chinga, the second chief of the Little Osage, his x mark,	L. S.
Ta Voingare, the little chief of the Big Osage, his x mark,	L. S.

Osogahe, the little chief of the Little Osage, his x mark,	L. S.
Voichinodhe, the little chief of the Big Osage, his x mark,	L. S.
Voi Nache, the little chief of the Little Osage, his x mark,	L. S.
Voi Nonpache, the little chief of the Big Osage, his x mark,	L. S.
Quihi Ramaki, the little chief of the Little Osage, his x mark,	L. S.
Voi Nache, the little chief of the Big Osage, his x mark,	L. S.
Ponla Voitasuga, the little chief of the Little Osage, his x mark,	L. S.
Caygache, the little chief of the Big Osage, his x mark,	L. S.
Fahuroguesie, the little chief of the Little Osage, his x mark,	L. S.
Miaasa, the little chief of the Big Osage, his x mark,	L. S.
Manjaguida, the little chief of the Little Osage, his x mark,	L. S.
Mantsa, the little chief of the Big Osage, his x mark,	L. S.
Nicagaris, the little chief of the Big Osage, his x mark,	L. S.
Dogachinga, the little chief of the Big Osage, his x mark,	L. S.
Tavaingare, the little chief of the Little Osage, his x mark,	L. S.
Tavainthere, the little chief of the Big Osage, his x mark,	L. S.
Naguemani, the war chief of the Big Osage, his x mark,	L. S.
Nicanauthe, the war chief of the Little Osage, his x mark,	L. S.
Chonmelase, the war chief of the Big Osage, his x mark,	L. S.
Nenonbas, the war chief of the Little Osage, his x mark,	L. S.
The Pograngue, the war chief of the Big Osage, his x mark,	L. S.
The Cayque, warrior, L. O. his x mark,	L. S.
Nonpevoite, do. B. O. his x mark,	L. S.
Vesasache, do. L. O. his x mark,	L. S.
Tonchenanque, do. B. O. his x mark,	L. S.
Caygache, do. L. O. his x mark,	L. S.
Lihibi, do. B. O. his x mark,	L. S.
Grinache, do. L. O. his x mark,	L. S.
Ni Couil Bran, do. B. O. his x mark,	L. S.
Chonnonsoegue, do. L. O. his x mark,	L. S.
Lisansandhe, do. B. O. his x mark,	L. S.
Mequaque, do. L. O. his x mark,	L. S.
Manhegare, do. B. O. his x mark,	L. S.
Megahe, do. L. O. his x mark,	L. S.
Meyhe, do. B. O. his x mark,	L. S.
Nudhetavoi, do. L. O. his x mark,	L. S.
Thecayque, do. B. O. his x mark,	L. S.
Voitasean, do. L. O. his x mark,	L. S.
Cahapiche, do. B. O. his x mark,	L. S.
Manhevoi, do. L. O. his x mark,	L. S.
Talechiga, do. B. O. his x mark,	L. S.
Pedhechiga, do. L. O. his x mark,	L. S.
Cheganonsas, do. B. O. his x mark,	L. S.
Nesaque, do. L. O. his x mark,	L. S.
Lolechinga, do. B. O. his x mark,	L. S.
Panevoiguanda, do. L. O. his x mark,	L. S.
Tavoinhihi, do. B. O. his x mark,	L. S.
Mithechinga, do. L. O. his x mark,	L. S.
Voidhenache, do. B. O. his x mark,	L. S.
Manquesi, do. L. O. his x mark,	L. S.
Chingavoisa, do. B. O. his x mark,	L. S.
Talevoile, do. L. O. his x mark,	L. S.
Voiengran, do. B. O. his x mark,	L. S.
Scamani, do. L. O. his x mark,	L. S.
Nura Hague, do. B. O. his x mark,	L. S.
Me Chinga, do. L. O. his x mark,	L. S.
Pachigue, little chief, B. O. his x mark,	L. S.
Rouda Nique, warrior, L. O. his x mark,	L. S.
Ne Paste, do. B. O. his x mark,	L. S.
Voibisandhe, do. L. O. his x mark,	L. S.
Nehi Zanga, do. B. O. his x mark,	L. S.
Nehudhe, do. L. O. his x mark,	L. S.
The Paganque, do. B. O. his x mark,	L. S.
Chahetonga, do. L. O. his x mark,	L. S.
Manguepee Mani, do. B. O. his x mark,	L. S.
Voi Balune, do. L. O. his x mark,	L. S.
Ponea Voitaniga, do. B. O. his x mark,	L. S.
Tasondhe, do. L. O. his x mark,	L. S.

Nendolagalut, warrior, B. O. his x mark,	L. S.
Manguapu Mani, L. O. his x mark,	L. S.
Ni Conil Bran, do. B. O. his x mark,	L. S.
Voi Bahe, do. L. O. his x mark,	L. S.
Ondhehomani, do. B. O. his x mark,	L. S.
Nuranin, do. L. O. his x mark,	L. S.
Noguiniayque, do. B. O. his x mark,	L. S.
Nanlaroho, warrior, L. O. his x mark,	L. S.
Bashemindhe, do. B. O. his x mark,	L. S.
Savoi, do. L. O. his x mark,	L. S.
Chouquemounon, do. B. O. his x mark,	L. S.
Mandarihi, do. L. O. his x mark,	L. S.
Manilourana, do. B. O. his x mark,	L. S.
Nequevoile, do. L. O. his x mark,	L. S.
Chonguehanga, do. B. O. his x mark,	L. S.
Ponlachinga, do. L. O. his x mark,	L. S.
Aguigueda, do. B. O. his x mark,	L. S.
Manjaguida, do. L. O. his x mark,	L. S.
Voidoguega, do. B. O. his x mark,	L. S.
The Sindhe, do. L. O. his x mark,	L. S.
Ninchagari, do. B. O. his x mark,	L. S.
Voihadani, do. L. O. his x mark,	L. S.
Voigaspache, do. B. O. his x mark,	L. S.
Manyvoile, do. L. O. his x mark,	L. S.
Quinihonigue, do. B. O. his x mark,	L. S.
Nognithe Chinga, do. L. O. his x mark,	L. S.
Natanhi, do. B. O. his x mark,	L. S.
Miasa, do. L. O. his x mark,	L. S.
Ouasabe, do. B. O. his x mark,	L. S.
Voichinouthe, do. L. O. his x mark,	L. S.
Amanpasse, do. B. O. his x mark,	L. S.
Cutsagabe, do. L. O. his x mark,	L. S.
Channahon, do. B. O. his x mark,	L. S.
Non Basocri, do. L. O. his x mark,	L. S.
Voichougras, do. B. O. his x mark,	L. S.
Pedhechinga, do. L. O. his x mark,	L. S.
Bassechinga, do. B. O. his x mark,	L. S.

The band of Osages residing on the Arkansas, accede to the foregoing treaty, &c.

We, the undersigned chiefs and warriors of the band of Osages, residing on the river Arkansas, being a part of the Great Osage nation, having this day had the foregoing treaty read and explained to us, by his excellency Meriwether Lewis, esquire, do hereby acknowledge, consent to, and confirm all the stipulations therein contained, as fully and as completely as though we had been personally present at the signing, sealing, and delivering the same on the 10th day of November, 1808, the same being the day on which the said treaty was signed, sealed, and delivered, as will appear by a reference thereto.

In witness whereof, we have, for ourselves and our band of the Great Osage nation residing on the river Arkansas, hereunto set our hands and affixed our seals.

Done at St. Louis, in the territory of Louisiana, this thirty-first day of August, in the year of our Lord one thousand eight hundred and nine, and of the independence of the United States the thirty-fourth.

Gresdanmanses, or Clermond, first chief, his x mark,	L. S.
Couchesigres, or Big Tract, second chief, his x mark,	L. S.
Tales, or Straiting Deer, son of Big Tract, his x mark,	L. S.
Aukickawakho, nephew of Big Tract, his x mark,	L. S.
Wachawahih, his x mark,	L. S.
Pahelagren, or Handsome Hair, his x mark,	L. S.
Hombahagren, or Fine Day, his x mark,	L. S.
Harachabe, or the Eagle, his x mark,	L. S.

Hrulahie, or Pipe Bird, his x mark,
 Tawangahuh, or Builder of Towns, his x mark,
 Honencache, or the Terrible, his x mark,
 Talahu, or Deer's Pluck, his x mark,
 Cahigiagreh, or Good Chief, his x mark,
 Baughongcheh, or Cutter, his x mark,
 Basonchinga, or Little Pine, his x mark,

L. S.
 L. S.
 L. S.
 L. S.
 L. S.
 L. S.
 L. S.

In presence of us, and before signature attached to the original.

John G. Comegys,
 George Man,
 John W. Honey,
 Samuel Solomon, jun.
 John P. Gates, *interpreter*,
 Noel Mongrain Marque, *Indian interpreter*,
 Bazil Nassier Marque, *Indian interpreter*.

CHAPTER 30.

Extract from the introduction to the volume of *Land Laws*, compiled in virtue of a resolution of congress, of the 27th of April, 1810.

The treaties with foreign nations by which territory has been acquired, or which relate to boundaries, are those of 1783 and 1794, with Great Britain, of 1795, with Spain, and of 1803, with France.

The treaty of peace (of 1783) with Great Britain, which designated the boundaries* of the United States, left however, some unsettled points. The question relative to the true river St. Croix, the eastern boundary of the United States, has been determined in pursuance of the treaty of 1794.† That respecting the rights of the two nations over certain islands at or near the mouth of that river, has not yet been adjusted. But as the disputed territory in both cases belongs to the state of Massachusetts, neither of those questions affects the public lands of the United States. The same observation applies to certain islands in the river St. Lawrence, which continue to be claimed by Great Britain; and which are presumed to belong to the state of New York. The claims of the two nations to some other islands in the lakes and rivers west of that state, have not yet been adjusted. But the principal undecided question arising from that treaty, relates to that part of the boundary therein described as a line drawn due west, from the most northwestern point of the lake of the Woods, to the river Mississippi. It is ascertained that a line drawn in that manner cannot intersect that river, which does not extend as far northward as the latitude of the northwestern extremity of the lake of the Woods. And nothing more was agreed on in that respect by the treaty of 1794, than a mutual engagement to make a survey of the country, and to regulate by negotiation the boundary line, according to justice, mutual convenience, and the intent of the treaty of 1783.

The southern boundary of the United States was, by the same treaty,‡ fixed at the thirty-first degree of north latitude. But Great Britain having, by her treaty of the same date with Spain, ceded to that power West Florida, which, under the British government, extended as far north as the Yasous river, Spain,

* Ante, chap. 8, No. 3, art. 2, page 203.]

† Ante, chap. 8, No. 4, art. 5, page 203.]

‡ Art. 2, page 203.]

then in possession of the country between that river and the thirty-first degree of north latitude, refused at first to deliver it. Yet the title of the United States was indisputable: for their provisional treaty with Great Britain, a public instrument signed on the thirtieth of November, 1782,* and which was to take effect as soon as peace should be made between Great Britain and France, had already established the thirty-first degree of latitude as the southern boundary of the said states. Spain, therefore, when receiving Florida from Great Britain, a cession which cannot bear an earlier date than the twentieth of January, 1783, the day on which the preliminary articles of her treaty of peace were signed, accepted that province with the boundary thus previously established; the territory lying north of the thirty-first degree, which might, prior to the thirtieth of November, 1782, have made part of West Florida, having, on that day, with the knowledge of Spain, been ceded by Great Britain to the United States. Spain did accordingly acquiesce, after a delay of some years. She made no cession of territory by the treaty of 1795, which simply, and without reserve or exception, recognizes the same boundaries which had been fixed by the treaty of 1783, between the United States and Great Britain.†

* Ante, chap. 3, No. 1, page 196.]

† Ante, chap. 3, No. 3, art. 1, page 203.]

The United States, by the treaty of 1803, with France, acquired Louisiana, without any direct definition of its boundaries, but as fully and in the same manner as it had been acquired by France from Spain, in virtue of the treaty of St. Ildefonso, of the first of October, 1800. By this treaty Spain had retroceded Louisiana to France, "with the same extent that it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states."‡

‡ Ante, chap. 3, No. 6, art. 1, page 135.]

By the grant of Louis 14 to Crozat, dated fourteenth of September, 1712,§ all the country drained by the waters emptying directly or indirectly into the Mississippi, is included within the boundaries of Louisiana. The discovery of that river by the French, the general principles adopted by the European nations in relation to the rights of discovery, the publicity of the grant, and the long acquiescence of Spain, establish the claim of the United States to that extent. But the western boundary on the sea shore, and south of the waters emptying into the Red River, is still a subject of controversy between the two nations; the territory called by Spain "Province of Texas" being claimed by both. The claim of France, now transferred to the United States, extended at least as far west as the bay of St. Bernard, in virtue of the settlement made there by La Salle, in 1685, in the vicinity of the river Guadeloupe, at a time when Spain occupied no part of the territory east of the Rio Norte. That settlement was destroyed, and, notwithstanding the repeated orders of the French government, was not resumed by the local authorities. In the mean while (in 1717) the Spaniards sent some priests among the Indians, and shortly after established a small military post at Adayes, afterwards transferred to Nogodoches, on which rests their

§ See the document No. 1, of this chapter, post.

claim to the country east of La Salle's settlement. By an arrangement made in 1806, by the commanding officers in that quarter, it was agreed that for the present the Spaniards should not cross the Sabine, and that the Americans should not extend their settlements as far as that river. And in order to prevent any collisions, until the difference should be finally adjusted, instructions have been given that the public lands should not be surveyed west of a meridian passing by Natchitoches.

East of the Mississippi, the United States claim, by virtue of the treaty of 1803, all the territory south of the thirty-first degree of north latitude, and extending eastwardly to the small river Perdido, which lies between Mobile and Pensacola, and was, when Louisiana formerly belonged to France, the boundary between that colony and the Spanish province of Florida. That territory, together with the residue of Louisiana east of the Mississippi, was, by the treaty of 1763, ceded by France to Great Britain, who, by the same treaty, acquired also Spanish Florida.* The preliminary articles of that treaty were signed on the third day of November, 1762; and, on the same day, France, by a separate act, † ceded to Spain all the residue of Louisiana west of the Mississippi, and including the city and island (so called) of New Orleans. By the treaties of 1783, Great Britain ceded to the United States all that part of the former colony of Louisiana east of the Mississippi, which lay north of the thirty-first degree of north latitude; and to Spain, under the name of west and east Florida, both that part of Louisiana east of the Mississippi, which lay south of that parallel of latitude, and the old Spanish province of Florida. The thirty-first degree of latitude was, by the subsequent treaty of 1795, ‡ between the United States and Spain, confirmed as the boundary between the possessions of the two nations. The title of the United States to the territory in question, under the treaties of St. Ildefonso, and of 1803, is fully established by those facts.

[* See No. 2
of this chap.
post.]

[† Ante, chap.
10, No. 1, art.
2, page 263.]

Louisiana was retroceded to France "with the same extent that it then had in the hands of Spain;" and the territory in question, by whatever name Spain chose to call it, was then substantially in her hands.

Louisiana was retroceded "with the same extent that it had when France possessed it;" and not only was that territory part of Louisiana when France possessed it, but, she never owned that province a single day without that territory as part of it. For, as has been stated, she ceded, on the same day, the eastern part of Louisiana to England, and the western part to Spain.

Louisiana was retroceded "such as it should be after the treaties subsequently entered into between Spain and other states;" and Spain never had, since she acquired Louisiana in 1762, made any treaties relative to Louisiana but that of 1783 with Great Britain, and that of 1795 with the United States:

† This act, or treaty of cession, has never been made public; but its date is ascertained by the letter of the king of France to P'Abbadie. *Note of the editor of the Land Laws, &c.* See the letter to P'Abbadie, No. 3, of this chapter, post.

she had entered into no treaty whatever which affected Louisiana west of the Mississippi. This member of the description can, therefore, only apply to the territory in question east of the Mississippi; and there it has full effect, the territory having been acquired by Spain by her treaty of 1783 with Great Britain, and its boundaries having been finally established by her treaty of 1795 with the United States. "Louisiana such as it should be," &c. can only mean, including east Louisiana as restored by the treaty of 1783, but extending no further north than the southern boundary of the United States as recognized by the treaty of 1795.

The spirit of the treaty equally supports the construction necessarily derived from its letter. Spain retrocedes to France the colony which France had ceded in 1762, and she must therefore yield all in her possession which France had formerly given up. The cession by France of West Louisiana to Spain, was to compensate for the loss of Florida. The cession of East Louisiana to England was to make, together with Florida, an equivalent for Cuba, which on that condition was restored to Spain. France ceded the whole for the benefit of Spain. And Spain having recovered Florida by the treaty of 1783, having herself ultimately lost nothing; it is a natural consequence, that France, in obtaining a retrocession, should take back all she had lost for the sake of Spain. It is hardly necessary to add, that no private explanation between those two nations, made subsequent to the treaty of San Ildefonso, can affect the right of the United States derived from a public treaty: such supposed explanation not having been communicated to them by France, when the treaty of 1803 was concluded, nor even afterwards by Spain, when she acquiesced in the acquisition of Louisiana by America.*

No. 1. LOUISIANA.—Extract from the grant to Crozat.

Extract from
the grant to
Crozat.

Louis, by the grace of God, king of France and Navarre: To all who shall see these present letters, greeting:

The care we have always had to procure the welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support, from the beginning of our reign, to seek for all possible opportunity of enlarging and extending the trade of our American colonies, we did, in the year sixteen hundred and eighty-three, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico: and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief, that communication might be settled from New France to the gulf of Mexico, by means of large rivers;

* For that act of acquiescence, see Cevallos' letter to Mr. Pinckney, of 10th February, 1804. These remarks have been introduced for the purpose of repelling certain large claims to lands in that territory, said to be derived from grants made by the Spanish officers subsequent to the cession of Louisiana to the United States. *Note of the editor of the Land Law, &c.* See the letter of Cevallos, No. 4, of this chapter, post.

this obliged us immediately after the peace of Ryswick, to give orders for the establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683, of the lands, coasts, and islands, which are situated in the gulf of Mexico, between Carolina on the east, and Old and New Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that new colony the advantages that might have been expected from thence, because the private men who are concerned in the sea trade were all under engagements with other colonies, which they have been obliged to follow: And whereas, upon the information we have received, concerning the disposition and situation of the said countries, known at present by the name of the province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our kingdom, in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities which may be brought from thence; and because, in exchange thereof we need carry thither nothing but commodities of the growth and manufacture of our own kingdom; we have resolved to grant the commerce of the country of Louisiana to the sieur Anthony Crozat, our counsellor, secretary of the household, crown and revenue, to whom we entrust the execution of this project. We are the more readily inclined hereunto, because his zeal and the singular knowledge he has acquired in maritime commerce, encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured to our kingdom great quantities of gold and silver, in such conjunctures as have rendered them very welcome to us.

For these reasons, being desirous to show our favor to him, and to regulate the conditions upon which we mean to grant him the said commerce, after having deliberated this affair in our council, of our certain knowledge, full power and royal authority, we, by these presents, signed by our hand, have appointed and do appoint the said sieur Crozat, solely to carry on a trade in all the lands, possessed by us, and bounded by New Mexico, and by the lands of the English Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Lewis, heretofore called Mississippi, from the edge of the sea, as far as the Illinois, together with the river of St. Philip, heretofore called the Missouriys, and of St. Jerome, heretofore called Ouabache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Lewis.

Boundaries of Louisiana as designated on the 14th of Sept. 1712.

THE ARTICLES.

1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands, be and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which

Government of Louisiana dependent on that of New France, &c.

it is subordinate; and further, that all the lands which we possess from the Illinois, be united, so far as occasion requires, to the general government of New France, and become part thereof, reserving, however, to ourselves the liberty of enlarging, as we shall think fit, the extent of the government of the said country of Louisiana.

Particular privileges of the grant to Crozat, &c.

3. We permit him to search for, open, and dig, all sorts of mines, veins, and minerals, throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France, during the said fifteen years; and we grant in perpetuity to him, his heirs, and others, claiming under him or them, the property of, in and to the mines, veins, and minerals, which he shall bring to bear, paying us, in lieu of all claim, the fifth part of the gold and silver which the said sieur Crozat shall cause to be transported to France, at his own charges, into what port he pleases, (of which fifth we will run the risk of the sea and of war,) and the tenth part of what effects he shall draw from the other mines, veins, and minerals; which tenth he shall transfer and convey to our magazines in the said country of Louisiana.

We likewise permit him to search for precious stones and pearls, paying us the fifth part in the same manner as is mentioned for the gold and silver.

We will, that the said sieur Crozat, his heirs, or those claiming under him or them the perpetual right, shall forfeit the property of the said mines, veins, and minerals, if they discontinue the work during three years, and that in such case the said mines, veins, and minerals, shall be fully reunited to our domain, by virtue of this present article, without the formality of any process of law, but only an ordinance of reunion from the subdelegate of the intendant of New France, who shall be in the said country; nor do we mean that the said penalty of forfeiture, in default of working for three years, be reputed a comminatory penalty.

7. Our edicts, ordinances, and customs, and the usages of the mayoralty and shrievalty of Paris, shall be observed for laws and customs in the said country of Louisiana.

Given at Fontainebleau, the 14th day of September, in the year of grace 1712, and of our reign the 70th.

LOUIS.

By the king,

PHELIPEAUX, &c.

Registered at Paris, in the parliament, the four and twentieth of September, 1712.

[The articles omitted, relate to commercial or temporary regulations. Crozat surrendered his grant to the crown, in 1717; in which year Louisiana was granted to the Western Company, with the same extent as it had been granted to Crozat. The Western Company surrendered their grant to the crown, in 1730 —40. *Note of the editor of the Land Laws, &c.*]

No. 2. Extracts from the definitive treaty of friendship and peace, between his Britannic majesty, the most christian king, and the king of Spain, concluded at Paris, the 10th day of February, 1763.

ART. 4 "His most christian majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia or Acadia, in all its parts, and guarantees the whole of it, and with all its dependencies, to the king of Great Britain: Cession of Nova Scotia or Acadia, and of Canada, by France. moreover, his most christian majesty cedes and guarantees to his said Britannic majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulf and river of St. Lawrence; and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most christian king and the crown of France have had, till now, over the said countries, islands, lands, places, coasts, and their inhabitants; so that the most christian king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guarantee under any pretence, or to disturb Great Britain in the possessions abovementioned."

ART. 7 "In order to establish peace on solid and durable foundations, and to remove for ever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed, that for the future the confines between the dominions of his Britannic majesty and those of his most christian majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from Iberville and thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose the most christian king cedes, in full right, and guarantees to his Britannic majesty, the river and port of the Mobile, and every thing which he possesses or ought to possess on the left side of the river Mississippi, with the exception of the town of New Orleans, and of the island in which it is situated, which shall remain to France; it being well understood that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length from its source to the sea; and expressly, that part which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever." River Mississippi established as a boundary, and then the Iberville and lakes. Cession of Mobile and all the French possessions east of the Mississippi, except the town of New Orleans. Navigation of the Mississippi to be free to both nations, from its source to the sea.

ART. 20. "In consequence of the restitution stipulated in the *preceding article, his catholic majesty cedes and guarantees in full right, to his Britannic majesty, Florida, with fort St. Augustin, and the bay of Pensacola, as well as all that Spain Florida and all Spanish possessions east of the Mississippi ceded to England.

* Viz. the 19th in the treaty, which provides for the restoration of Cuba to Spain.
Note of the editor of the *Land Laws*, &c.

possesses on the continent of North America, to the east or to the southeast of the river Mississippi; and in general every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights acquired by treaties or otherwise, which the catholic king and the crown of Spain have had till now, over the said countries, lands, places, and their inhabitants; so that the catholic king cedes and makes over the whole to the said king and to the crown of Great Britain, and that in the most ample manner and form."

[It is necessary to observe, that the preliminary articles, which, so far as relates to the three articles here inserted, are verbatim the same with those of the definitive treaty, were signed on the third day of November, 1762, on which same day, as will hereafter appear, France ceded Louisiana to Spain. *Note of the editor of the Land Laws, &c.*]

cession of
Louisiana by
France to
Spain, &c.

No. 3. LOUISIANA.—Extract from his most christian majesty's letter to M. l'Abbadie, director general and commandant for his majesty in Louisiana, ordering him to deliver up that colony to his catholic majesty; printed at New Orleans, in October, 1764.

'Abbadie to
deliver up
Louisiana, &c.

MONS. L'ABBADIE: By a special act, done at Fontainebleau, November 3d, 1762, of my own will and mere motion, having ceded to my very dear and best beloved cousin, the king of Spain, and to his successors, in full property, purely and simply, and without any exceptions, the whole country known by the name of Louisiana, together with New Orleans, and the island in which the said city is situated; and by another act, done at the Escurial, November 13, in the same year, his catholic majesty having accepted the cession of the said country of Louisiana, and the city and island of New Orleans, agreeable to the copies of the said acts, which you will find hereunto annexed; I write you this letter, to inform you that my intention is, that on receipt of these presents, whether they come to your hands by the officers of his catholic majesty, or directly by such French vessels as may be charged with the same, you are to deliver up to the governor, or officer appointed for that purpose by the king of Spain, the said country and colony of Louisiana, and the posts thereon depending, likewise the city and island of New Orleans, in such state and condition as they shall be found to be in on the day of the said cession, willing that in all time to come they shall belong to his catholic majesty, to be governed and administered by his governors and officers, and as possessed by him in full property, without any exceptions.

At the same time, I hope, for the prosperity and peace of the inhabitants of the colony of Louisiana, and promise myself, from the friendship and affection of his catholic majesty, that he will be pleased to give orders to his governor, and all other officers employed in his service in the said colony, and in the city of New Orleans, that the ecclesiastics and religious houses which have the care of the parishes, and of the missions, may continue to exercise their functions, and enjoy the rights, privileges, and immunities, granted by their several charters of establishment; that the ordinary judges do continue, together with the superior council, to administer justice according to the laws, forms, and usages of the colonies; that the inhabitants be preserved and

maintained in their possessions; that they be confirmed in the possession of their estates, according to the grants which have been made by the governors and directors of the colony, and that all the grants be holden and taken as confirmed by his catholic majesty, even though not as yet confirmed by me.

Hoping, above all, that his catholic majesty will be pleased to bestow on his new colony of Louisiana, the same marks of protection and good will which they enjoyed while under my dominion, and of which the misfortunes of war alone have prevented their experiencing greater effects, I command you to cause my present letter to be recorded in the superior council of New Orleans, to the end that the several estates of the colony may be informed of its contents, and may have recourse thereto when necessary. And the present being for no other purposes, I pray God, Mons. l'Abbadie, to have you in his holy keeping.

This letter to be recorded in the superior council of New Orleans, &c.

LOUIS.

Given at Versailles, April 21, 1764.

No. 4. LOUISIANA.—Extract of a letter dated 10th February, 1804, from Mr. Cevallos, secretary of state to his catholic majesty, to Mr. Pinckney, minister of the United States at Madrid.

SIR: Having taken information upon what you were pleased to say to me in your note of the 10th ultimo, I have to offer to your notice that the king's minister, in the United States, has been informed, that his majesty has given no order whatever for opposing the delivery of Louisiana to the French; and that the report current in the United States or elsewhere, of the existence of such an order, is wholly without foundation; since there is no connexion whatever between the pretended opposition, and that representation made by his majesty's minister to the government of the United States, on the defect which impaired the sale of Louisiana made by France, in which he manifested the just motives of the Spanish government for protesting against an alienation which France had promised never to make.

His catholic majesty has given no order to oppose the delivery of Louisiana, &c.

At the same time that his majesty's minister, in the United States, is charged to inform the American government of the falsity of the above rumor, he is ordered to make known to it, that his majesty has thought proper to renounce his protest against the alienation of Louisiana by France, notwithstanding the solid motives on which that protest was founded; affording, in this way, a new proof of his benevolence and friendship for the United States.

Spain renounces her protest against the alienation of Louisiana by France, &c.

PEDRO CEVALLOS.

El Pardo, 10th February, 1804.

No. 5. Proclamation of the king of Great Britain: [of the 7th of October, 1763.]

BY THE KING, A PROCLAMATION.

GEORGE R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our

crowd by the late definitive treaty of peace, concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz:

four distinct
governments
stated, &c.

Govern-
ment of Que-

First, the government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the south end of the lake Nipissim; from whence the said line, crossing the river St. Lawrence and the lake Champlain in 45 degrees of north latitude, passes along the High Lands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the Baye des Chaleurs, and the coast of the gulf of St. Lawrence to cape Rosieres, and from thence, crossing the mouth of the river St. Lawrence by the west end of the island of Anticosti, terminates at the aforesaid river St. John.

Govern-
ment of East
Florida.

Secondly, the government of East Florida, bounded to the westward by the gulf of Mexico and the Apalachicola river; to the northward by a line drawn from that part of the said river where the Catahouchee and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic ocean; and to the east and south by the Atlantic ocean and the gulf of Florida, including all islands within six leagues of the sea coast.

Govern-
ment of West
Florida.

Thirdly, the government of West Florida, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to lake Pontchartrain; to the westward by the said lake, the lake Maurepas, and the river Mississippi; to the northward by a line drawn due east from that part of the river Mississippi which lies in thirty-one degrees north latitude to the river Apalachicola or Catahouchee, and to the eastward by the said river.

Govern-
ment of Gre-

Fourthly, the government of Grenada, &c. comprehending the island of that name, together with the Grenadines, and the islands of Dominico, St. Vincent, and Tobago.

Govern-
ment of New-
foundland.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast, from the river St. John's to Hudson's Straits, together with the islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland,

We have also, with the advice of our privy council, thought fit to annex the islands of St. John and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

Islands annexed to Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia, all the lands lying between the rivers Altamaha and St. Mary's.

Lands annexed to Georgia.

And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great Britain, by which the said governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies, within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England, for which purpose we have given power under our great seal, to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us in our privy council.

General assemblies, &c.

Courts of judicature, &c.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements, and hereditaments, as are now, or hereafter shall be, in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quit rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such other

Power to the governors to dispose of and grant lands, &c.

conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

Free grants
allowed to re-
duced officers,
&c.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North America, to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject, at the expiration of ten years, to the same quit rents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz:

To every person having the rank of a field officer, 5,000 acres.

To every captain, 3,000 acres.

To every subaltern, or staff officer, 2,000 acres.

To every non commissioned officer, 200 acres.

To every private man, 50 acres.

Free grants
of land to offi-
cers of the
navy, &c.

We do likewise authorize and require the governors and commanders in chief of all our said colonies, upon the continent of North America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy, of like rank, as served on board our ships of war in North America, at the times of the reduction of Louisbourg and Quebec, in the late war, and who shall personally apply to our respective governors for such grants.

Regulations
concerning
the lands of
Indians, &c.

And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by, us, are reserved to them, or any of them, as their hunting grounds; we do, therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander in chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also, that no governor or commander in chief of our other colonies or plantations in America, do presume, for the present, and until our further pleasure be known, to grant warrant of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic ocean from the west or northwest; or upon any lands whatever, which, not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.

Reservation of
sovereignty

And we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sove-

reignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company;* as also all the land and territories, lying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands, which, not having been ceded to, or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose, by the governor or commander in chief of our colony respectively, within which they shall lie: and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose: and we do, by the advice of our privy council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever: provided, that every person who may incline to trade with the said Indians, do take out a license for carrying on such trade, from the governor or commander in chief of any of our colonies respectively, where such person shall reside; and also give security to observe such regulations as we shall at any time think fit, by ourselves, or commissaries to be appointed for this purpose, to direct or appoint for the benefit of the said trade;

Private persons not to purchase Indian lands, &c.

Trade with the Indians.

* "An exclusive trade to a part of America, was granted in 1670, by Charles 2, to the governor and company of adventurers of England trading to Hudson's Bay: they were to have the sole trade and commerce of and to all the seas, bays, straits, creeks, lakes, rivers, and sounds, in whatsoever latitude, that lie within the entrance of the strait commonly called Hudson's Straits; together with all the lands, countries, and territories, upon the coasts of such seas, bays, and straits, which were then possessed by any English subject, or the subjects of any other christian state; together with the fishing of all sorts of fish, of whales, sturgeon, and all other royal fish, together with the royalty of the sea. But this extensive charter has not received any parliamentary confirmation or sanction." *Reeves's Law of Shipping.*

and we do hereby authorize, enjoin, and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein, a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

Fugitives
from justice
to be appre-
hended, &c.

And we do further expressly enjoin and require, all officers whatever, as well military as those employed in the management and direction of Indian affairs, within the territories reserved as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who, standing charged with treasons, misprisions of treason, murders, or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them, under a proper guard, to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

Given at our court of St. James, the seventh day of October, 1763, in the third year of our reign. God save the king.

[This proclamation has been inserted entire, on account of its importance in relation to a variety of claims to public lands. It proves the invalidity of claims derived from pretended grants, by commanding officers at certain posts, and from purchases made by unauthorized persons from the Indians. Although it might be inferred, that the boundaries of Georgia were not, by the proclamation, extended beyond the sources of the rivers St. Mary's and Alatamaha, it appears by the following commission to the governor of Georgia, that the limit intended to be established, was the northern boundary of West Florida, as far west as the territories of Great Britain extended. That northern boundary of West Florida was, at that time, the thirty-first degree of north latitude, as established by the proclamation. Its subsequent alteration will appear from the ensuing documents. *Note of the editor of the Land Laws, &c*]

Commission
to governor
Wright.

No. 6. Commission to governor Wright, of Georgia: [of the 20th of January, 1764.]

George the third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to our trusty and well beloved James Wright, esquire, greeting:

Whereas we did, by our letters patent, under our great seal of Great Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, constitute and appoint you, the said James Wright, esquire, to be our captain general and governor in chief, in and over our colony of Georgia, in America, lying from the most northern stream of a river there, commonly called Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water, or river, called Alatamaha, and westward from the heads of the said rivers respectively, in direct lines to the south seas; and of all that space, circuit, and precinct of lands lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said lands, within twenty leagues of the same, for and during our pleasure, as by the said recited

Boundaries of
Georgia on
the 4th of
May, 1761.

letters patent, relation being thereunto had, may more fully and at large appear. Now know you, that we have revoked and determined, and by these presents do revoke and determine, such part and so much of the said recited letters patent, and every clause, article, and thing therein contained, which doth any way relate to or concern the limits and bounds of our said province as before described: and further know you, that we, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said James Wright, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said James Wright, to be our captain general and governor in chief, in and over our colony of Georgia in America, bounded on the north by the most northern stream of a river there, commonly called Savannah, as far as the head of said river, and from thence westward as far as our territories extend, on the east by the sea coast from the said river Savannah to the most southern stream of a certain other river, called St. Mary; including all islands within twenty leagues of the coast, lying between the said rivers Savannah and St. Mary, as far as the head thereof, and from thence westward as far as our territories extend, by the north boundary line of our provinces of East and West Florida. And we do hereby declare, ordain, and appoint, that you, the said James Wright, shall and may hold, execute, and enjoy, the office and place of our captain general and governor in chief, in and over the colony of Georgia, limited and bounded as above described, together with all and singular the powers and authorities contained in our said recited letters patent, under our great seal of Great Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, except as are herein excepted, for and during our will and pleasure. In witness whereof, we have caused these our letters to be made patent. Witness ourself, at Westminster, the twentieth day of January, in the fourth year of our reign.

Boundaries of
Georgia on
the 4th May,
1761, revoked.

Boundaries of
Georgia on
the 20th of
January, 1764.

(By writ of privy seal.)

YORK and YORK.

No. 7. Recommendation of the board of trade for altering the bounds of West Florida: [of the 23d of March, 1764.]

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

By your majesty's royal proclamation of the 7th October last, and your majesty's commission to your governor of West Florida, it is declared, that the said province shall be bounded to the north by a line drawn due east from that part of the river Mississippi, which lies in 31 degrees north latitude, to the river Apalachicola; but it is our duty to represent to your majesty, that we are informed by your majesty's governor, that it appears from observations and surveys, made since the said province has been in your majesty's possession, that there are not only

very considerable settlements upon the east bank of the Mississippi above that line, but also that the town and settlement of Mobile itself is some miles to the north of it; and, therefore, we humbly beg leave to propose, that an instrument may pass under the great seal, (in like manner as was directed in the case of the extension of the south boundary of Georgia,) declaring that the province of West Florida shall be bounded to the north by a line drawn from the mouth of the river Yasous, where it unites with the Mississippi, due east to the river Apalachicola, by which we humbly conceive every material settlement, depending upon West Florida, will be comprehended within the limits of that government.

Which is most humbly submitted.

**HILLSBOROUGH,
SOAME JENYNS,
ED. ELLIOTT,
GEO. RICE,
ORWELL,
BAM. GASCOYNE.**

Whitehall, March 23, 1764.

[Whether any instrument passed under the great seal, as recommended by the board of trade, is not ascertained; but that the boundaries of West Florida were actually enlarged, in conformity with the representation, is proven by the following commissions to governors Elliot and Chester; the first of which recites so much of the commissions to governor Johnstone, as relates to the boundaries as first assigned and as afterwards altered. It thence appears, that the extension of West Florida, to the parallel of latitude passing by the mouth of the river Yasous, took place on the 6th of June, 1764; and the commission of the last governor of the province, (governor Chester,) shows that the boundary continued afterwards the same, as long as the British held Florida. *Note of the editor of the Land Laws, &c.*]

Commissions
to governors
Elliot and
Chester.

No. 8. Commissions to governors Elliot and Chester, of West Florida.

To all whom these presents shall come, greeting:

I certify, that the writing contained on the annexed three pages, purporting to be extracts of two certain commissions granted by the British government to John Elliot and Peter Chester, therein named, constituting them, at different periods, governors of the province of West Florida, is truly copied from a record of commissions, which originated with that government whilst it was in possession of the said province, and was since obtained therefrom and deposited in this department.

In faith whereof, I, Robert Smith, secretary for the department of state of the United States of America, have signed these presents, and caused the seal of my office to [L. s.] be affixed hereto, at the city of Washington, this seventh day of July, A. D. 1810, and in the thirty-fifth year of the independence of the said states.

R. SMITH.

“George the third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to our trusty and well beloved John Elliot, esquire, greeting:

[15th May,
1767.]

“Whereas we did, by our letters patent under our great seal of Great Britain, bearing date at Westminster, the twenty-first day of November, in the fourth year of our reign, constitute and appoint George Johnstone, esquire, captain general and governor in chief, in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to lake Ponchartrain; to the westward by the said lake, the lake Maurepas and the river Mississippi; to the northward by a line drawn due east from that part of the river Mississippi which lies in thirty-one degrees north latitude, to the river Apalachicola or Chatahouchee, and to the eastward by the said river. And whereas, by other our letters patent under our great seal of Great Britain, dated at Westminster, the sixth day of June, in the fourth year of our reign, we thought fit to revoke such part and so much of the said recited letters patent, and every clause, article, and thing, therein contained, which doth any way relate to or concern the limits and bounds of our said province as above described, and did constitute and appoint the said George Johnstone, to be our captain general and governor in chief, in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to lake Ponchartrain; to the westward by the said lake, the lake Maurepas and the river Mississippi; to the northward by a line drawn from the mouth of the river Yasous where it unites with the Mississippi, due east to the river Apalachicola, during our will and pleasure. Now know you, That we have revoked and determined, and by these presents do revoke and determine, both the said recited letters patent, and every clause, article, and thing therein contained. And further know you, That we, reposing special trust and confidence in the prudence, courage, and loyalty, of you, the said John Elliot, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you, the said John Elliot, to be our captain general and governor in chief of our said province of West Florida, comprehended within the limits and bounds above described, in our said last recited letters patent.”

Boundaries of West Florida on the 21st of Nov. 1763.

Revocation of the boundaries of West Florida of 1763, and designation of other boundaries on the 6th of June, 1764.

Revocation of preceding letters patent.

Boundaries of 1764 recognized on the 15th May, 1767.

“Witness ourself, at Westminster, the fifteenth day of May, in the seventh year of our reign.”

“YORKE. YORKE.”

“George the third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, [25th Jan. 1770.] to our trusty and well beloved Peter Chester, esquire, greeting:

“We, reposing especial trust and confidence in the prudence, courage, and loyalty, of you, the said Peter Chester, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint you, the said Peter Chester, to be our captain general and governor in chief, in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six

Boundaries of West Florida on the 25th of

January, 1770,
the same as on
the 6th of
June, 1764.

leagues of the coast, from the river Apalachicola to lake Ponchartrain; to the westward by the said lake, and the lake Maurepas and the river Mississippi; to the northward by a line drawn from the mouth of the river Yasous, where it unites with the Mississippi, due east to the river Apalachicola, and to the eastward by the said river."

"Witness ourself, at Westminster, the twenty-fifth day of January, in the tenth year of our reign."

"YORKE."

CHAPTER 31.

Extract from the introduction to the volume of Land Laws, compiled in virtue of a resolution of congress, of the 27th of April, 1810.

The whole territory north of the river Ohio, and west of the state of Pennsylvania, extending northwardly to the northern boundary of the United States, and westwardly to the Mississippi, was claimed by Virginia; and that state was in possession of the French settlements of Vincennes and Illinois, which she had occupied and defended during the revolutionary war. The states of Massachusetts and Connecticut claimed all that part which was within the breadth of their respective charters; and the state of New York had also an indeterminate claim to the country. The United States have obtained cessions from the four states, and thus acquired an indisputable title to the whole.* The state of Virginia, amongst other conditions of her act of cession, made provision for securing the old French settlers in their possessions, and reserved two tracts of land; one of 150,000 acres near the Rapids of the Ohio, for that portion of her state troops which had reduced the country; and the other, between the rivers Scioto and Little Miami, containing about three millions five hundred thousand acres, to satisfy the bounties in land which she had promised to her troops on the continental establishment. The state of Connecticut reserved a tract on lake Erie, bounded on the south by the 41st degree of north latitude, and extending westwardly one hundred and twenty miles from the western boundary of the state of Pennsylvania. The cession of Massachusetts and New York included an insulated tract, commonly called "the triangle," lying on lake Erie, west of the state of New York, and north of that of Pennsylvania; and which has since been sold by the United States to Pennsylvania.

North Carolina has ceded to the United States all her vacant lands beyond the Alleghany chain of mountains, within the breadth of her charter;† that is to say, between the 35th degree and 36th degree 30 minutes of north latitude, the last parallel being the southern boundary of the states of Virginia and Kentucky. That territory, which now forms the state of Tennessee, was, however, subject to a great variety of claims described in the act of cession. And congress has, by the act of April 18th, 1806,‡ ceded to the last mentioned state the claim of the United States to all the lands east of a line described in the act,

[* See Nos. 8, 9, 10, and 11, of this chap. post.]

[† For the act of cession from North Carolina, see chap. 33, vol. 2.]

[‡ Chap. 31, vol. 4.]

leaving the lands west of that line still liable to satisfy such of the claims secured by the cession from North Carolina as cannot be located in the eastern division.

South Carolina and Georgia were the only states which had any claim to the lands lying south of the 35th degree of north latitude. By the cessions from those two states,* the United States have acquired the title of both to the tract of country now forming the Mississippi territory, extending from the 31st to the 35th degree of latitude, and bounded on the west by the river Mississippi, and on the east by the river Chatahouche, and by a line drawn from a place on that river, near the mouth of Uchee creek, to Nickajack, on the river Tennessee. As a condition of the cession from Georgia, the Indian title to the lands within her present boundaries will be extinguished at the expense of the United States, and she is also entitled to receive 1,250,000 dollars out of the proceeds of the first sales of lands in the ceded territory.

[* See Nos. 12 and 13, of this chap. post.]

Cessions having thus been obtained from all the states claiming any part of the "public lands," it is now immaterial, so far as relates to those states, to examine the foundation of their respective titles. But although the state of Georgia has no longer any immediate interest in the question, certain large claims, pretended to be derived from that state, and known by the name of "Yazoo Claims," render it important for the United States to prove, that a considerable portion of the territory thus claimed, was not within the boundaries of Georgia, nor of any other state, at the date of the treaty of peace with Great Britain, and became therefore immediately vested in the United States by virtue of that treaty.

The charter of Carolina having been surrendered to the crown by the proprietors, South Carolina became a regal colony, the boundaries of which might be altered by the crown according to circumstances. Georgia was accordingly erected into a separate government, and her charter having been surrendered by the trustees, she also became a regal colony. Her southern boundary was originally the Alatamaha river, and thence westwardly a parallel of latitude passing by the source of that river. The territory between the rivers Alatamaha and St. Mary's was annexed to it by the king's proclamation of the 7th October, 1763;† and, though not positively expressed by that instrument, it appears by the commission of Governor Wright,‡ dated 20th January, 1764, that the jurisdiction extended to the river Mississippi, as far south as the 31st degree of north latitude, which, according to the proclamation, formed the northern boundary of the new British province of West Florida. But, on the representation of the board of trade,§ the boundaries were altered, and it appears from the second commission of Governor Johnstone, of that province, and from those of the subsequent governors Elliot and Chester,|| that West Florida, from the 6th day of June, 1764, and thence as long as it continued under the British government, was bounded on the north by a parallel of latitude passing by the mouth of the river Yasous, or about 32 degrees 30 minutes of north latitude. The jurisdiction of the governors

[† Ante, chap. 30, No. 5.]

[‡ Ante, chap. 30, No. 6.]

[§ Ante, chap. 30, No. 7.]

[|| Ante, chap. 30, No. 8.]

of West Florida did accordingly, in fact, extend to the territory lying between that parallel and the 31st degree, as well as south of this. Lands were granted by them within those boundaries, and, when not subsequently forfeited, continue to be held under that title. That portion of territory (viz. between the 31st degree and about 32 degrees 30 minutes of latitude) appears therefore to have been acquired, not by any of the states as lying within its boundaries, but by the United States as part of West Florida, and for the benefit of the whole union. All the documents which could be procured on that subject are inserted, and amongst them, the recital of the second commission of governor Johnstone, which was very lately obtained, and is now for the first time published.*

The Indian tribes are, in some respects, considered as independent communities. They govern themselves without being subject to the laws of the United States; and their right to remain in possession of the lands they occupy, and to sell them only when they please, is recognized. On the other hand, the United States have the exclusive right of pre-emption, and all sales to foreign nations or to individuals, whether citizens or foreigners, are null by law; a provision as necessary for the protection of the Indians, as for that of the public domain. This principle is generally acknowledged by themselves and recognized in several of their treaties. Nor can it be disputed, that even if their own right to sell was entire, the United States have that to forbid any one to purchase. The sales to the United States are, however, altogether voluntary, and never made without a compensation more valuable to the Indians than the use of the land which they cede. Nor has, in any instance, the general government attempted to dispose of lands prior to their being purchased from the natives. For although it will appear that a portion of the lands ceded by them in 1795, by the Greenville treaty,† had been previously sold by congress to the Ohio company and to I. C. Symmes,‡ that treaty was only a confirmation of others made in 1784, and subsequent years, which had been violated by the Indians.

In several instances the same land will be found to have been purchased from different tribes, the purchase not being considered complete until all their conflicting claims have been acquired. The Indian title to the following tracts of country has thus, by successive treaties, been completely extinguished.

1. All the lands in the state of Ohio, and in the Indiana and Illinois territories bordering on the river Ohio, extending from the western boundary of Pennsylvania to the mouth of that river, and thence up the Mississippi to the river Illinois. The

* The title of the state of Massachusetts to the territory north of the old province of Maine, between New Hampshire and the river Kennebec, is not understood. The northern boundary of that province is, by the charter of 1691, fixed at 120 miles from the sea, and no subsequent document has been seen, extending the province to the northern boundary of the United States. Thence it would seem, that the territory west of Kennebec and north of the boundary established by the charter, vested, by the treaty of peace, in the United States, and not in the state of Massachusetts. The same observation applies to a small tract in the possession of New Hampshire, lying north of the 45th degree of north latitude; that parallel appearing to have been the northern boundary of the province whilst under the British government. *Note of the editor of the Land Laws, &c.*

[† See ante, No. 3, chap. 26, page 398.]

[‡ See Nos. 14 and 15, of this chap. post.]

depth of that tract is not, on an average, less than 120 miles; and it is estimated to contain, exclusively of the Virginia military reservation, more than thirty-two millions of acres, of which more than twenty-four remain at the disposal of the United States.

2. A tract extending along the Mississippi, from the Illinois to the river Ouisconsin, and supposed to contain near twenty millions of acres.

3. A tract in the Michigan territory, bordering on lakes Huron, St. Clair, and Erie, estimated to contain about four millions of acres. It is separated from the "Connecticut Reserve," and from the other public lands of the United States, by a tract still held by the Indians, extending along lake Erie, from the river Miami of the lakes to Sandusky bay.

4. A small triangular tract of 322,000 acres in the northern part of the Mississippi territory, and in what is called the Great Bend of Tennessee, extending from a point on that river, northwardly, to the southern boundary of the state of Tennessee.

5. The lands in the Mississippi territory bordering on the river Mississippi, from the mouth of the river Yasous to the 31st degree of latitude, thence extending along that parallel of latitude to the river Mobile, and thence about sixty miles up the branch of that river, called "Tombigby." This tract having an inconsiderable breadth on the Mississippi, is not estimated to contain more than six millions of acres.

A large tract of country in upper Louisiana appears also to have been ceded by the Sacs and Foxes, and by the Osages. No other treaties have been made by the United States with Indian tribes west of the Mississippi. It is, however, believed that the Indian title is extinguished to all the lands bordering on the west bank of that river, as high up at least as the Missouri, but on what depth is not understood.

A considerable part of the country in general had been successively subject to several foreign powers: the territories of Michigan, Indiana, and Illinois to France, and then to England; the southern part of the Mississippi territory, first to France, afterwards to England, and finally to Spain; Louisiana to France, and then to Spain. A part of the land was claimed by the inhabitants and others, either by right of occupancy, or under titles said to be derived from those several governments, or from the local authorities. Eight boards of commissioners were instituted by various acts of congress, for the purpose of investigating those claims, one for each of the territories of Michigan, Indiana, Illinois, and Louisiana, two for the Mississippi, and two for the Orleans territory. The rules prescribed by law to the commissioners have varied according to the nature of the claims respectively coming before them. But the object appears uniformly to have been, to guard against unfounded or fraudulent claims, to confirm all bona fide claims derived from a legitimate authority, even when the title had not been completed, and to secure in their possessions all the actual settlers who were found on the land when the United States took actual possession of the country where it was situated,

though they had only a right of occupancy. In some cases also, a right of pre-emption has been granted to persons who had occupied lands in the Mississippi territory subsequent to the time when the United States had taken possession. The commissioners in that territory were authorized to decide finally on the claims; they have completed their work, and the boards are dissolved. The commissioners for the territories of Michigan, Indiana, and Illinois, were only authorized to investigate the claims, and to report their opinion to congress. Their respective reports have been received, all their confirmations have been ratified by congress, and the whole business has been completed in Michigan and Indiana. But it remains for congress to decide on a great number of claims in the Illinois territory, rejected as fraudulent by the commissioners.* In the territories of Orleans and Louisiana, the commissioners have been authorized to decide finally on all claims not exceeding one league square, and to report their opinion to congress on those of a greater extent, or for lead mines. Their reports have not yet been made; but those for Louisiana and the eastern part of the Orleans territory, are expected within a short time.†

The laws concerning donations, are those respecting the bounties in land given to the officers and soldiers of the revolutionary war, the grants made to the refugees from Canada and Nova Scotia, in compensation of their losses and services, certain donations for public purposes in the state of Ohio, and miscellaneous grants made by congress, to the United Brethren, to A. H. Dohrman, to the French inhabitants of Gallipolis, to general La Fayette, to captains Lewis and Clarke, to Isaac Zane, and to some Indian tribes now residing within the boundaries of the lands to which the Indian title has been extinguished. These, together with the donations to actual settlers abovementioned, with another donation of 100,000 acres to settlers in the tract sold to the "Ohio Company," and with the reservations for schools and seminaries of learning hereafter noted, include all the lands given by the United States.‡

Three tracts of land had been sold by contract prior to the adoption of the present form of government, that is to say: 1. To the state of Pennsylvania, the triangular tract on lake Erie abovementioned, containing 202,187 acres. 2. To an association called "the Ohio Company," a tract on the rivers Ohio and Muskingum, originally intended to contain about two millions of acres, but afterwards reduced at the request of the

* For the decisions of congress, relative to claims in the Illinois territory, see "An act for the revision of former confirmations," &c. approved 20th February, 1812; chap. 345, vol. 4: "An act giving the right of pre-emption," &c. approved 5th February, 1813; chap. 485, vol. 4: and "An act confirming certain claims," &c. approved 16th April, 1814; chap. 648, vol. 4. [December 28, 1814.]

† Reports have been received from the territories of Orleans and Louisiana, several acts have been passed relative to claims there, and establishing land offices; but the reports of the commissioners appointed under the act of 25th April, 1812, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana," &c. have not yet been received; the time for receiving notices of claims having been extended by the act of 18th April, 1814, which is supplemental to the aforementioned act. [December 28, 1814.]

‡ To these may be added the bounties in land, to persons serving in the armies of the United States, &c. for certain terms, during the war declared against Great Britain, &c. on the 18th of June, 1812.

parties to 964,285 acres. 3. To John Cleves Symmes and his associates, a tract on the Ohio, between the rivers Little and Great Miami, originally supposed to contain one million of acres, but which, by an alteration, and then a failure, in the contract, has been reduced to 248,540 acres. All those lands were sold at the rate of two-thirds of a dollar an acre, payable in evidences of the public debt of the United States, and a part of the two last tracts was paid for in military land warrants, each acre in such warrant being received in payment for one acre and a half of land. A right of pre-emption, at the rate of two dollars an acre, has been allowed to persons who had made purchases from I. C. Symmes within the boundaries of his first contract.

All the other public lands sold by the United States, have been sold under general laws. No more than 121,540 acres had thus been sold prior to the act of 10th May, 1800,* viz: 72,974 acres at public sale at New York, in the year 1787, for 87,325 dollars, in evidences of the public debt; 43,446 acres at public sale, at Pittsburg, in the year 1796, for 100,427 dollars; and 5,120 acres at Philadelphia, in the same year, at two dollars an acre. The system now in force was organized by the act last mentioned, but has received some subsequent modifications. Its general outlines, as it now stands, are as followeth:†

1. All the lands are surveyed before they are offered for sale; being actually divided into townships six miles square, and those subdivided into thirty-six sections one mile square, and containing each 640 acres. All the dividing lines running according to the cardinal points, cut one another at right angles: except where fractional sections are formed by the navigable rivers, or by an Indian boundary line. The subdividing lines of quarter sections are not actually surveyed, but the corners, boundaries, and contents of these, are designated and ascertained by fixed rules prescribed by law. This branch of the business is conducted under the superintendence of two principal surveyors, who appoint their own deputies. The powers and duties of the first, who is called surveyor general, extend over all the public lands north of the river Ohio, and over the territory of Louisiana. The other, known by the name of surveyor of the public lands south of the state of Tennessee, superintends the surveys in the Mississippi and Orleans territories. Both make returns of the surveys to the proper land office, and to the treasury.

2. The following tracts are excepted from the sales, viz: 1. One thirty-sixth part of the lands, or a section of 640 acres in each township, is uniformly reserved, and given in perpetuity, for the support of schools in the township. 2. Seven entire townships, containing each 23,040 acres, viz: two in the state of Ohio, and one in each of the territories of Michigan, Indiana, Illinois, Mississippi, and Orleans, have been also reserved, and given in perpetuity, for the support of seminaries of learning. 3. All salt springs and lead mines are also reserved, but may be leased by the president of the United States. Three other

† These general outlines are still in force. [December 28, 1814.]

sections were formerly reserved in each township for the future disposition of congress; but this reservation has, since the act of 26th March, 1804, been discontinued. One section was also reserved in each township within the boundaries of the tracts respectively sold to the Ohio Company, and to John Cleves Symmes, and was given in perpetuity for religious purposes; but this reservation has not been extended to any other part of the public lands.

The Mississippi, the Ohio, and all the navigable rivers and waters leading into either, or into the river St. Lawrence, remain common highways, and forever free to all the citizens of the United States, without any tax, impost, or duty therefor.

3. All the other public lands, not thus excepted, are, after the rightful private claims have been ascertained and confirmed, offered for sale at public sale in quarter sections of 100 acres each, but cannot be sold for less than two dollars an acre. The lands not purchased at public sale, may, at any time after, be purchased in quarter sections at private sale, and at the rate of two dollars an acre, and without paying any fees whatever. The purchase money, whether the land be bought at public or at private sale, is payable in four equal instalments, the first within forty days, and the three others within two years, three years, and four years, after the date of the purchase. No interest is charged if the payments be punctually made; but it must be paid from the date of the purchase, at the rate of six per cent. a year, on each instalment not paid on the day on which it is due. A discount, at the rate of eight per cent. a year, is allowed for prompt payment; which, if the whole purchase money be paid at the time of purchasing the land, reduces its price to one dollar and sixty-four cents per acre. Tracts not completely paid for within five years after the date of purchase, are offered for sale at public sale, for a price not less than the arrears of principal and interest due thereon; if the land cannot be sold for that sum, it reverts to the United States, and the partial payments made therefor are forfeited: if it sells for more, the surplus is returned to the original purchaser.

4. All the lands to which the Indian title has been extinguished, are, for the convenience of purchasers, divided into districts, in each of which a land office is established. Ten of these districts are in full operation, viz: those of Steubenville, Canton, Zanesville, Marietta, Chillicothe, and Cincinnati, in the state of Ohio; those of Vincennes and Jeffersonville in the Indiana territory; and those of Nashville (for Madison county in the great bend of the river Tennessee) and Washington (near Natchez) in the Mississippi territory. The sales have not yet commenced, the surveys not being yet completed, or the private claims not being yet decided upon, in the four districts of Detroit, in the Michigan, of Kaskaskia in the Illinois, of Mobile in the Mississippi, and of Opelousas in the Orleans territory. None have yet been authorized in the territory of Louisiana, and in the eastern part of the territory of Orleans. Each land office is under the direction of two officers, a register who receives the applications and sells the land, and a receiver of

public moneys who receives the purchase money, unless the purchaser prefers paying it into the treasury. Those two officers operate as a check one on the other. Transcripts of the sales and of the payments, together with the original receipts and assignments, are transmitted to the treasury; and no patent issues till after the calculations have been examined, and it has been ascertained that the party has paid the whole purchase money and interest. The system, as it relates to the accountability of the receivers, is better checked than that of any other branch of the public revenue; but the various and contingent provisions respecting the credits, interest, discount, forfeitures, and other conditions of sale, render it rather complex, and for that reason liable to delays in the final settlement of the accounts of the receivers.

The total quantity of land sold under that system, at the several land offices, from 1st July, 1800, to 1st July, 1810, and including pre-emption rights in Symmes' purchase and the Mississippi territory, amounts to 3,386,000 acres, which have produced 7,062,000 dollars. Of this sum, 4,888,000 dollars have been paid, in specie or evidences of public debt, into the treasury, or into the hands of the receivers of public moneys: the balance is due by the purchasers.*

Intrusions on the public lands are equally forbidden, under various penalties, whether the lands still continue in the possession of the Indians or have been purchased from them. Intrusions subsequent to the 3d March, 1807,† work a forfeiture of title or claim, if the intruder had any such, not previously recognized and confirmed by the United States; and the president is authorized to remove such intruders, and to employ, if necessary, military force for that purpose.

[† See chap. 101, vol. 4.]

[Statement of the most important claims to public lands, either already rejected, or requiring a critical investigation.]

1. Illinois and Wabash companies.‡ This is a claim for several millions of acres on those rivers, derived solely from Indian purchases made in 1773 and 1775, by unauthorized individuals. Exclusively of other considerations, such purchases were expressly forbidden by the proclamation of 1763, of the king of England. Yet it has been lately reported that the claimants intended to institute suits for the land.

[‡ See No. 16, of this chap. post.]

[§ Ante chap. 30, No. 5.]

2. Some large grants by colonel Wilkins, a former English commanding officer at Illinois.|| These were also forbidden by the proclamation of 1763, and are recognized by the grantor as null, unless confirmed by his government.

[|| See No. 17, of this chap. post.]

* The total quantity of land sold, up to the 30th of September, 1814, is,

	Acres.	Dollars.
Northwest of the river Ohio,	4,829,753	10,210,310
Mississippi territory,	555,714	1,146,376
	<u>5,385,467</u>	<u>11,356,686</u>

Paid into the treasury, or to the receivers of public moneys, in specie or evidence of the public debt,

8,632,689

Balance due by purchasers,

\$ 2,723,997

3. A great number of claims in the Illinois territory, reported by the commissioners as fraudulent, and subject to the ultimate decision of congress.*

[* See note at bottom of page 456, ante.]

4. An unlocated township, included in Symmes' patent, and granted for the support of a seminary of learning, has never been applied to that purpose. Congress has given another township in lieu thereof,† and directed that legal steps should be taken to recover the first.

[† See chap. 334, vol. 3.]

5. The Yazoo claims, so called, embracing about 35 millions of acres in the Mississippi territory, and derived from a pretended sale by the legislature of Georgia, but declared null, as fraudulent, by a subsequent legislature. The evidence, as published by the state of Georgia and by congress,‡ shows that that transaction, even if considered as a contract, is, as such, on acknowledged principles of law and equity, null *ab initio*; it being in proof that all the members of the legislature who voted in favor of the sale, that is to say, the agents who pretended to sell the property of their constituents, were, with the exception of a single person, interested in, and parties to the purchase. Much litigation must, however, be expected; and orders have lately been given for the removal of certain intruders, some of whom claimed the land under this supposed title.¶

[‡ See No. 18, of this chap. post.]

6. British grants in the Mississippi territory, derived from the governor of West Florida. These have not been confirmed, unless the claimant had made an actual settlement; but the lands thus claimed have, by law, been for the present excepted from the sales.||

[|| See chap. 30, vol. 3.]

7. Doublehead's reserve, so called, is a small tract on the river Tennessee, excepted by a treaty with the Cherokees from a cession of territory made by them.¶ It remains Indian property, and is also claimed by the Chickasaws. The Cherokees, for whose use it was excepted from the general cession, seem to have supposed that they had thereby acquired the right of selling or leasing it to citizens of the United States, who now claim it, and whose removal, as intruders on Indian lands, has been ordered by the president.

[¶ Ante, chap. 17, No. 7, page 338.]

8. Bastrop's claim, on the river Washita, in the territory of Orleans. This is only a contract between the Spanish governor of Louisiana and baron Bastrop,** by which a tract twelve leagues square was promised to him on condition of his settling thereon five hundred families, to each of which four hundred arpens of the land was to be allotted gratis. The execution of the contract was suspended by the Spanish government; and if it be still binding on the United States, it is only the residue of the land, after the families of settlers shall have been first provided for, which can possibly be claimed. Yet the whole tract is claimed as a fee simple estate held under a complete title.

[** See No. 19, of this chap. post.]

9. Maison-rouge's claim, also on the river Washita, is of the same nature with the preceding.†† But the contract was approved by the king of Spain, and a certificate was, subsequent to the cession to the United States, obtained from the Spanish officers, stating that the conditions had been fulfilled by

[†† See No. 20, of this chap. post.]

§ See the act of March 31, 1814; chap. 626, vol. 4.

the claimant. There is no patent in either case; and the assent of the king, which, from its being obtained to the contract with *Maison-rouge*, seems to have been requisite in large grants, has not been produced for the contract with *Bastrop*. It may be generally observed, that the archives and documents relative to the domain of Louisiana not having been left, in conformity with the treaty,* in the possession of the United States, the extent of the powers of the governors or intendants, to grant land, beyond the usual concessions to settlers, is not understood, and the difficulty of deciding on the validity of many claims has been greatly increased.

[* See ante, chap. 5, No. 6, art. 2, page 136.]

10. *Houma's* claim on the island of *New Orleans*.† This is originally founded on a title to a tract about a league in length, on the left bank of the *Mississippi*, on a depth of about half a league. The owner having no timber, asked and obtained from the Spanish governor of Louisiana, a *back concession* as far as the vacant lands extended. The obvious intention of the grant was, that it should preserve a breadth equal to that of the tract on the river. But the upper and lower lines of this happening, on account of a bend in the river, not to be parallel, but to diverge, making an angle of 120 degrees, the owners now claim all the land contained between those lines, protracted on one hand to *Manshak* at the mouth of the *Iberville*, and on the other to the lower extremity of lake *Maurepas*; which would include about 120,000 acres of the most valuable vacant land on the island.

[† See No. 21, of this chap. post.]

11. A permission was granted by a Spanish governor to the inhabitants of *Opelousas*, in the territory of *Orleans*, to cut wood wherever they pleased in the vacant cypress forest, reserving, however, the fee of the soil to the crown.‡ This grant, from its nature, would seem to be revocable at will, and if continued unrestricted, will prove equally injurious to the public domain, and ultimately to the settlement itself.

[‡ See No. 22, of this chap. post.]

12. Lead mines near *Genevieve* and other settlements in Louisiana.§ Two extensive claims, of a doubtful nature, are laid to some of these. The first derived from *Philip Renaut*, to whom a grant had been made in 1723, by the local authorities, and who returned to France in 1744, from which time his claim had lain dormant till the year 1807. The power of the officers who made the grant is doubted; and if the charter of the French western or *Mississippi* company, was similar to that of *Crozat*, mines on being abandoned for three years reverted to the crown. The other rests on an application of *St. Vrain Lassus*, to the governor of Louisiana, for ten thousand acres to be located on lead mines, salt springs, &c. where, and in as many tracts as, the applicant might choose. The governor, in February 1796, writes at the bottom of the petition, "granted." But no warrant of survey was given, nor any attempt made to take up any land during the continuance of the Spanish authorities. The present holder of the supposed grant claims, by virtue of it, and has taken possession of, a number of the most valuable mines belonging to the public.

[§ See No. 23, of this chap. post.]

13. *Dubuque's* lead mines in Louisiana, about 500 miles

[* See No. 24,
of this chap.
post.]

above St. Louis.* The claim to these, and including 140,000 acres of land, is derived from a cession by the Indian tribe of Foxes; which appears to have been a mere *personal* permission to Dubuque to occupy and work mines as long as he pleased. The confirmation by the Spanish governor of Louisiana, only grants the petitioner's request to keep peaceable possession, according to the tenor of the Indian permission. There was neither order of survey or patent, but the land is nevertheless claimed as if held under a perfect title.

14. The New Orleans Batture. The documents respecting this claim, which rests on a supposed right of alluvion, are too voluminous for insertion. And, exclusively of other considerations, derived from the nature of the batture and from the laws of Louisiana, it is sufficient here to observe, 1st. That no title or survey has been produced, proving that the land was bounded by the river. 2dly. That that land was converted into a suburb, and all the front lots sold to individuals. 3dly. That if the first purchasers from the crown had any right to the batture, this does not appear to have been legally vested in the present claimants. 4thly. That it is incontestably proven that during a period of near forty years, which elapsed between the purchase of the plantation from the crown and the cession to the United States, the batture was neither possessed or claimed by the owners of that plantation, and was, during the whole time, in the exclusive and undisturbed possession of the public.

Some other vague claims to the public lands have been mentioned, respecting which no documents have been obtained; and it is probable that the reports of the commissioners for the territories of Louisiana and Orleans, will exhibit others as yet unknown.

No. 1. Extract from the charter of the province of the Massachusetts Bay, in New England.

7th Oct. 1691.
3d William &
Mary.

William and Mary, by the grace of God, king and queen of England, Scotland, France, and Ireland, defenders of the faith, &c. to all to whom these presents shall come, greeting:

We do, by these presents, for us, our heirs, and successors, will and ordain, that the territories and colonies commonly called or known by the names of the colony of the Massachusetts Bay and colony of New Plymouth, the province of Maine, the territory called Acadia or Nova Scotia, and all that tract of land lying between the said territories of Nova Scotia and the said province of Maine, be erected, united, and incorporated; and we do, by these presents, unite, erect, and incorporate the same into one real province, by the name of our province of the Massachusetts Bay in New England; and of our especial grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs, and successors, do give and grant, unto our good subjects the inhabitants of our said province or territory of the Massachusetts Bay, and their successors, all that part of New England in America, lying and extending from the Great River, commonly called Monomack, alias Merimack,

on the north part, and from three miles northward of the said river to the Atlantic, or Western sea or ocean, on the south part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape Cod and Cape Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or Western sea and ocean, on the east part, towards the South sea or westward, as far as our colonies of Rhode Island, Connecticut, and the Naragansett country; and also, all that part and portion of main land, beginning at the entrance of Piscataqua harbor, and so to pass up the same into the river of Newichwannock, and through the same into the furthest head thereof, and from thence northwestward, till one hundred and twenty miles be finished, and from Piscataqua harbor mouth aforesaid, north-eastward along the seacoast to *Sagadehock*;* and from the period of one hundred and twenty miles aforesaid, to cross over land, to the one hundred and twenty miles before reckoned up, into the land from Piscataqua harbor through Newichwannock river; and also the north half of the Isles of Shoals, together with the Isles of Capawock and Nantuckett, near Cape Cod aforesaid; and also the lands and hereditaments lying and being in the country or territory commonly called Acadia, or Nova Scotia, and all those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said river of Sagadehock, or any part thereof.

That it shall and may be lawful for the said governor and general assembly to make or pass any grant of lands lying within the bounds of the colonies formerly called the colonies of the Massachusetts Bay, and New Plymouth, and province of Maine, in such manner as heretofore they might have done by virtue of any former charter or letters patent; which grants of lands, within the bounds aforesaid, we do hereby will and ordain to be and continue for ever of full force and effect, without our further approbation or consent. And so as nevertheless, and it is our royal will and pleasure, that no grant or grants of any lands lying or extending from the river of Sagadehock to the gulf of St. Lawrence and Canada rivers, and to the main sea northward and eastward, to be made or past by the governor and general assembly of our said province, be of any force, validity, or effect, until we, our heirs or successors, shall have signified our or their approbation of the same.

[The old patents, granted by the council of Plymouth, for Massachusetts and Plymouth, are dated 1627 and 1629, respectively. The first Massachusetts charter granted on 4th March, 1628-9, to the patentees (sir Henry Rosewell and others) by king Charles the first, was vacated by *quo warranto* in 1684. The grant for Maine to Ferd. Gorges, dated April 3, 1639, had been purchased by Massachu-

* The following words, viz: "*and up the river thereof to Knybecky river, and through the same to the head thereof, and unto the land northwestward, until one hundred and twenty miles be ended, being accounted from the mouth of Sagadehock,*" as inserted in Gorges's grants (from which the descriptive part of the boundaries of Maine in this charter is taken,) appear to have been inadvertently omitted, being necessary to render those boundaries intelligible; and should follow the word *Sagadehock*, to which the asterisk is affixed. *Note of the editor of the Land Laws, &c.*

setts in 1674. The charter of 1691 unites those several grants, and adds to them Acadia or Nova Scotia, and the country lying between it and Kennebec river, the eastern boundary of Maine. Acadia had, however, been ceded or restored by England to France by the treaty of Breda in 1667; and was again restored to the same power by the treaty of Ryswick in 1697. After it had been ceded to England in 1712 by the treaty of Utrecht, it became a distinct regal government, and the river St. Croix the eastern boundary of Massachusetts. *Note of the editor of the Land Laws, &c.*]

No. 2. Extract from the charter of Connecticut.

23d April,
1662.
14 Car. 2.

“And know ye further that we, of our abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents, for us, our heirs, and successors, do grant and confirm, unto the said governor and company, and their successors, all that part of our dominions in New England in America, bounded on the east by Narraganset river, commonly called Narraganset bay, where the said river falleth into the sea; and on the north by the line of the Massachusetts’ plantation; and on the south by the sea; and in longitude as the line of the Massachusetts’ colony running from east to west, that is to say, from the said Narraganset bay on the east, to the South sea on the west part, with the islands thereunto adjoining,” &c. &c.

[The first Connecticut patent to Lord Say and Seal was dated 19th March, 1631. Whether the title of the patentees had become vested in the colony of Connecticut before the year 1662 is now immaterial, so far as relates to the United States. By an agreement originally made in 1683, but not finally ratified till 1731 or 1733, the boundary between Connecticut and New York was established. But Connecticut continued to claim the lands west of New York and within the limits of their charter. See the first proviso to the act of congress of 28th April, 1800,* by which a legislative act, renouncing all claim west of that line, is required from Connecticut. *Note of the editor of the Land Laws, &c.*]

[* See chap.
192, vol. 3.]

No. 3. Extract from the grant of Charles the second to James duke of York.

12th of
March,
1663-4.
16 Car. 2.

“Know ye that we, for divers good causes, &c. have, &c. and by these presents, &c. do give and grant unto our dearest brother, James duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the seacoast unto a certain place called Pamaquie or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river of Kimbequin, and so upwards, by the shortest course, to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate, lying, and being, towards the west of Cape Cod and the Narrow Higansets, abutting upon the main land between the two rivers, there called or known by the several names of Connecticut and Hudson’s river; together, also, with the said river called Hudson’s river, and all the lands from

the west side of Connecticut river, to the east side of Delaware bay. And also all those several islands, called or known by the names of Martin's Vineyard and Nantukes, or otherwise Nantuckett."

[The preceding grant merged in the crown by the accession of the duke of York (James the second) to the throne. The territory between Pemaquid and St. Croix, was, by the charter of 1692, annexed to Massachusetts. A part of the territory between Hudson and Delaware rivers had been transferred by the duke of York, and formed New Jersey. The residue of the grant constituted the regal government of New York, to which the jurisdiction over the territory of the "Six Nations" seems to have been annexed. *Note of the editor of the Land Laws, &c.*]

No. 4. Extract from the second charter of Virginia.

23d May,
1609.

Sec. 6. "And we do also, of our special grace, &c. give, &c. unto the said treasurer and company, &c. all those lands, countries, and territories, situate, lying, and being, in that part of America, called Virginia, from the point of land called cape or point Comfort all along the seacoast to the northward, two hundred miles, and from the said point of cape Comfort, all along the seacoast to the southward, two hundred miles; and all that space and circuit of land lying from the seacoast of the precinct aforesaid, up into the land throughout from sea to sea, west and northwest; and also all the islands lying within one hundred miles along the coast of both seas of the precinct aforesaid."

7 James 1.

[The first charter, dated 10th April, 1606, extended along the seacoast from the 34th to the 41st degree of north latitude, but only fifty miles inland. The third charter, dated March 12th, 1612, annexed to Virginia all the islands within three hundred leagues of the coast. Those three charters were vacated by *quo warranto* before the 15th July, 1624; on which day a commission issued for the government of Virginia, without making, however, any alteration in the boundaries established by the second charter. The colony was afterwards curtailed on the north, by the grants to lord Baltimore and to William Penn, and on the south, by that to the proprietors of Carolina. The charters of Maryland and Pennsylvania are not inserted, as those states made no cession to the United States. New York, Connecticut, and Massachusetts, being the only states that had, or laid, any claims to the territory north of the river Ohio and west of Pennsylvania, the cessions of those states have given to the United States an indisputable title to the public lands within that territory, as far west as the river Mississippi, which, by the treaty of 1763,* had been established as the boundary between British America and Louisiana. *Note by the editor of the Land Laws, &c.*]

[* See ante,
chap. 30, No.
2.]

No. 5. Extract from the second charter of Carolina.

30th of June,
1677.

"Know ye, that at the humble request of the said grantees, &c. we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favor of the pious and noble purpose of the said Edward earl of Clarendon, George duke of Albermarle, William earl of Craven, John lord Berkely, Anthony lord Ashley, sir George Carteret, sir John Colleton; and sir William Berkely, their heirs &c. all that province, territory, or tract of land, situate, lying, and being, within our dominions of America aforesaid, extending north and eastward as far as the north end of Currituck river or inlet, upon a straight westerly line, to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty

17th Car. 2.

minutes northern latitude, and so west in a direct line, as far as the south seas; and south and westward as far as the degrees of twenty-nine inclusive of northern latitude; and so west in a direct line as far as the south seas; together with all and singular the ports, harbors, bays, rivers, and inlets, belonging unto the province and territory aforesaid."

[This charter was, on the 25th July, 1729, surrendered to the king by seven of the eight proprietors, under the authority of the act of parliament, 2d Geo. 2d, chap. 34. Lord Carteret (since earl Granville) the eighth proprietor, resigned on the 17th Sept. 1744, all pretensions to the government; and his eighth part of the right to the soil was located by commissioners, appointed by him and the king, next adjoining Virginia, bounded "north by the Virginia line, east by the Atlantic, south by latitude 35 degrees 34 minutes north, and west as far as the bounds of the charter."

The government of Carolina, from the surrender in 1729, became regal; and the province was divided into two governments, North Carolina and South Carolina. The order of council to that effect, and which fixed the boundaries between the two provinces, could not be obtained for insertion in this collection.

The alteration of the southern boundaries of South Carolina, resulting from the establishment of Georgia, and other acts, will appear by the following documents. *Note by the editor of the Land Laws, &c.*]

No. 6. Extract from the Georgia charter in 1732.

9th of June,
1732.
5th George
2.

"Know ye, therefore, that we, greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work, have, of our special grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs, and successors, do give and grant to the said corporation, and their successors, under the reservations, limitations, and declarations, hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries, and territories, situate, lying, and being, in that part of South Carolina in America, which lies from the northern stream of a river commonly called the Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water or river called the Alatomaha, and westward from the heads of the said rivers respectively, in direct lines to the south seas; and all that space, circuit, and precinct of land, lying within the said boundaries, with the islands in the sea, lying opposite to the eastern coast of the said islands, within twenty leagues of the same, which are not already inhabited, or settled, by any authority derived from the crown of Great Britain."

[Lord Carteret, by indenture, dated 28th February, 1732, had granted to the trustees of Georgia his eighth part of the territory described in the preceding charter. The trustees, in 1752, surrendered the whole territory to the king, and the government of the whole was afterwards entirely regal. The extension of boundaries will appear by the following documents.* *Note by the editor of the Land Laws, &c.*]

[* See ante, chap. 30, Nos. 5, 6, 7, 8.]

Boundaries between South Carolina and Georgia.

No. 7. Convention between the states of South Carolina and Georgia, concluded at Beaufort, on the 28th day of April, 1787.

ART. 1. The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugoloo and Keowa, and

from thence the most northern branch or stream of the said river Tugoloo, till it intersects the northern boundary line of South Carolina, if the said branch or stream of Tugoloo extends so far north, reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugoloo, does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugoloo river, which extends to the highest northern latitude, shall forever hereafter form the separation, limit, and boundary, between the states of South Carolina and Georgia.

ART. 3. The state of South Carolina shall not hereafter claim any lands to the eastward, southward, southeastward, or west of the boundary above established; but hereby relinquishes and cedes to the state of Georgia, all the right, title, and claim, which the said state of South Carolina hath to the government, sovereignty, and jurisdiction, in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property, and claim, which the state of South Carolina hath in or to the said land.

South Carolina
relinquishes,
&c.

ART. 4. The state of Georgia shall not hereafter claim any lands to the northward or northeastward of the boundary above established; but hereby relinquishes and cedes to the state of South Carolina, all the right, title, and claim, which the said state of Georgia hath to the government, sovereignty, and jurisdiction, in and over the same; and also the right of pre-emption of the soil from the native Indians, and all other of the estate, property, and claim, which the state of Georgia hath in or to the said lands.

Georgia re-
linquishes, &c.

[In whatever manner the boundaries of South Carolina and Georgia may have been affected by the preceding charters, acts of the British government, and convention between the two states, their cessions have transferred to the United States all their right to the whole of the Mississippi territory, bounded on the north by the southern boundary of the state of Tennessee, on the south by the 31st degree of north latitude, and extending from the present western boundary of the state of Georgia to the river Mississippi. The extension of the province of West Florida to the river Yasous, can only affect private claims. *Note of the editor of the Land Laws, &c.*]

No. 8. Cession from the state of New York.

In pursuance of the act of the legislature of the state of New York, read in congress the 7th March, 1780, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," and which is in the words following:

Journals of
congress,
March 1, 1781.

"Whereas nothing under divine providence, can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance, on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union, re-

New York
disposed to
promote the
general inter-
est.

commended by the honorable congress of the United States of America, have not proved acceptable to all the states, it having been conceived that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war: and the people of this state of New York, being, on all occasions, disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security; and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment:

Delegates of New York may restrict the limits of the state.

“Be it therefore enacted by the people of the state of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the delegates of this state, in the honorable the congress of the United States of America, or the major part of such of them as shall be assembled in congress; and they, the said delegates, or the major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this state in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished, with respect only to the right or pre-emption of the soil.

Cession for the use and benefit of the United States.

“And be it further enacted by the authority aforesaid, that the territory which may be ceded or relinquished, by virtue of this act, either with respect to the jurisdiction as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever.

Lands ceded to be appropriated by congress, &c.

“And be it further enacted by the authority aforesaid, that all the lands to be ceded and relinquished, by virtue of this act, for the benefit of the United States, with respect to property, but which shall nevertheless remain under the jurisdiction of this state, shall be disposed of and appropriated in such manner only as the congress of the said states shall direct; and that a warrant under the authority of congress, for surveying and laying out any part thereof, shall entitle the party, in whose favor it shall issue, to cause the same to be surveyed and laid out, and returned according to the directions of such warrant, and thereupon letters patent under the great seal of this state shall pass to the grantee for the estate specified in the said warrant, for which no other fee or reward shall be demanded or received, than such as shall be allowed by congress.

Three delegates to execute the trust.

“Provided always, and be it further enacted by the authority aforesaid, that the trust reposed, by virtue of this act, shall not be executed by the delegates of this state, unless at least three of the said delegates shall be present in congress,

State of New York, ss.

"I do hereby certify, that the foregoing is a true copy of the original act, passed the 19th of February, 1780, and lodged in the secretary's office.

ROBERT HARPUR,
Deputy secretary of state."

The delegates for the state of New York executed in congress the following act or declaration, to wit:

"To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the state of New York in the honorable congress of the United States of America, send greeting:

"Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the state of Virginia, that the United States should guaranty to that state the boundaries reserved by her legislature for her future jurisdiction;* and it would be unjust that the state of New York, as a member of the federal union, should be compelled to guaranty the territories which shall be reserved by other states making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner; wherefore, the said delegates for the state of New York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said state of New York, now to be made by them in behalf of the people of the said state, shall not be absolute; but, on the contrary, shall be subject to ratification or disavowal by the people of the said state, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said state, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other states shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the state of New York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the articles of confederation. †

Preliminary declaration, &c.

* Congress declined this proposed guarantee, and Virginia waived it. See post. No. 9, of this chap.]

† Ante, chap. 2, art. 9, page 16.]

In testimony whereof, we have hereunto set our hands and seals, in the presence of congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE, [L. s.]
WM. FLOYD, [L. s.]
ALEXANDER M'DOUGALL, [L. s.]

Scaled and delivered in presence of

CHARLES THOMSON,
CHARLES MORSE,
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form, in behalf of their state, the following instrument, viz:

"To all who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the state of New York in the honourable congress of the United States of America, send greeting:

Recitation of
the powers of
the delegates,
&c.

"Whereas, by an act of the legislature of the said state of New York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," it is declared that the people of the state of New York were, on all occasions, disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states; and it is thereby enacted by the people of the said state of New York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said state in the honorable congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said state in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil; and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever; and by the said act it is provided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said state, unless at least three of the said delegates shall be present in congress: and whereas, by letters patent under the great seal of the said state of New York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd, and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said state in the congress of the United States of North America, therefore, in pursuance of the said nomination and appointment, the people of the said state of New York did thereby commission us, the said James Duane, William Floyd, and Alexander M'Dougall, and

the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said congress; and if only one of the said delegates should at any time be present in the said congress, he should, in such case, be authorized to represent the said state in the said congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of congress, fully appears:

“Now, therefore, know ye, that we, the said James Duane, William Floyd, and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us, as aforesaid, have judged it expedient to limit and restrict, and we do, by these presents, for and in behalf of the said state of New York, limit and restrict the boundaries of the said state in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the northeast corner of the state of Pennsylvania, along the north bounds thereof to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude; and thence by the said forty-fifth degree of north latitude; but if, on experiment, the above described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do, by these presents, in the name of the people, and for and on behalf of the state of New York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said state in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say: a line from the northeast corner of the state of Pennsylvania, along the north bounds thereof, to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do, by these presents, in the name of the people, and for and on behalf of the state of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and for ever relinquish to, and for the only use and benefit of such of the states as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction, and claim, of the said state of New York, to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only, as the congress of the said United or Confederated States shall order and direct.

The delegates
cede, &c.

"In testimony whereof, we have hereunto subscribed our names, and affixed our seals, in congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE, [L. S.]
 WM. FLOYD, [L. S.]
 ALEXR. M'DOUGALL, [L. S.]

Sealed and delivered in presence of

CHARLES THOMSON,
 CHARLES MORSE,
 EBENEZER SMITH."

No. 9. Cession from the state of Virginia.

In congress,
 March 1, 1784.

Whereas the general assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in congress, to convey to the United States in congress assembled, all the right of that commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said commonwealth have presented to congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

Form of the
 deed.

To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the commonwealth of Virginia, in the congress of the United States of America, send greeting:

Whereas the general assembly of the commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act, entitled "An act to authorize the delegates of this state in congress, to convey to the United States in congress assembled, all the right of this commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

Act of Virginia recited.

"Whereas the congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the union: and whereas this commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the congress of the United States, for the benefit of the said states, all right, title, and claim, which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in congress assembled have, by their act of the thirteenth of September last,* stipulated the terms on which they agree to accept the cession of this state, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence,

* As this act of cession recites the substance of the act of congress referred to, it is deemed unnecessary to insert it at large.]

that congress will, in justice to this state, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the union. Be it enacted by the general assembly, That it shall and may be lawful for the delegates of this state to the congress of the United States, or such of them as shall be assembled in congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this state, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the states so formed shall be distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom, and independence, as the other states.

That the necessary and reasonable expenses incurred by this state, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by congress, one by this commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this state, which they shall judge to be comprised within the intent and meaning of the act of congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this state, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards

Delegates authorized to convey to the United States the territory northwest of the Ohio, &c.

Conditions.

Territory to be laid out into states.

Expenses of Virginia in subduing or defending the ceded territory, to be reimbursed.

French inhabitants to have their possessions confirmed.

150,000 acres to be granted to Clarke's regiment.

Deficiency of military bounties in land, promised by Virginia, to be made up between Scioto and Little Miami.

Lands ceded to be a common fund for the United States.

Three delegates to be present.

Delegates convey the territory.

Congress ready to receive the deed.

Deed executed.

divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this state, shall not be executed unless three of them at least are present in congress.

And whereas the said general assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said commonwealth in congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia, before recited, and in the name, and for and on behalf, of the said commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the independence of the United States the eighth.

Resolved, That the United States in congress assembled are ready to receive this deed, whenever the delegates of the state of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon congress came to the following resolution:

The delegates of the commonwealth of Virginia having executed the deed,
Resolved, That the same be recorded and enrolled among the acts of the United States, in congress assembled.

Deed from Virginia to be recorded.

Resolved, That it be, and it hereby is, recommended to the legislature of Virginia, to take into consideration their act of cession: and revise the same, so far as to empower the United States in congress assembled, to make such a division of the territory of the United States, lying northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require; which states shall hereafter become members of the federal union, and have the same rights of sovereignty, freedom, and independence, as the original states: in conformity with the resolution of congress, of the tenth October, 1780.*

Resolution of congress, July 7, 1786.

Alteration of the act of cession asked from Virginia.

According to order, the ordinance for the government of the territory of the United States northwest of the river Ohio, was read a third time, and passed, as follows:

In congress, July 13, 1787.

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and nonresident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction

Rules of inheritance, &c.

* *Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of congress, of the sixth day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence, as the other states: that each state which shall be so formed shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty, miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expenses which any particular state shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of, the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in congress assembled, or any nine or more of them.

[*Journals of congress*, October 10, 1780.]

Rules of inheritance, &c.

between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Governor.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

Secretary.

There shall be appointed, from time to time, by congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of congress: There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Adoption and publication of laws,

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief

of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by congress. Officers of militia.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor. Appointment of magistrates, &c.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature. Civil divisions of the district.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature; provided, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative. Right of representation; general assembly, &c.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: Constitution of the legislative power, &c.

Constitution
of the legisla-
tive power,
&c.

As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to congress; five of whom congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to congress; one of whom congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to congress; five of whom congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve, the general assembly, when in his opinion it shall be expedient.

Oath of fidelity
and of office to be taken.

The governor, judges, legislative council, secretary, and such other officers as congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with a right of debating, but not of voting during this temporary government.

Delegate to
congress.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

Articles of
compact, &c.

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

Articles of compact, &c.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states, as in the original states, within the time agreed upon by the United States in congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in congress assembled, nor with any regulations congress may find necessary, for securing the title in such soil, to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall

Articles of compact, &c.

be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

[* See consent of Virginia, page 482, post.]

ART. 5. There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same,* shall become fixed and established as follows, to wit: the western state in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle states shall be bounded by the said direct line; the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that, if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, † relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void. Done, &c.

Resolutions of congress of April 23, 1784.

† Resolved, That so much of the territory ceded or to be ceded by individual states to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by congress, shall be divided into distinct states in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from north to south two degrees of latitude, beginning to count from the completion of forty-five degrees north of the equator.

Act of Virginia, of 30th December, 1788.

Whereas the United States in congress assembled did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, showing that a division of the territory which hath been ceded to the said United States, by this commonwealth, into states, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniencies, and did recom-

Act of Virginia, Dec. 30th, 1788. Reference to the resolution of congress of July 7th, 1786. See ante, page 475.

tor; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the great Kanhaway; but the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one state, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the state adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their state, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states; so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such state shall have acquired twenty thousand free inhabitants, on giving due proof thereof to congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves. Provided, that both the temporary and permanent governments be established on these principles as their basis:

1. That they shall for ever remain a part of this confederacy of the United States of America.
2. That they shall be subject to the articles of confederation in all those cases in which the original states shall be so subject, and to all the acts and ordinances of the United States in congress assembled, conformable thereto.
3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in congress assembled, nor with the ordinances and regulations which congress may find necessary for securing the title in such soil to the bona fide purchasers.
4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.
5. That no tax shall be imposed on lands the property of the United States.
6. That their respective governments shall be republican.
7. That the lands of nonresident proprietors shall, in no case, be taxed higher than those of residents within any new state, before the admission thereof to a vote by its delegates in congress.

That whosoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by its delegates into the congress of the United States, on an equal footing with the said original states; provided the consent of so many states in congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said articles of confederation to the state of congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the states, originally parties thereto, to require the assent of two thirds of the United States in congress assembled, in all those cases wherein, by the said articles, the assent of nine states is now required, which, being agreed to by them, shall be binding on the new states. Until such admission by their delegates into congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a member in congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the president of the United States in congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable from and after the sale of any part of the territory of such state, pursuant to this resolve, but by the joint consent of the United States in congress assembled, and of the particular state within which such alteration is proposed to be made. [Journals of Congress.]

mend a revision of the act of cession, so far as to empower congress to make such a division of the said territory into distinct and republican states, not more than five nor less than three in number, as the situation of that country and future circumstances might require: and the said United States in congress assembled have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original states and the people and states in the said territory, viz:

[Here the 5th article of compact, of the ordinance of congress, of 13th July, 1787, is recited verbatim. See ante, page 480.]

And it is expedient that this commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original states and the people and states in the said territory:

Fifth article
of compact
ratified.

2. Be it, therefore, enacted, by the general assembly, That the aforesaid article of compact, between the original states and the people and states in the territory northwest of Ohio river, be, and the same is hereby ratified and confirmed, any thing to the contrary, in the deed of cession of the said territory by this commonwealth to the United States, notwithstanding.

Art. 10. Cession from the state of Massachusetts.

In congress,
April 19, 1785.

The delegates for Massachusetts having proceeded to execute the deed of cession mentioned in the resolution of yesterday, in the words following, viz:

To all who shall see these presents, we, Samuel Holten and Rufus King, the underwritten delegates for the commonwealth of Massachusetts in the congress of the United States of America, send greeting:

Recitation of
the powers of
the delegates
who cede.

Whereas the general court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty four, passed an act, entitled "An act empowering the delegates of this commonwealth in the United States in congress assembled, to relinquish to the United States certain lands, the property of this commonwealth," in the words following: "Whereas several of the states in the union have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States; and it may be reasonable that the states above mentioned should be interested in the aforesaid country: Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That the delegates of this commonwealth in the United States in congress assembled, or any three of the said delegates, be, and they hereby are authorized and empowered, for and in behalf of this commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the

same, agreeably to a resolve of congress, of October the tenth, one thousand seven hundred and eighty, such part of that tract of land, belonging to this commonwealth, which lies between the river Hudson and Mississippi, as they may think proper, and to make the said cession in such manner, and on such conditions, as shall appear to them to be most suitable." And whereas the said general court, on the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, passed one other act, entitled "An act in addition to an act entitled an act, empowering the delegates of this commonwealth in the United States in congress assembled, to relinquish to the United States certain lands, the property of this commonwealth," in the words following: "Whereas by the act aforesaid, three delegates representing this state in congress, are necessary to make the cession aforesaid, and it may be necessary that the said business should be performed by a less number of the said delegates, Be it therefore enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That any two delegates representing this commonwealth in congress, be, and hereby are authorized and empowered to do and perform all matters and things which by the act aforesaid might be done and performed by any three delegates as aforesaid, any thing in the aforesaid act notwithstanding." And whereas the said general court, on the seventeenth day of June, in the aforesaid year of our Lord one thousand seven hundred and eighty-four, did nominate and appoint the aforesaid Samuel Holten, and on the third day of November following, the aforesaid Rufus King, delegates to represent the said commonwealth of Massachusetts in the congress of the United States of America, for one year, from the first Monday of November in the said year, one thousand seven hundred and eighty-four, which appointment remains in full force: Now, therefore, know ye, that we, the said Samuel Holten and Rufus King, by virtue of the power and authority to us committed by the said acts of the general court of Massachusetts before recited, in the name, and for and on behalf of the said commonwealth of Massachusetts, do, by these presents, assign, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate, of and in, as well the soil as the jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude, through the westerly bent or inclination of lake Ontario, thence by the said meridian line, to the most southerly side line of the territory contained in the Massachusetts charter; but if, on experiment, the above described meridian line shall not comprehend twenty miles due west, from the most westerly bent or inclination of the river or strait of Niagara, then we do, by these presents, by virtue of the power and authority aforesaid, in the name and on behalf of the said commonwealth of Massachusetts, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, Mas-

Recitation of
the powers of
the delegates
who cede, &c.

The delegates
cede.

sachusetts inclusive, all right, title, and estate, of and in, as well the soil as the jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara; thence by the said meridian line to the most southerly side line of the territory, contained in the Massachusetts charter aforesaid, for the purposes in the said recited acts declared, and to the uses in a resolve of congress, of the tenth day of October, one thousand seven hundred and eighty, mentioned.*

* See the resolution, ante, page 475.]

In testimony whereof, we have hereunto subscribed our names, and affixed our seals in congress, this nineteenth day of April, in the year of our Lord one thousand seven hundred and eighty-five, and of the independence of the United States of America the ninth.

**S. HOLTEN,
RUFUS KING.**

Signed, sealed, and delivered, in the presence of

**BENJAMIN BANKSON, JUN.
JOHN FISHER,
ROBERT PATTON.**

Congress accept the cession from Massachusetts.

Resolved, That congress accept said deed of cession; and that the same be recorded and enrolled among the acts of the United States in congress assembled.

No. 11. Cession from the state of Connecticut.

In congress, Sept. 14, 1786.

Deed of cession.

Act of Connecticut recited.

The delegates from Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of the 26th May last, in the words following:

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut in the congress of the United States, send greeting: whereas the general assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "Be it enacted by the governor, council, and representatives, in general court assembled, and by the authority of the same, That the delegates of this state, or any two of them, who shall be attending the congress of the United States, be and they are hereby directed, authorized, and fully empowered, in the name and behalf of this state, to make, execute, and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from

Authorizes a cession of ter-

thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. Whereby all the right, title, interest, jurisdiction, and claim, of the state of Connecticut, to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released, and ceded to the United States in congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye, that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by the said act of the general assembly of Connecticut, before recited, in the name and for and on behalf of the said state of Connecticut, do, by these presents, assign, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction, and claim, which the said state of Connecticut hath in and to the beforementioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.

territory west of a line 120 miles west of the western boundary of Pennsylvania.

Territory accordingly ceded.

In witness whereof, we have hereunto set our hands and seals, this thirteenth day of September, in the year of our Lord one thousand seven hundred and eighty-six, and of the sovereignty and independence of the United States of America the eleventh.

WILL. SAM. JOHNSON, [L. S.]
 JONATHAN STURGES, [L. S.]

Signed, sealed, and delivered, in presence of

CHA. THOMSON,
 ROGER ALDEN,
 JAS. MATHERS.

On motion,

Resolved, That congress accept the said deed of cession; and that the same be recorded and enrolled among the acts of the United States in congress assembled.

Cession accepted from Connecticut.

Deed and act of Connecticut.

To all who shall see these presents, I, Jonathan Trumbull, governor of the state of Connecticut, send greeting:

Whereas the general assembly of the state of Connecticut, at their session holden in Hartford, on the second Thursday of May, one thousand and eight hundred, passed an act, entitled "An act renouncing the claims of this state to certain lands therein mentioned," in the words following, to wit: "Whereas the congress of the United States, at their session, begun and holden in the city of Philadelphia, on the first Monday of December, in the year one thousand seven hundred and ninety-nine, made and passed an act, in the words following, to wit:

Act of Connecticut, May, 1800.

[* Chap. 192,
vol. 3.]

Claims to
lands beyond
a certain line
renounced.

Governor au-
thorized to
relinquish
claim of ju-
risdiction to
the Western
Reserve.

Governor's
deed of re-
lease, 30th
May, 1800.

[here follows the act of congress, of the 28th of April, 1800:]*
therefore, in consideration of the terms, and in compliance with
the provisions and conditions of the said act, Be it enacted,
by the governor and council, and house of representatives, in
general court assembled, That the state of Connecticut doth
hereby renounce forever, for the use and benefit of the United
States, and of the several individual states, who may be therein
concerned respectively, and of all those deriving claims or titles
from them or any of them, all territorial and jurisdictional
claims whatever, under any grant, charter, or charters whatever,
to the soil and jurisdiction of any and all lands whatever lying
westward, northwestward, and southwestward, of those coun-
ties in the state of Connecticut, which are bounded westwardly
by the eastern line of the state of New York, as ascertained by
agreement between Connecticut and New York, in the year one
thousand seven hundred and thirty-three; excepting only from
this renunciation, the claim of the said state of Connecticut, and
of those claiming from or under the said state of Connecticut,
to the soil of said tract of land, in said act of congress described
under the name of the Western Reserve of Connecticut. And
be it further enacted, That the governor of this state for the time
being, be, and hereby is, empowered, in the name and behalf of
this state, to execute and deliver to the acceptance of the presi-
dent of the United States, a deed of the form and tenor directed
by the said act of congress, expressly releasing to the United
States the jurisdictional claims of the state of Connecticut, to all
that territory called the Western Reserve of Connecticut, ac-
cording to the description thereof in said act of congress, and
in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, governor
of the state of Connecticut, by virtue of the powers vested in me,
as aforesaid, do, by these presents, in the name and for and on
behalf of the said state, remise, release, and forever quit claim,
to the United States, the jurisdictional claim of the state of
Connecticut, to all that tract of land called, in the aforesaid act
of congress, the Western Reserve of Connecticut, and as the
same therein under that name is particularly and fully described.

In witness whereof, I have hereunto subscribed my name,
and affixed my seal, in the council chamber at Hartford,
in the state of Connecticut, this thirtieth day of May, in
the year of our Lord one thousand eight hundred, and
in the twenty-fourth year of the independence of the
United States.

JONATHAN TRUMBULL, [L. s.]

No. 12. Cession from the state of South Carolina.

In virtue of the powers in them vested, the delegates of the
state of South Carolina, for and in behalf of the said state, exe-
cuted the following deed of cession to the United States of Ame-
rica:

In congress,
Aug. 9, 1787.

To all who shall see these presents, we, John Kean and Daniel Huger, the underwritten delegates for the state of South Carolina, in the congress of the United States, send greeting:

Whereas the general assembly of the state of South Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz: "An act to authorize the delegates of this state in congress, to convey to the United States in congress assembled, all the right of this state to the territory herein described: Whereas the congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the union having claims to western territory, to make a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the union: and whereas this state is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their federal union: Be it, therefore, enacted by the honorable the senate and house of representatives, in general assembly met and sitting, and by the authority of the same, That it shall and may be lawful for the delegates of this state to the congress of the United States, or such of them as shall be assembled in congress, and they are hereby fully authorized and empowered for, and on behalf of, this state, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this state hath to the territory or tract of country within the limits of the charter of South Carolina, situate, lying, and being, within the boundaries and lines hereinafter described, that is to say; all the territory or tract of country included within the river Mississippi, and a line beginning at that part of the said river which is intersected by the southern boundary line of the state of North Carolina, and continuing along the said boundary line, until it intersects the ridge or chain of mountains which divides the eastern from the western waters; then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo river to the said mountains, and thence to run a due west course to the river Mississippi. In the senate house, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America. John Lloyd, president of the senate; John Julius Pringle, speaker of the house of representatives." And whereas the said John Kean and Daniel Huger were, on the sixth day of March, one thousand seven hundred and eighty-seven, elected delegates to represent the state of South Carolina, according to the law of said state, in the congress of the United States, until the first Monday in November, in the said year one thousand seven hundred and eighty-seven, which election remains in full force, and the said John Kean and Daniel Huger are the lawful delegates of said state, in the congress of

Recitation of
the powers of
the delegates,
&c.

South Carolina
willing to
strengthen
the union, &c.

The delegates to the United States: Now, therefore, know ye, that we, the said John Kean and Daniel Huger, by virtue of the power and authority to us committed by the said act of the general assembly of South Carolina before recited, in the name, and for and in behalf of the state of South Carolina, do, by these presents, assign, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, (South Carolina inclusive,) all the right, title, interest, jurisdiction, and claim, which the state of South Carolina hath in and to the beforementioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.

In witness whereof, we have hereunto set our hands and seals, this ninth day of August, in the year of our Lord one thousand seven hundred and eighty seven, and of the sovereignty and independence of America the twelfth.

JOHN KEAN, [L. s.]
DANIEL HUGER, [L. s.]

Signed, sealed, and delivered, in presence of

CHARLES THOMSON,
ROGER ALDEN,
BENJAMIN BANKSON.

[Note. The cession was accepted by congress on the same day.]

Articles of agreement and cession, 24th April, 1802, &c.

Art. 13. Articles of agreement and cession between the United States and the state of Georgia.

Articles of agreement and cession, entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States, by virtue of an act, entitled "An act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory," and of the act supplemental to the last mentioned act,* on the one part; and the commissioners appointed on the part of the state of Georgia, by virtue of an act, entitled "An act to carry the twenty-third section of the first article of the constitution into effect," and of the act to amend the last mentioned act, on the other part.

Georgia cedes territory west of Chatahouchee and of a certain line.

ART. 1. The state of Georgia cedes to the United States all the right, title, and claim, which the said state has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the state of Tennessee, and west of a line beginning on the western bank of the Chatahouchee river, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chatahouchee, and along the western bank thereof to the great bend thereof, next above the place where a certain creek or river, called "Uchee," (being the first considerable stream on the western side, above the Cussetas and Coweta towns,) empties into the said Chatahouchee river; thence in a direct line to Nickajack, on the Tennessee river; thence crossing the said

* See the act of April 7th, 1798; chap. 45; and the act of May 10th, 1800; chap. 204; vol. 3.

last mentioned river, and thence running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the state of Tennessee; upon the following express conditions, and subject thereto, that is to say:

First. That out of the first net proceeds of the sales of the lands thus ceded, which net proceeds shall be estimated by deducting, from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall pay, at their treasury, one million two hundred and fifty thousand dollars to the state of Georgia, as a consideration for the expenses incurred by the said state, in relation to the said territory; and that for the better securing as prompt a payment of the said sum as is practicable, a land office for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be, extinguished, shall be opened within a twelvemonth after the assent of the state of Georgia to this agreement, as hereafter stated, shall have been declared.

Conditions.
\$1,250,000 to be paid by the United States out of first net proceeds of sales of ceded lands.

Secondly. That all persons who, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, were actual settlers within the territory thus ceded, shall be confirmed in all the grants legally and fully executed prior to that day, by the former British government of West Florida, or by the government of Spain,* and in the claims which may be derived from any actual survey or settlement made under the act of the state of Georgia, entitled "An act for laying out a district of land situate on the river Mississippi, and within the bounds of this state, into a county, to be called 'Bourbon,'" passed the seventh day of February, one thousand seven hundred and eighty-five.

Certain settlers confirmed in their grants and in certain claims.
[* See act of 3d March, 1803; chap. 340, vol. 3.]

Thirdly. That all the lands ceded by this agreement to the United States shall, after satisfying the abovementioned payment of one million two hundred and fifty thousand dollars to the state of Georgia, and the grants recognised by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: provided, however, that the United States, for the period and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the abovementioned payment to the state of Georgia, nor with the grants herein before recognised, dispose of, or appropriate a portion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting, or compensating, for any claims other than those herein before recognised, which may be made to the said lands or to any part thereof. It being fully understood, that if an act of congress, making such disposition or appropriation, shall not be passed into a law, within the abovementioned period of one year,† the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognised by the preceding condition, nor to com-

Lands thus ceded to be a common fund.
Proviso.
The United States may dispose of, or appropriate, not exceeding five millions of acres for satisfaction of certain claims.
But said appropriation to be made within one year, or to be null, &c.

† See the act of 3d March, 1803; chap. 340, vol. 3.

pensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of soil over the lands thus ceded or compensated for, shall be considered as null and void; and the lands thus ceded or compensated for shall revert to the state of Georgia.

Indian title to lands in Georgia to be extinguished by the United States.

[* See ante, chap. 21, No. 3, art. 1, page 370; and No. 4, page 373.]

Territory to form a state and to be admitted into the Union.

[† See ante, page 475.]

Cession accepted by the United States. United States cede to Georgia certain lands east of the line above mentioned, &c.

Assent of Georgia to be given within six months.

Agreement null, if, &c.

Fourthly. That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to the county of Talassee, to the lands left out by the line drawn with the Creeks, in the year one thousand seven hundred and ninety-eight, which had been previously granted by the state of Georgia; both which tracts had formerly been yielded by the Indians; and to the lands within the forks of Oconee and Oakmulgee rivers; for which several objects, the president of the United States has directed that a treaty should be immediately held with the Creeks;* and that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the state of Georgia.

Fifthly. That the territory thus ceded shall form a state, and be admitted as such into the union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of congress of the thirteenth day of July, one thousand seven hundred and eighty-seven,† for the government of the Western Territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery.

ART. 2. The United States accept the cession abovementioned, and on the conditions therein expressed; and they cede to the state of Georgia whatever claim, right, or title, they may have to the jurisdiction or soil of any lands, lying within the United States, and out of the proper boundaries of any other state, and situated south of the southern boundaries of the states of Tennessee, North Carolina, and South Carolina, and east of the boundary line herein above described, as the eastern boundary of the territory ceded by Georgia to the United States.

ART. 3. The present act of cession and agreement shall be in full force as soon as the legislature of Georgia shall have given its assent to the boundaries of this cession; provided that the said assent shall be given within six months after the date of these presents, and provided that congress shall not, during the same period of six months, repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States. But if either the assent of Georgia shall not be thus given, or if the law of the United States shall be thus repealed within the said period of six months, then, and in either case, these presents shall become null and void.

Signed, &c.

Act of Georgia.

An act to ratify and confirm certain articles of agreement and cession, entered into on the 24th day of April, 1802, between the commissioners of the state of Georgia on the one part, and the commissioners of the United States on the other part.

Act of Georgia, June 16, 1802.

Whereas the commissioners of the state of Georgia, to wit: James Jackson, Abraham Baldwin, and John Milledge, duly authorized and appointed by, and on the part and behalf of, the said state of Georgia, and the commissioners of the United States, James Madison, Albert Gallatin, and Levi Lincoln, duly authorized and appointed by and on the part and behalf of the said United States, to make an amicable settlement of limits between the two sovereignties, after a due examination of their respective powers, did, on the 24th day of April last, enter into a deed of articles and mutual cession, in the words following, to wit:

[Here follow the articles of agreement, verbatim.]

Be it enacted, by the senate and house of representatives of the state of Georgia, in general assembly met, and by the authority thereof, That the said deed or articles of agreement and cession be, and the same hereby is and are fully, absolutely, and amply, ratified and confirmed in all its parts; and hereby is and are declared to be binding and conclusive on the said state, her government, and citizens, forever.

Articles of agreement ratified.

No. 14. OHIO COMPANY.—Letter of Cutler and Sargent, to the board of treasury, dated "New York, July 26, 1787."

We observe by the act of the 23d instant, that your honorable board is authorized to enter into a contract for the sale of a tract of land therein described, on certain conditions expressed in the act.* As we suppose this measure has been adopted in consequence of proposals made by us in behalf of ourselves and associates, to a committee of congress, we beg leave to inform you that we are ready to enter into a contract for the purchase of the lands described in the act, provided you can conceive yourselves authorized to admit of the following conditions, which, in some degree, vary from the report of the committee, viz:

* The act here referred to specifies the powers vested in the board of treasury to contract for the sale of the land mentioned therein.]

The subordinate surveys shall be completed as mentioned in the act, unless the frequency of Indian irruptions may render the same impracticable without a heavy expense to the company.

The mode of payment we propose is, half a million of dollars when the contract is executed; another half a million when the tract, as described, is surveyed by the proper officer of the United States; and the remainder in six equal payments, computed from the date of the second payment.

The lands assigned for the establishment of a university, to be nearly as possible in the centre of the first million and half of acres we shall pay for; for to fix it in the centre of the proposed purchase, might too long defer the establishment.

When the second payment is made, the purchasers shall receive a deed for as great a quantity of land as a million of dol-

Ohio Compa-
ny, &c.

lars will pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchased, only at such periods, and on such conditions, as may be agreed on betwixt the board and the purchasers.

As to the security, which the act says shall be good and sufficient, we are unable to determine what those terms may mean, in the contemplation of congress, or of your honorable board; we shall, therefore, only observe, that our private fortunes, and that of most of our associates, being embarked in the support of the purchase, it is not possible for us to offer any adequate security, but that of the land itself, as is usual in great land purchases.

We will agree so to regulate the contract that we shall never be entitled to a right of entry or occupancy, but on lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to such payment. The advance we shall always be under, without any formal deed, together with the improvements made on the lands, will, we presume, be ample security, even if it was not the interest as well as the disposition of the company to lay the foundation of their establishment on a sacred regard to the rights of property.

[* For acts of congress, concerning the Ohio Company, see chap. 33, post. and chap. 126, vol. 2.]

If these terms are admitted, we shall be ready to conclude the contract.*

OHIO COMPANY.—Boundaries of the three contiguous tracts of land, extracted from the patents.

First tract. Beginning at a station or point, where the western boundary line of the seventh range of townships, laid out by the authority of the United States in congress assembled, intersects the river Ohio; thence, extending along that river southwesterly, to a place where the western boundary line of the fifteenth range of townships, when laid out agreeably to the land ordinance, passed the twentieth day of May, one thousand seven hundred and eighty-five,† would touch the said river; thence, running northerly on the said western boundary of the said fifteenth range of townships, till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract herein specified and described, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land, in a certain contract, executed on the twenty-seventh day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio company of associates, of the other part, reserved or appropriated to particular purposes; thence, running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning; which said tract contains, as computed, nine hundred and thirteen thousand eight hundred and eighty-three acres; subject, however, to the reservations expressed in an indenture, executed on the twenty-seventh day of October, in

[†See chap. 32, post.]

the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio company of associates, of the other part.

Second tract. One tract of land, containing two hundred and fourteen thousand two hundred and eighty-five acres, to be located within the limits of the tract of one million five hundred thousand acres, described in an indenture, executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of associates, of the other part, and adjoining to the tract of land, described in the first section of the above recited act, and in the form herein prescribed, as follows: Beginning on a line that has been surveyed, and marked by Israel Ludlow (a plat or map whereof is filed in the office of the secretary of the treasury) as for the north boundary line of a tract of one million five hundred thousand acres, expressed in an indenture, executed on the twenty-seventh day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, of the other part, at a point which is and shall be established, to be the northwest corner of a tract of one hundred thousand acres, granted to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, by letters patent, bearing even date with these presents; thence, running westerly on the said line, surveyed and marked as aforesaid, to a point where the said line would intersect the west boundary line of the eleventh range of townships, if laid out agreeably to the land ordinance, passed the twentieth day of May, one thousand seven hundred and eighty-five; thence, running south, on the said western boundary, of the said eleventh range of townships, if laid out as aforesaid, till it would intersect a westerly continuation of the north boundary line of the third township of the seventh range of townships, surveyed by the authority of the United States of America in congress assembled; thence running on a further westwardly continuation of the said north boundary line of the said third township, to a point, station, or place, where the western boundary line of the sixteenth range of townships would intersect or meet the same, if laid out agreeably to the land ordinance aforesaid; thence, running south, on the said western boundary line of the sixteenth range of townships, laid out as aforesaid, to a point, station, or place, from which a line drawn due east, to the west boundary line of a tract of nine hundred and thirteen thousand eight hundred and eighty-three acres, granted to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, by letters patent, bearing even date with these presents, will, with the other lines of this tract, as herein specified and described, comprehend two hundred and fourteen thousand two hundred and eighty-five acres; thence, running due east to the western bound-

Ohio Company, &c.

dary line of the said tract of nine hundred and thirteen thousand eight hundred and eighty-three acres; thence, running northerly, on the said western boundary line to the northwest corner of the said last mentioned tract; thence, running easterly on the northern boundary of the said last mentioned tract, to the point where the same is touched or intersected by the western boundary of the aforesaid tract of one hundred thousand acres; thence, northerly, on the said western boundary of the said last mentioned tract, to the place of beginning.

Third tract. One hundred thousand acres of land, to be located within the limits of the tract of one million five hundred thousand acres of land, described in an indenture, executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the directors of the Ohio Company of associates, of the other part, and adjoining to the tract of land described in the first section of the above recited act, and in the form herein prescribed, as follows: Beginning on the western boundary line on the seventh range of townships, laid out by the authority of the United States in congress assembled, at a point, which is and shall be established to be the northeast corner of a certain tract of land, containing, as computed, nine hundred and thirteen thousand eight hundred and eighty-three acres, by letters patent, bearing even date with these presents, granted to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green; thence, running northerly, on the said western boundary of the said seventh range of townships, to a point or station that has been fixed, pursuant to a survey, made by Israel Ludlow, a plat or map whereof is filed in the office of the secretary of the treasury, as the northeast corner of a tract of one million five hundred thousand acres, described in an indenture, executed on the twenty-seventh day of October, one thousand seven hundred and eighty-seven, between the then board of treasury, for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, of the other part; thence, running westerly, on the northern boundary line of the said tract of one million five hundred thousand acres, as surveyed and marked by the said Israel Ludlow, to a point, from which a line drawn south to the northern boundary line of the said tract of nine hundred and thirteen thousand eight hundred and eighty-three acres, will, with the other lines of this tract, therein specified and described, comprehend one hundred thousand acres; thence, running south to the said northern boundary line, and thence, due east on the said northern boundary line, to the place of beginning.

No. 15. JOHN C. SYMMES'S—Application for the purchase of a tract of land.
To his excellency the president of congress, the petition of John Cleves Symmes, of New Jersey, sheweth:

That your petitioner, encouraged by the resolutions of congress of the 23d and 27th of July last, stipulating the condition of a

transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent and Manasseh Cutler, esquires, and their associates, of New England, is induced, on behalf of the citizens of the United States, westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the congress will be pleased to direct that a contract be made by the honorable the commissioners of the treasury board, with your petitioner, for himself and his associates, in all respects similar in form and matter to the said grant made to Messrs. Sargent and Cutler, differing only in quantity and place where, and instead of two townships for the use of an university, that one only be assigned for the benefit of an academy.

John Cleves Symmes' tract, &c.

That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands lying within the following limits, viz: beginning at the mouth of the Great Miami river; thence, running up the Ohio, to the mouth of the Little Miami river; thence, up the main stream of the Little Miami river, to the place where a due west line, to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler, and company, shall intersect the said Little Miami river; thence, due west, continuing the said western line to the place where the said line shall intersect the main branch or stream of the Great Miami river; thence, down the Great Miami, to the place of beginning.*

[* In congress, Oct. 2, 1787, ordered that the above petition be referred to the board of treasury, to take order.]

JOHN C. SYMMES.

New York, 29th August, 1787.

JOHN C. SYMMES'S—Application for an alteration in the boundaries of his first contract, and releasing all claims beyond the altered boundaries.

Be it known unto all men by these presents, that whereas, in pursuance of certain resolutions of the United States in congress assembled, bearing date respectively the twenty-third and twenty-seventh days of July, and the twenty-third day of October, one thousand seven hundred and eighty-seven, or some of them, a contract was duly made and executed between Samuel Osgood, Walter Livingston, and Arthur Lee, esquires, commissioners of the board of treasury of the United States, of the first part, Jonathan Dayton and Daniel Marsh, esquires, of the second part, and John C. Symmes, esquire, for the third part, for the purchase and grant of a certain tract of land in the western country, adjoining the river Ohio, beginning on the bank of the same river, at a spot exactly twenty miles distant along the several courses of the same, from the place where the Great Miami empties itself into the said river Ohio; from thence extending down the said river Ohio, along the several courses thereof to the Great Miami river; thence, up the said river Miami, along the several courses thereof, to a place whence a line drawn due east, will intersect a line drawn from the place of beginning aforesaid, parallel with the general course of the Great Miami river, so as to include one million of acres within these lines and the said rivers; and from that place upon the

said Great Miami river, extending along such lines to the place of beginning, containing, as aforesaid, one million of acres, to be granted to the said John Cleves Symmes and his associates, their heirs, and assigns, upon certain terms and conditions, as in and by the said contract, bearing date the fifteenth day of May, one thousand seven hundred and eighty-eight, reference being thereunto had, will fully appear.

¶ See chap.
120, vol. 2.]

And whereas, by an act of the congress of the United States, bearing date the twelfth day of April, one thousand seven hundred and ninety-two, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes,"* the president of the United States was authorized, at the request of the said John C. Symmes, to alter the said contract, made between the said late board of treasury, and the said John C. Symmes, in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: provided, that the northern limits of the said tract shall not interfere with the boundary line established by the treaty of fort Harmar, between the United States and the Indian nations;† and provided also, that the president reserve to the United States such lands at and near fort Washington, as he may think necessary for the accommodation of a garrison at that fort, as in and by the said act, reference thereunto had, will fully appear. Now these presents witness, that I, the said John C. Symmes, have requested, and hereby do request, the president of the United States, that the said contract, so as aforesaid made by the said commissioners of the late board of treasury, on behalf of the said United States, on the one part, and of the said John C. Symmes, by my said agents Jonathan Dayton and Daniel Marsh, on behalf of myself and my associates, of the other part, be altered, so as to include only the last mentioned tract, butted, bounded, and described, as in the said act of the congress aforesaid, subject to the same conditions and with the same limitations as in the said contract and act of congress are expressed, is set forth; and also, subject to the reservation of the quantity of fifteen acres, being for the accommodation of fort Washington and the garrison thereof, and including the said fort in such part of the said tract, as the president of the United States shall find convenient and suitable for military purposes, and shall cause to be located therefor, and further subject to the reservation of one mile square, at or within four miles of the mouth of the Great Miami, to be located by such person as the president of the United States shall appoint for that purpose; provided, that a law be passed, within the space of two years from the date of these presents, to authorize the last mentioned reservation and location; and that the president of the United States shall appoint a person to make such location within the space of one year after such law shall be passed; and provided also, that the same law shall

[† See ante,
chap. 26, No.
2, art. 2, page
393.]

authorize the president to make, and the president shall make and execute to the said John C. Symmes and his associates, his and their heirs, within the last mentioned term of one year, a grant and release of the aforesaid fifteen acres reserved for the use and accommodation of fort Washington and the garrison thereof; and I do hereby, for myself and my associates, and our heirs, remise, remit, and quit claim, unto the said United States, all right, title, interest, claim, and demand whatever, in and to so much of the lands contained and included within the bounds and limits described in the said first mentioned contract, as is not contained, meant, and intended to be contained and included, within the bounds and limits secondly abovementioned.*

John Cleves
Symmes'
tract, &c.

JOHN C. SYMMES.

J. C. SYMMES'S PATENT.—In the name of the United States of America, to all to whom these presents shall come:

Know ye, that whereas it appears to me, George Washington, president of the said United States, that John Cleves Symmes, in behalf of himself and his associates, in pursuance of a contract, made and executed on the fifteenth day of October, one thousand seven hundred and eighty-eight, between Arthur Lee, Walter Livingston, and Samuel Osgood, commissioners of the board of treasury, and Jonathan Dayton and Daniel Marsh, and the said John Cleves Symmes, hath paid into the treasury of the United States the sum of one hundred and sixty-five thousand six hundred and ninety-three dollars and forty-two cents, in certificates and warrants for military rights to lands: whereby, and by virtue of the act of the congress of the United States, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," passed the fifth day of May, one thousand seven hundred and ninety-two, the said John Cleves Symmes and his associates are become entitled to receive from the United States letters patent, granting and conveying to him and them, two hundred and forty-eight thousand five hundred and forty acres of land: and whereas, in and by the said contract, it was stipulated and agreed, by and between the said Arthur Lee, Walter Livingston, and Samuel Osgood, commissioners on the part of the United States, and the said Jonathan Dayton and Daniel Marsh, and the said John C. Symmes, that out of each township, which should fall within the grant to be made to the said John Cleves Symmes and his associates, a reservation should be made to the United States, of the four lots, marked

* The act of the president of the United States, assenting to the alteration of boundaries, is omitted. Mr. Symmes having made no payment for lands beyond the boundaries of his patent, (which is included within the boundaries here described,) the residue of the land reverted to the United States; but a right of pre-emption was allowed to persons who had made purchases from him, under the expectation that he would fulfil his contract. *Note of the editor of the Land Laws, &c.* For acts of congress relative to John Cleves Symmes' grant, see chap. 120, 131, vol. 2; chap. 140, 248, 304, 343, 388, vol. 3.]

Symmes' patent.

[* See chap. 32, post.]

8, 11, 26, and 29, for such purposes as shall, by the congress of the United States, be directed; and lot No. 16, for the maintenance of public schools, the same being pursuant to the regulations contained in an ordinance of the United States in congress assembled, bearing date the twentieth day of May, one thousand seven hundred and eighty-five:* and whereas, in and by the aforesaid act of congress of the United States, passed the fifth day of May, one thousand seven hundred and ninety-two, the president of the United States was authorized and empowered by letters patent, to grant and convey unto the said John Cleves Symmes, and his associates, their heirs, and assigns, in trust, for the purpose of establishing an academy, and other public schools and seminaries of learning, one complete township, conformably to an order of congress, made the second day of October, one thousand seven hundred and eighty-seven: and whereas, it appears expedient to reserve to the United States, out of the tract of land hereby intended to be granted, the quantity of fifteen acres of land, for the accommodation of fort Washington and the garrison thereof, including the said fort; and also, a quantity of land, equal to one mile square, at or near the mouth of the Great Miami river, to be located as hereafter mentioned.

Now these presents testify, that I, the said George Washington, president of the United States, in the name and by the authority of the said United States, in consideration of the premises, in pursuance of the said act of the congress of the United States, passed the fifth day of May, 1792, and by virtue of the authority thereby in me reposed, have granted and confirmed, and by these presents do grant and confirm, unto the said John Cleves Symmes and his associates, and to his and their heirs and assigns, all that tract of land, beginning at the mouth of the Great Miami river, and extending from thence along the river Ohio, to the mouth of the Little Miami river, bounded on the south by the said river Ohio, on the west by the said Great Miami river, on the east by the said little river Miami, and on the north by a parallel of latitude, to be run from the said Great Miami river to the said Little Miami river, so as to comprehend the quantity of three hundred and eleven thousand six hundred and eighty-two acres of land, with the appertinances, reserving to the United States, out of the said tract, the quantity of fifteen acres of land, for the accommodation of fort Washington and the garrison thereof, including the space of ground occupied by the said fort, to be located in such part of the said tract, and by such person, as the president of the United States shall direct; and also, reserving out of the said tract, a quantity of land equal to one mile square, at or near the mouth of the said Great Miami river, to be located by such person as the president of the United States shall appoint for that purpose: provided, that a law be passed by the congress of the United States to authorize the same, within the space of two years from and after the date of these presents; and that the president of the said United States shall appoint a person to make such location, within one year after such law shall be

passed, and not otherwise: and provided also, that the same ^{Symmes' pa-} law shall authorize the president of the United States to make, ^{tent} and the president of the United States shall make, and execute to the said John Cleves Symmes and his associates, their heirs, and assigns, a grant and release of the aforesaid fifteen acres, reserved for the use and accommodation of fort Washington and the garrison thereof; and also reserving to the said United States, out of each township, contained in the said tract, the following lots, viz: lot No. 16, for the purposes mentioned and specified in the ordinance of the United States in congress assembled, passed on the twentieth day of May, one thousand seven hundred and eighty-five; lot No. 29, for the purposes of religion; and lots No. 11, No. 8, and No. 26, for such purposes as the congress of the United States shall hereafter direct: to have and to hold the said tract of land, bounded and described as aforesaid, with the appertinances, to the said John Cleves Symmes and his associates, his and their heirs and assigns, to his and their proper use and behoof forever, according to their respective rights and interest therein; upon this condition, however, and not otherwise, that the said John Cleves Symmes and his associates, his and their heirs and assigns, shall and do cause the said parallel of latitude, forming the northern boundary of the tract herein before described, to be truly run, surveyed, and laid out, and return thereof made to the secretary of the treasury, for the time being, within the space of five years, from and after the date of these presents; otherwise, as well these presents, as the estate hereby granted, shall cease and become void: which parallel of latitude shall be run from certain points or stations, which shall have been ascertained and fixed by Israel Ludlow, upon the said Great and Little Miami rivers, according to a survey by him made, of the courses of the said rivers, under the direction of the department of the treasury, and heretofore certified to that department, by a certificate, bearing date the twenty-fourth day of March, seventeen hundred and ninety-four, and in pursuance of the said act of the congress of the United States, herein beforementioned, passed the fifth day of May, one thousand seven hundred and ninety-two: it is hereby declared, that one complete township or tract of land, of six miles square, to be located with the approbation of the governor, for the time being, of the territory northwest of the river Ohio, and in the manner, and within the term of five years aforesaid, as nearly as may be, in the centre of the tract of land herein before granted, hath been and is granted, and shall be holden in trust, to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, and endowing and supporting the same, and to and for no other use, intent, or purpose whatever.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed,

Given under my hand, at the city of Philadelphia, the thirtieth day of September, in the year of our Lord one [L. s.] thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

By the president,

EDMUND RANDOLPH.

No. 16. ILLINOIS COMPANY.—Indian deeds to the Illinois and Wabash Companies.

To all people to whom these presents shall come, greeting:— Know ye, that we, Tomoroa, or Gabriel, Pataguage, or Michael, Maughquayah, or John Baptiste Couroway, Kicounaisa, or Fish, and Tontowaraganh, or Peter, sometimes called Lachoche, or the Bell, Kaskaskias chiefs; Maughquinthepe, or Bear's Head, otherwise called the Black Dog, Meinquipaumiah Achiswewah, and Eshawinikiwah, Pervariahs and Cahoquias chiefs, chiefs and sachems of the different tribes of the Illinois nations of Indians, and being and effectually representing all the tribes of the said Illinois Indians, send greeting:

Whereas William Murray, of the Illinois country, merchant, one of the grantees hereinafter named, as well for himself, as on the parts and behalfs of the several other grantees, herein also after named, did, at several conferences, publicly held with us, the said chiefs and sachems, at Kaskaskias village, in the Illinois country aforesaid, treat and confer with us, the said chiefs and sachems, for the purchase of certain quantities or tracts of land, belonging and appertaining unto us, and to the several tribes or nations of Indians whom we represent: and whereas we, the said chiefs and sachems, have deliberately and maturely considered for ourselves, and consulted with the natives of our several tribes or nations, of the request and proposals made as aforesaid, by the said William Murray, for himself and others, to us, the said chiefs and sachems: and whereas we, the said chiefs and sachems, as well as the other natives of our several tribes or nations, are fully satisfied and contented (for the consideration hereinafter mentioned) to grant and confirm unto the said William Murray, and to the other grantees, hereinafter named, the several tracts or quantities of land hereinafter bounded and described. Now, know ye, therefore, that we, the said chiefs and sachems of the several tribes of the Illinois Indians aforesaid, in full and public council assembled, at Kaskaskias village aforesaid, for and in consideration of the sum of five shillings, to us in hand paid, by the said William Murray, and for and in consideration of the following goods and merchandise, to us, the said Tomoroa, Pataguage, Maughquaquah Couroway, Kicounaisa, Tontowaraganih, Maughquinthepe, Achiswewah Meinquipaumiaha, and Eschawinikiwah, paid and delivered in full council aforesaid, that is to say, two hundred and sixty strouds, two hundred and fifty blankets, three hundred and fifty shirts, one hundred and fifty pairs of stroud and half

thick stockings, one hundred and fifty stroud breech clothes, five Illinois Com-
 hundred pounds of gunpowder, four thousand pounds of lead, pany.
 one gross of knives, thirty pounds of vermilion, two thousand
 gun flints, two hundred pounds of brass kettles, two hundred
 pounds of tobacco, three dozen gilt looking glasses, one gross
 gun worms, two gross awls, one gross of fire steels, sixteen
 dozen of gartering, ten thousand pounds of flour, five hundred
 bushels of Indian corn, twelve horses, twelve horned cattle,
 twenty bushels of salt, and twenty guns, the receipt whereof we
 do hereby acknowledge, have granted, bargained, sold, aliened,
 released, enfeoffed, ratified, and fully confirmed, and by these
 presents do grant, bargain, sell, alien, release, enfeoff, ratify, and
 fully confirm, unto the said William Murray, Moses Franks, and
 Jacob Franks, of the city of London, in the kingdom of Great
 Britain, esquires; David Franks, John Inglis, Bernard Gratz,
 Michael Gratz, Alexander Ross, David Sproat, and James
 Milligan, all of the city of Philadelphia, in the province of Penn-
 sylvania, merchants; Moses Franks, of the same city, attorney
 at law; Andrew Hamilton, and William Hamilton, of the same
 city, gentlemen; Edmund Milne, of the same city, goldsmith
 and jeweller; Joseph Simons and Levi Andrew Levi, of the town
 of Lancaster, in the county of Lancaster, and province aforesaid,
 merchants; Thomas Minshall, of York county, and province
 aforesaid, esquire; Robert Callender and William Thompson,
 of Cumberland county, and province aforesaid, esquires; John
 Campbell, of Pittsburg, Westmoreland county, and province
 aforesaid, merchant; George Castles, of the Illinois country
 aforesaid, and James Rumsey, late of the same country, mer-
 chants, their heirs and assigns, in severalty, or unto his most
 sacred majesty, George the third, by the grace of God, of Great
 Britain, France and Ireland, king, defender of the faith, and so
 forth, his heirs and successors, for the use, benefit and behoof of
 all the said several above named grantees, their heirs and as-
 signs, in severalty as aforesaid, (by which ever of these tenures
 the said grantees may most legally hold the same,) the two se-
 veral tracts or parcels of land, hereinafter described and bound-
 ed, viz: one tract or parcel of land, situate, lying, and being, on
 the east side of the river Mississippi, beginning at the mouth of
 the Heron creek, called by the French the river of Mary, being
 about a league below the mouth of the Kaskaskias river; thence,
 a northward of east course, in a direct line back to the Hilly
 Plains, eight leagues, or thereabouts, be the same more or less;
 thence, the same course, in a direct line to the Crab Tree Plains,
 seventeen leagues, or thereabouts, be the same more or less;
 thence, the same course, in a direct line to a remarkable place,
 known by the name of the Big Buffalo Hoofs, seventeen leagues
 or thereabouts, be the same more or less; thence, the same
 course in a direct line to the Salt Lick creek, about seven
 leagues, be the same more or less; thence, crossing the said
 creek, about one league below the ancient Shawanees town, in
 an easterly or a little to the north of east course, in a direct line
 to the river Ohio, about four leagues, be the same more or less;
 then down the Ohio, by the several courses thereof, until it

Illinois Cam-
pany.

empties itself in the Mississippi, about thirty-five leagues, be the same more or less; and then up the Mississippi, by the several courses thereof, to the place of beginning, thirty-three leagues, or thereabouts, be the same more or less; and also one other piece or parcel of land, situate, lying, and being, on the east side of the Mississippi: beginning at a place or point, in a direct line opposite to the mouth of the Missouri river; thence, up the Mississippi, by the several courses thereof, to the mouth of the Illinois river, about six leagues, be the same more or less; and then up the Illinois river, by the several courses thereof, to Chicagou or Garlick creek, about ninety leagues, or thereabouts, be the same more or less; then nearly a northerly course, in a direct line, to a certain place remarkable, being the ground on which an engagement or battle was fought, about forty or fifty years ago, between the Pewaria and Renard Indians, about fifty leagues, be the same more or less; thence, by the same course, in a direct line, to two remarkable hills close together, in the middle of a large prairie or plain, about fourteen leagues, be the same more or less; thence, a north of east course, in a direct line, to a remarkable spring, known by the Indians by the name of Foggy Spring, about fourteen leagues, be the same more or less; thence, the same course, in a direct line, to a great mountain to the northward of the White Buffalo Plain, about fifteen leagues, be the same more or less; thence, nearly a southwest course, in a direct line, to the place of beginning, about forty leagues, be the same more or less; and also all minerals, ores, trees, woods, underwoods, waters, water courses, profits, commodities, advantages, rights, liberties, privileges, hereditaments, and appertinances, whatsoever, to the said two several tracts or parcels of land belonging, or in any wise appertaining, and also the reversion and reversions, remainder and remainders, rents, issues, and profits, thereof; and of every part and parcel thereof; and all the estate, right, title, interest, use, property, possession, claim, and demand, of them, the said Tomaroa, Petaguage, Maughquayah Couroway, Kicounaisa Tontowaraganih, Maughquinthepe, Achiswewah Meinquipaunuah, and Eschawinikawah, chiefs and sathems aforesaid, and of all and every other person and persons whatsoever, of or belonging to the said nations, of, into, and out of, the premises, and every part and parcel thereof, to have and to hold the said several tracts or parcels of land, and all and singular the said granted or bargained premises, with the appertinances, unto them, the said William Murray, Moses Franks, Jacob Franks, David Franks, John Inglis, Bernard Gratz, Michael Gratz, Alexander Ross, David Sproat, James Milligan, Moses Franks, Andrew Hamilton, William Hamilton, Edmund Milne, Joseph Simon, Levi Andrew Levi, Thomas Minshall, Robert Callender, William Thompson, John Campbell, George Castles, and James Rumsey, their heirs and assigns, forever, in severalty, or unto his said majesty, his heirs and successors, to and for the use, benefit, and behoof, of the said grantees, their heirs and assigns, forever, in severalty as aforesaid; and the said Tomaroa, Petaguage, Maughquayah Couroway, Kicounaisa, Tontowaraganih,

Maughquinthepe, Achiswewah Meinquipaumiah, and Eschaw. Illinois Com-
 inikiwah, for themselves, and for the several tribes of the Illinois Conf-
 nois nations, and all and every other nation and nations, tribu-
 taries and dependents on the said Illinois Indians, and their and
 every of their posterities, the said several tracts of land and pre-
 mises, and every part thereof, against them, the said Tomaroa,
 Petaguage, Maughquayah Couroway, Kicounaisa, Tontowa-
 raganih, Mauquinthepe Achiswewah Meinquipaumiah, and
 Eschawinikiah, and against the said Illinois nations, and their
 tributaries and dependents, and all and every of their posterities,
 unto the said William Murray, Moses Franks, Jacob Franks,
 David Franks, John Inglis, Bernard Gratz, Michael Gratz,
 Alexander Ross, David Sproat, James Milligan, Moses Franks,
 Andrew Hamilton, William Hamilton, Edmund Milne, Joseph
 Simon, Levi Andrew Levi, Thomas Minshall, Robert Callen-
 der, William Thompson, John Campbell, George Castles, and
 James Rumsey, their heirs and assigns, in severalty, or unto his
 said majesty, his heirs and successors, to and for the only use,
 benefit, and behoof, of the said grantees, their heirs and assigns,
 in severalty as aforesaid, shall and will warrant and forever de-
 fend by these presents.

In witness whereof, we, the said chiefs and sachems, in behalf
 of ourselves respectively, and in behalf of all the differ-
 ent tribes of the Illinois Indians as aforesaid, have here-
 unto set our hands and seals, in the presence of the per-
 sons subscribing as witnesses hereunto, at a public coun-
 cil, held at Kaskaskias village aforesaid, this fifth day of
 July, in the thirteenth year of his majesty's reign, and in
 the year of our Lord one thousand seven hundred and
 seventy-three.

WABASH COMPANY.—To all people to whom these presents shall come:

Know ye, that we, Tabac, or Tobacco, Mantour la grand Cou-
 ett, Ououajao Tabac, jun. La Mouchanoire, or the Black Fly,
 Le Maringouin, or Musquitto, Le Petit Castor, or Little Bea-
 ver, Kiesquibichias, Gerlot, sen. and Gerlot, jun. chiefs and sa-
 chems of the several tribes of the Piankeshaw nation of Indians,
 and being, and effectually representing, all the several tribes of
 the Piankeshaw Indians, send greeting:

Whereas Lewis Viviati, of the Illinois country, merchant, one
 of the grantees hereinafter named, as well for himself, as on the
 parts and behalfs of the several other grantees herein also after
 named, did, at several conferences publicly held with us, the said
 chiefs and sachems, at the towns and villages, Post Saint Vin-
 cent and Vermilion, treat and confer for the purchase of cer-
 tain tracts of land belonging and appertaining unto us, and to the
 several tribes of our nation, whom we represent.

And whereas we, the said chiefs and sachems, have delibe-
 rately and maturely considered, for ourselves and our posterities,
 and consulted with the other natives of our several tribes, respect-
 ing the proposals made as aforesaid to us, the said chiefs and sa-

Wabash Com-
pany.

chems, by the said Lewis Viviat, on behalf of himself and others. And whereas we, the said chiefs and sachems, as well as all the other natives of the several tribes of our nation, are fully satisfied and contented, for the consideration hereinafter mentioned, to grant and confirm unto the said Lewis Viviat, and to the other grantees hereinafter mentioned, the several quantities and tracts of land hereinafter bounded and described. Now, know ye, therefore, that we, the said chiefs and sachems of the Piankeshaw nation aforesaid, in full and public council assembled, at the town or village of Post Saint Vincent aforesaid, for and in consideration of the sum of five shillings, to us in hand paid by the said Louis Viviat, and for and in consideration of the following goods and merchandise, to us, the said Tabac, or Tobacco, Manteur, La Grand Couett, Ouaouajao, Tabac, jun. La Mouchenoire, or the Black Fly, Le Maringouin, or Musquitto, Le Petit Castor, or the Little Beaver, Kiesquibichias; Grelot, sen. and Grelot, jun. for the use of the several tribes of our nation, well and truly delivered in full council aforesaid, that is to say: four hundred blankets, twenty two pieces of strouds, two hundred and fifty shirts, twelve gross of star gartering, one hundred and twenty pieces of ribbon, twenty-four pounds vermilion, eighteen pairs velvet laced housings, one piece of malton, fifty-two fusils, thirty-five dozen large buckhorn handle knives, forty dozen cutteaux knives, five hundred pounds of brass kettles, ten thousand gun flints, six hundred pounds of gunpowder, two thousand pounds of lead, four hundred pounds of tobacco, forty bushels of salt, three thousand pounds of flour, three horses; also, the following quantities of silver ware, viz. eleven very large arm-bands, forty wristbands, six whole moons, six half moons, nine ear wheels, forty-six large crosses, twenty-nine hair pipes, sixty pairs of ear bobs, twenty dozen small crosses, twenty dozen nose crosses, and one hundred and ten dozen brooches, the receipt whereof we do hereby acknowledge; have granted, bargained, sold, aliened, released, enfeoffed, ratified, and fully confirmed, and by these presents do grant, bargain, sell, alien, release, enfeoff, ratify, and fully confirm, unto the said Louis Viviat, the right honorable John earl of Dunmore, governor of the colony and dominion of Virginia; the honorable John Murray, son of the said earl, Moses Franks and Jacob Franks, of the city of London, in the kingdom of Great Britain, esquires, Thomas Johnson, jun. esq. attorney at law, and John Davidson, merchant, both of the city of Annapolis, in the province of Maryland; William Russel, esq. Mathew Ridley, Robert Christie, sen. and Robert Christie, jun. of Baltimore town, in the said province of Maryland, merchants; Peter Campbell, of Piscataway, in Maryland, merchant; William Geddes, of Newtown Chester, in Maryland, esq. collector of his majesty's customs; David Franks, merchant, and Moses Franks, attorney at law, both of the city of Philadelphia, in the province of Pennsylvania; William Murray and Daniel Murray, of the Illinois country, merchants; Nicholas St. Martin, and Joseph Page, of the same place, gentlemen; Francis Perthuis, late of Quebec city, in Canada, but now of Post St. Vincent, aforesaid, gentle-

men, their heirs and assigns, equally to be divided, or to his ^{Wabash Com-}
 most sacred majesty George the third, by the grace of God, of ^{pany.}
 Great Britain, France and Ireland, king, defender of the faith,
 and so forth, his heirs and successors, for the use, benefit, and
 behoof, of all the said several abovenamed grantees, their heirs
 and assigns, in severalty as aforesaid, (by whichever of these
 tenures they may most legally hold the same.) The two several
 tracts or parcels of land, hereinafter bounded and described,
 viz. one tract or parcel of land, situate, lying, and being, on both
 sides the Ouabache river, beginning at the mouth of a rivulet,
 called Riviere du Chate, or Cat river, where it empties itself
 into the Ouabache river aforesaid, being about fifty-two leagues
 distant from and above Post St. Vincent aforesaid; thence down
 the Ouabache, by the several courses thereof, to a place called
 Point Coupee, (about twelve leagues above Post St. Vincent,)
 being forty leagues or thereabouts in length, on the said river
 Ouabache, from the place of beginning, with forty leagues in
 width or breadth on the east side, and thirty leagues in breadth
 or width on the west side, of the Ouabache river aforesaid; to
 be continued along from the place of beginning to Point Cou-
 pee aforesaid. And also one other tract or parcel of land, si-
 tuated, lying, and being, on both sides of the Ouabache river
 aforesaid, beginning from the mouth of White river, where it
 empties itself into the Ouabache river, (about twelve leagues
 below Post St. Vincent,) thence down the Ouabache river, by
 the several courses thereof, until it empties itself into the Ohio
 river, being from said White river to the Ohio fifty-three
 leagues in length, or thereabouts, be the same more or less,
 with forty leagues in width or breadth on the east side, and
 thirty leagues in width or breadth on the west side of the
 Ouabache river aforesaid, to be continued along from White
 river aforesaid, to the Ohio river aforesaid, (the intermediate
 space of twenty-four leagues, or thereabouts, between Point
 Coupee and the mouth of the White river aforesaid, being re-
 served for the use of the inhabitants of Post St. Vincent aforesaid,
 with the same width or breadth on both sides of the Ou-
 abache river, as is hereby granted in the two other several tracts
 of land, above bounded and described,) the aforesaid two se-
 veral tracts of land hereby bargained and sold, from the first
 place of beginning, to the Ohio river, consisting, together, of
 ninety-three leagues in length on the Ouabache river, and, on
 both sides thereof inclusive, seventy leagues in width or breadth,
 and that during its whole course as aforesaid, exclusive
 of, and besides, the reservation of twenty-four leagues in length,
 and seventy leagues in width or breadth, for the inhabitants of
 Post St. Vincent, reserved as aforesaid. And the said chiefs
 and sachems, for themselves, and for the several other natives
 of their nation, whom they fully and effectually represent, and
 their and every of their posterities, do hereby guaranty, engage,
 promise, covenant, and agree, to and with the several abovenam-
 ed grantees, their heirs, and assigns, and every of them, that
 they, the said several abovenamed grantees, their heirs and as-
 signs, and every of them, shall and may, at all times, forever,

Wabash Com-
pany, &c.

hereafter have and enjoy the full, free, and undisturbed navigation of the said Ouabache river, from its confluence with the Ohio to its source; as well as of all the other several rivers, running through the lands hereby bargained and sold, any thing herein contained to the contrary, or supposed to be, in anywise, notwithstanding. And, also, all minerals, ores, trees, woods, underwoods, waters, water courses, profits, commodities, advantages, rights, liberties, privileges, hereditaments, and appertinances, whatsoever, to the said two several tracts of land belonging or in anywise appertaining: and, also, the reversion and reversions, remainder and remainders, rents, issues, and profits, thereof, and of every part and parcel thereof; and all the estate, right, title, interest, use, property, possession, claim, and demand, of them, the said Tabac or Tobacco, &c. chiefs and sachems aforesaid, and of all and every other person and persons whatsoever, of or belonging to the said Piankeshaw nation of Indians, of, into, and out of, the premises, and every part and parcel thereof, to have and to hold the said two several tracts or parcels of land, and all and singular the said granted and bargained premises, with the appertinances, unto the said Louis Viviat, &c. their heirs, or assigns, forever, in severalty, or unto his said majesty, his heirs, and successors, to and for the only use, benefit, and behoof, of the said grantees, their heirs and assigns, forever, as aforesaid.

And the said Tabac, or Tobacco, &c. for themselves and for all the several tribes of their nation, and all and every other nation, or nations, tributaries, and dependents on the said Piankeshaw Indians, and their, and every of their, posterities, the said several tracts of land and premises, and every part and parcel thereof, against them the said several abovenamed chiefs and sachems, and the said Piankeshaw Indians, and their tributaries and dependents, and all and every of their posterities, unto all the severally abovenamed grantees, their heirs, and assigns, in severalty, or unto his said majesty, his heirs, and successors, to and for the only use, benefit, and behoof, of the said grantees, their heirs, and assigns, in severalty as aforesaid, shall and will warrant, and forever defend, by these presents.

In witness whereof, we, the said chiefs and sachems, on behalf of ourselves, respectively, and on behalf of all the other natives of the several tribes of the Piankeshaw nation of Indians as aforesaid, have hereunto set our hands and seals, in the presence of the persons subscribing as witnesses hereunto, at a public council held at Post St. Vincent aforesaid, this eighteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five.

PROCLAMATIONS, &c.—Of general Gage, respecting lands at the Illinois and Vincennes.

By his excellency Thomas Gage, major general of the king's armies, colonel of the 22d regiment, general commanding in chief all the forces of his majesty in North America, &c. &c. &c.

Whereas, by the peace concluded at Paris, the 10th of February, 1763, the country of the Illinois has been ceded to his Britannic majesty, and the taking possession of the said country of the Illinois, by the troops of his majesty, though delayed, has been determined upon, we have found it good to make known to the inhabitants:

Proclamations, &c. of Gen. Gage.

That his majesty grants to the inhabitants of the Illinois the liberty of the catholic religion, as it has already been granted to his subjects in Canada: he has consequently given the most precise and effective orders, to the end, that his new Roman catholic subjects of the Illinois may exercise the worship of their religion according to the rites of the Roman church, in the same manner as in Canada.

That his majesty, moreover, agrees, that the French inhabitants, or others, who have been subjects of the most christian king, may retire, in full safety and freedom, wherever they please, even to New Orleans, or any other part of Louisiana, although it should happen that the Spaniards take possession of it in the name of his catholic majesty; and they may sell their estates, provided it be to subjects of his majesty, and transport their effects, as well as their persons, without restraint upon their emigration, under any pretence whatever, except in consequence of debts or of criminal process.

That those who choose to retain their lands, and become subjects of his majesty, shall enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade, as the old subjects of the king.

That they are commanded, by these presents, to take the oath of fidelity and obedience to his majesty, in presence of sieur Sterling, captain of the Highland regiment, the bearer hereof, and furnished with our full powers for this purpose.

That we recommend forcibly to the inhabitants, to conduct themselves like good and faithful subjects, avoiding, by a wise and prudent demeanor, all cause of complaint against them.

That they act in concert with his majesty's officers, so that his troops may take peaceable possession of all the posts, and order be kept in the country; by this means alone, they will spare his majesty the necessity of recurring to force of arms, and will find themselves saved from the scourge of a bloody war, and of all the evils which the march of an army into their country would draw after it.

We direct that these presents be read, published, and posted up, in the usual places.

Done and given at head quarters, New York. Signed with our hand, sealed with our seal at arms, and countersigned by our secretary, this 30th December, 1764.

THOMAS GAGE, [L. s.]

By his excellency,
G. MATURIN.

Proclamations, &c. of
Gen. Gage.

By his excellency Thomas Gage, lieutenant general of the king's armies, colonel of the 22d regiment, general commanding in chief all the forces of his majesty in North America, &c. &c. &c.

Whereas many persons, contrary to the positive orders of the king upon this subject, have undertaken to make settlements beyond the boundaries fixed by the treaties made with the Indian nations, which boundaries ought to serve as a barrier between the whites and the said nations; and a great number of persons have established themselves, particularly upon the river Ouabache; where they lead a wandering life, without government and without laws, interrupting the free course of trade, destroying the game, and causing infinite disturbances in the country, which occasions a considerable injury to the affairs of the king, as well as to those of the Indians:

His majesty has been pleased to order, and by these presents orders are given in the name of the king, to all those who have established themselves on the lands upon the Ouabache, whether at St. Vincent or elsewhere, to quit those countries instantly and without delay, and to retire, at their choice, into some one of the colonies of his majesty, where they will be received and treated as the other subjects of his majesty.

Done, and given at head quarters, New York. Signed with our hand, sealed with our seal at arms, and countersigned by our secretary, this 8th of April, 1772.

By order of the king,

THOMAS GAGE.

By his excellency,

G. MATURIN, sec.

New York, April 2d, 1773.

GENTLEMEN: I have received your letter of the 14th of September last, with the representations annexed, which I intend to cause, in a few days, to be transported to the feet of his majesty.

As you claim your possessions by sacred titles, insinuating that your settlement is of seventy years standing, and that the lands have been granted by order and under the protection of his most Christian majesty, it is necessary that his majesty should be informed very particularly upon these points; and it is important to you, to give convincing proofs of all that you allege in this respect.

To this end, I have to demand, without delay, the name of every inhabitant at Vincennes and its neighborhood, and by what title each one claims; if it is by a concession, the year of the concession must be added, as well as the name of the officer who made it, and the name of the governor general who approved and confirmed it, with [word unintelligible and omitted, probably "the date" or "the page or number"] also, of the records where each concession shall have been registered.

That the report which I expect may be better understood, I annex hereto a form, which I beg you to follow exactly, and to put me as early as possible in a situation to push forward your business.

I am, gentlemen,

Your most humble and most obedient servant,

THOMAS GAGE.

Mr. de St. Maril, and the other inhabitants
settled at Post Vincennes.

No. 17. WILKINS' GRANT.—Papers respecting governor St. Clair's confirmation, in favor of J. Edgar and J. M. St. Clair, to a tract of land near Kaskaskia.

[L. S.]

To all people to whom these presents shall come: John Wilkins, esquire, lieutenant colonel of his majesty's eighteenth or royal regiment of Ireland, governor and commandant throughout the Illinois country, sends greeting:

Whereas the cultivation of lands, not yet appropriated, is essentially necessary and useful towards the better peopling and settlement of the said country, as well as highly advantageous to his majesty's service, in the raising, producing, and supplying, provisions for his majesty's troops, now stationed, or hereafter to be stationed, in the said country of the Illinois:

And whereas John Baynton, Samuel Wharton, and George Morgan, of the city of Philadelphia, in the province of Pennsylvania, merchants, trading to this country, have greatly contributed to his majesty's service, by raising, furnishing, and supplying, his majesty's troops in this country with provisions, and being now in want of a tract of land, for range for cattle, and for tilling for grain, as well as for other uses, and have, in order the more effectually to answer the salutary purposes aforesaid, undertaken and engaged immediately to settle and cultivate a certain quantity or portion of land, in the said country: Now know ye, that the said John Wilkins, by virtue of the power and authority to him given, by his majesty's orders, for the better settlement of the colony, and in consideration that the said John Baynton, Samuel Wharton, and George Morgan, their heirs or assigns, or either of them, or other persons, to be by them appointed, shall immediately settle upon, and cultivate the lands and premises, hereinafter bounded and described, or part or parcel thereof, as well as in consideration of the said John Baynton, Samuel Wharton, and George Morgan, their heirs or assigns, or either of them, paying to his present majesty, his heirs and successors, such quit rents, for the same, as shall hereafter be demanded by his majesty, his heirs or successors, for the like quantity of land that may be granted in the country aforesaid, whenever civil government shall be established therein; hath given and granted, and by these presents do give, and grant, and confirm, unto the said John Baynton, Samuel Wharton, and George Morgan, their heirs or assigns, in severalty, as tenants in common, and not as joint tenants, all

Wilkins'
grant.

that piece or parcel of lands, situate, lying, and being, on the north side of the road, between the villages of Prairie du Rocher and Kaskaskia, in the country aforesaid, beginning at the foot of a rock, on the west side of a large run or gully, issuing from the hills, and on the west side of a wood, between Prairie du Rocher village and the Grand Prairie, which prairie is parcelled out to numbers of French inhabitants, running from the foot of the aforesaid rock, eastward, across the run, at the foot of, and parallel to, a ridge of rocks and hills, which divide the upper from the lower grounds, to a large run or gully, which issues from the aforesaid hills, on the north side of the aforesaid Grand Prairie, and at about half the distance of the road through it from west to east: thence, up the said run or gully, north thirty degrees east, to the main or principal branch of the Kaskaskia river; thence up the several courses of the said river, until met by a right line, drawn from the first mentioned foot of a rock, at the place of beginning, running north thirty degrees east, to the said river Kaskaskia; thence, south thirty degrees west, to the aforesaid foot of a rock, at the place of beginning; together with all and singular the premises, meadows, pastures, feedings, trees, woods, underwoods, ways, paths, passages, waters, water courses, easements, profits, commodities, advantages, emoluments, hereditaments, and appertinances, whatsoever, to the said piece or parcel of ground, belonging, or in any wise appertaining.

To have and to hold the said piece of ground and premises, unto the said John Baynton, Samuel Wharton, and George Morgan, their heirs and assigns, forever, subject and liable to the payment of the quit rents that shall be demanded as aforesaid, on the part of his majesty, his heirs, and successors, forever.

In witness whereof, the said John Wilkins hath hereunto set his hand and seal at arms, at fort Chartres, this twelfth day of April, in the ninth year of the reign of our sovereign lord, George the third, king of Great Britain, France, and Ireland, &c. &c. and in the year of our Lord one thousand seven hundred and sixty-nine. Not to interfere with any former grants. The foregoing to be void, if disapproved of by his majesty, or the commander in chief, the whole being done with a view to benefit his majesty's service in this country, as aforesaid.

JOHN WILKINS,

lieutenant colonel commanding in the Illinois territory.

Release of one-sixth to Wilkins, and his declaration.

Whereas lieutenant colonel John Wilkins hath made certain grants of land to Joseph Galloway, esquire, John Baynton, Samuel Wharton, George Morgan, and James Rumsey, for the benefit of his majesty's service in this country, as follows, viz:

One grant, 12th April, 1769, to Joseph Galloway.
 One do. do. to James Rumsey.
 One do. do. to John Baynton.
 One do. do. to Baynton, Wharton, and Morgan.
 One do. 15th do. to Geo. Morgan.
 One do. 15th do. to Saml. Wharton.

Wilkins' grant.

And whereas lieutenant colonel John Wilkins, the better to promote the said service, has agreed to be interested one-sixth part therein; we do hereby engage, that each of the before-mentioned persons shall assign over to the whole, and to colonel Wilkins, five-sixth parts thereof, to have and to hold the same, each person one-sixth part thereof, agreeable to the tenor of the said grants, as joint tenants.

In witness whereof, we have hereunto set our hands and seals, at fort Chartres, this 25th day of June, 1769.

GEO. MORGAN, [L. s.]
 J. RUMSEY, [L. s.]

For form's sake, I have registered the above; but the grants therein alluded to, are null and void, until confirmed by the general's approbation, as they were given on these conditions only, and can be of no effect until such approbation arrives, and was granted for the good purposes then represented to me.

JO. WILKINS,

lieutenant colonel commanding for his majesty in the Illinois country.

Governor St. Clair's confirmation.

Territory of the United States northwest of Ohio, &c.

Arthur St. Clair, governor of the territory of the United States northwest of the Ohio, to all persons who shall see these presents, greeting:

Be it known, that in pursuance of the acts of congress of the 20th June, the 28th of August, in the year of our Lord 1788,* and the instructions to the governor of the said territory, of the 29th of August, in the same year, to inquire into the titles and possessions of the French and Canadian inhabitants, and other settlers in the Illinois country, and at Vincennes, on the Wabash; the claims which have been presented, have been duly examined; and John Edgar, esquire, of the county of Randolph, and John Murry St. Clair, of Westmoreland county, in Pennsylvania, gentleman, lay claim to two certain tracts or parcels of land, now lying and being in the county of Randolph, and bounded in the manner following, to wit: beginning at a walnut tree on Kaskaskia creek, and running from thence, south thirty degrees west, two thousand nine hundred and sixty perches, to a stone; thence, south sixty degrees east, eight hundred and eighty-eight perches, to a stone; thence, north thirty degrees east, two thousand and eighty perches, to a hickory, on the bank of the Kaskaskia; thence, northwest and with the different meanders of the creek, to the place of beginning; having the ledge of rocks on the southeast, the Kaskaskia creek on the northwest, and joining Nicholas Jarrot on the southwest, and containing thirteen thousand nine hundred and eighty-six acres,

[* See post chap. 34.]

Wilkins'
grant.

to which, for any thing that appears to the contrary, they are rightfully entitled, having been granted by lieutenant colonel Wilkins, commandant for the British in the Illinois country, to Baynton, Wharton, and Morgan, and transferred by George Morgan, agent for Baynton, Wharton, and Morgan, on the sixth day of March, 1774, to Richard Winston, and sold at public sale, as the property of him, the said Richard Winston, by order of the court of Kaskaskia, to satisfy a judgment against him in the said court, and purchased by the said John Edgar, and transferred to him as the highest bidder, by the proper officer; and afterwards, to wit: on the eleventh day of June, in the year of our Lord one thousand seven hundred and ninety, one equal and undivided half of the same was sold by the said John Edgar, to John Murry St. Clair aforesaid, and conveyed to him, his heirs, and assigns, by deed of bargain and sale; now, to the end that the said John Edgar and John Murry St. Clair, may be forever quieted in the possession of the same, I do, by virtue of the acts and instructions of congress beforementioned, confirm unto the said John Edgar and John Murry St. Clair, their heirs and assigns, as tenants in common, the above described tract or parcel of land, containing thirteen thousand nine hundred and eighty-six acres, together with all and singular the appertences whatsoever; the said described tract of land, with the appertences, to them, the said John Edgar and John Murry St. Clair, and to their heirs and assigns, as tenants in common, forever, saving, however, to all and every person or persons, their rights to the same, or any part thereof, founded in law or equity, prior to those on which the claim of the said Edgar and St. Clair are founded.

In testimony whereof, I have caused the seal of the territory to be hereunto affixed, at Cincinnati, in the county of Hamilton, on the twelfth day of August, one thousand eight hundred, and in the twenty-fifth year of the independence of the United States.

A. ST. CLAIR.

[* Ante, chap. 30, No. 5.] [Compare the preceding documents with the proclamation of 1763,* which forbade grants of land. Observe, also, that declaration of colonel Wilkins, by which he acknowledges that the grants were null, unless confirmed by the general, a confirmation which never took place. Governor St. Clair's confirmation is a nullity, as it bears date 12th August, 1800, and his powers over that part of the country had ceased on the 4th July preceding, by the establishment of the Indiana territory. The tract is said to contain, by actual survey, about 30,000 acres, instead of 13,986. There are several other confirmations for pretended grants by the British commandant. *Note of the editor of the Land Laws, &c.*]

No. 18. Evidence respecting the Yazoo claims, (so called,) published by the legislature of the state of Georgia.

GEORGIA.

By his honor, David Emanuel, president of the senate, and commander in chief of the army and navy of this state, and of the militia thereof: To all to whom these presents shall come, greeting:

Know ye, that **George R. Clayton**, esquire, who certifies the annexed extract from the journals of the house of representatives of this state, is duly authorized to act for **Hines Holt**, esquire, clerk thereof.

Evidence respecting the Yazoo claims.

Therefore, all due faith, credit, and authority, are, and ought to be had and given to his attestation and certificate as such.

In testimony whereof, I have hereunto set my hand, and caused the great seal of this state to be put and affixed at the statehouse, in **Louisville**, this twenty-fifth day of **August**, in the year of our Lord eighteen hundred and one, and in the twenty-sixth year of the independence of the **United States of America**.

By the president and commander in chief,

HOR. MARBURY,

secretary of state.

GEORGIA.

House of representatives,
Monday, the 25th January, 1796.

Mr. James Jackson, from the committee to whom the constitutionality and validity of the act for the disposal of the western lands, together with the petitions and remonstrances of the people, were referred, brought in a report, which, being delivered in at the clerk's table, was read and agreed to by the house, and is as follows:

The committee to whom the constitutionality and validity of the act for the disposal of the western lands, together with the petitions and remonstrances of the people, were referred, report five other affidavits on the corruptions practised to obtain the act, and submit the propriety of entering the proofs already laid before the house, and those which may be laid before them, on the journals of the house, in order to perpetuate such testimony, and for that purpose recommend the following resolution:

Resolved, That all such proofs relating to the fraud and corruptions practised to obtain the act for the disposal of the western territory of this state, be entered by the clerk on the journals of the house, in order that the testimony so given may be perpetuated, as well for the satisfaction of the legislature, and to show the grounds on which they proceeded, as to hand down to future legislatures the base means by which the rights of the people were attempted to be bartered.

Agreeably to the foregoing report and resolve, the affidavits taken before the committee and exhibited to the house, being read, are as follow:

Georgia, Burke county, 16th January, 1796.

Russel Jones, senator from the county of **Franklin**, being duly sworn, maketh oath, that some time in the last summer, **Thomas Raburn**, esquire, a representative from the said county, in the last legislature, was at his house, when **James Cail** and several others were also present, and talking together on the subject of the sale of the western territory of this state, the said

Evidence respecting the Yazoo claims.

Cail told Raburn that he did not blame him for selling the land, but for selling his vote so much lower than what other members did; that he, Raburn, had sold his vote for 600 dollars, and that others had got a thousand. Raburn replied, that it showed that he was easily satisfied, and was not greedy.

RUSSEL JONES.

Sworn in presence of the committee of the house of representatives, before me,

THOMAS LEWIS, J. P.

State of Georgia, Burke county.

Before Thomas Lewis, esquire, one of the justices of the peace for the county aforesaid, personally appeared Clement Lanier, esquire, one of the representatives of the legislature of this state, who, being sworn on the holy evangelists of Almighty God, deposes and saith, that during the last session of the legislature at Augusta, in the winter of the year 1794, he being a member of the house of representatives, and sitting on the same seat with Henry Gindrat, another of the members of that house, before the speaker took the chair, the said Gindrat recommended to him to be in favor of selling the western lands, for that he, the said Gindrat, understood it worth our notice, for Mr. Thomas Wyly, a senator from Effingham county, had told said Gindrat, that he, the said Wyly, could have eight or ten likely negroes for his part; and the deponent further saith, that on the same day, in the afternoon, the said Thomas Wyly came into the lobby of the house, and beckoned to the deponent, who followed him out, when a conversation commenced about the Yazoo act: that at this time a Mr. Denison came by, and asked what we were upon? the said Wyly answered, the land business; the said Denison then came up and Wyly withdrew; the said Denison then told the deponent that he did not pretend to advise any member to be in favor of selling the land, but those who were in favor of it were handsomely provided for, and that if the deponent thought proper to be in favor of selling, that he should have part, and that the said Denison said he was a purchaser of such of the members' parts as had a mind to sell, but understood that some of the members pretended to ask eight or ten negroes for a share, or their share; he said he could not give so much, but the deponent might depend he would purchase; the deponent further saith, that previous to any of the before recited circumstances, Mr. William Longstreet, one of the members of said legislature, frequently called on the deponent and asked him why he was not in favor of selling the western lands? who answered he did not think it right to sell to companies of speculators; the deponent at this time wishing to make further discovery of the conduct of the members on that sale, and therefore affected to be inclined to come into the measure, and by that means kept up a conversation about it occasionally; that on the day the bill received its first reading, before the house was convened, the said Longstreet spoke to the deponent, to get his approbation to the sale; the deponent asked

him to show him what security the members had of the purchases, when the said Longstreet presented a certificate entitling the bearer to two shares of twenty-five thousand acres each, signed by Nathaniel Pendleton, chairman; he, the deponent, then told the said Longstreet, that that was not what he had formerly told him was a member's share, for that the said Longstreet had before said a member's share was seventy-five thousand acres; that the said Longstreet then told the deponent if he would wait a few minutes or an hour, he would bring him another certificate from Gunn's company for the same number of acres; that the deponent, in order to disengage himself from the conversation, then said the security was not sufficient to entitle him to the land. That the said Longstreet then told the deponent, if he was not satisfied with the certificate, he would give him one thousand dollars for it or for them; the deponent then presented the certificate to the said Longstreet, and went into the house, which was the last interview he had on the subject. The deponent further saith, that the shares offered him as aforesaid, were expressly designed to induce him, the deponent, to vote for the bill for disposing of the western territory.

Evidence respecting the Yazoo claims.

CLEM: LANIER.

Sworn to, as aforesaid.

Peter L. Van Allen, being duly sworn, saith, that on or about the 12th or 13th of January, 1795, he was in company with Mr. Gindrat, who the deponent understood was a member of the legislature, then lately adjourned; that in consequence of the advice of R. P. Sanders, esquire, another member of the same legislature, who advised the deponent to purchase some of the western lands, which the said legislature had sold, and in the purchase of which, the deponent understood the said R. P. Sanders, esquire, was interested, and from the information of the said R. P. Sanders, esquire, that they would purchase between them two shares in Gunn's company, and to best of the deponent's recollection, two shares in Glasscock's company, for one thousand dollars; that the said Gindrat told the deponent, in a conversation on that subject, that he should have his, said Gindrat's, shares, for that sum, provided the money was paid by a certain time; that in consequence the deponent went to exchange some governor's warrants for money, and when he returned, Gindrat refused to let him have them, having, as the deponent understood and believed, met with a better market. The deponent further saith, that he believes, and then understood, that a certain quantity was allotted to each member in the majority, who were not to pay any money therefor in advance, and were particularly indulged, until the whole of the purchase money was payable at the treasury, in consequence of their vote and support of the law for selling the land.

The deponent further saith, that Roger P. Sanders, esquire, told the deponent, that he had made a contract with Lachlan M'Intosh, esquire, who was, as the deponent understood, a member of the same general assembly, for all the shares the said

Evidence re-
specting the
Yazoo claims.

M'Intosh held in the different companies, for which he had contracted to give him eight negroes, fifty barrels of rice, and a certain sum of money, which the deponent does not recollect; that this contract was made before the first bill was negotiated by the governor, but that a reservation being made in the second bill, in favor of the citizens and the state, would deduct considerably from the quantity of land in each share, he the said R. P. Sanders, objected to giving so much; the said M'Intosh, however, urged the completing of the contract; the said R. P. Sanders further told the deponent, that the contract was broken off by reason of that deduction. The deponent further saith, that he was present in company with Lachlan M'Intosh, esquire, and others, when some one of the company, he thinks Mr. M'Intosh himself, said that he, the said M'Intosh, held six shares in the Georgia Mississippi company, which he offered at three hundred dollars premium each, and on the same day the deponent understood, that he did sell them for a premium of two hundred and fifty dollars each, to one of the grantees of that company.

PETER L. VAN ALLEN.

Sworn to, as aforesaid.

JAMES MERIWETHER, esquire, being first sworn, before Thomas Lewis, esquire, in presence of the committee of the house of representatives, was asked the following questions:

1st. Were you not, or are you not now, treasurer to one of the companies which purchased the territory, claimed under the act of the last legislature for disposing of the same, passed on the 7th January, 1795, entitled "An act supplementary," &c.

2d. Who were associates in that company?

3d. Do, or do you not, know where the list of the associates is kept?

4th. Are you, or are you not, acquainted with the means by which the said act was obtained?

5th. Do you, or do you not, know that some one or more of the members of the legislature were holders of shares, directly or indirectly, in the purchase?

6th. Did, or did not, some one or more of the members of the legislature, pay unto you as treasurer, moneys in payment of the purchase, and who and which of them?

7th. Who was the treasurer previous to yourself?

8th. Has the Georgia company paid up the whole of the purchase money?

9th. At what time was it paid?

10th. Who were the treasurers of the other companies?

Answers of James Meriwether to the questions of the committee.

1st. Quest. *Answer.*—I was treasurer to the Georgia Mississippi company, and received 70% per annum for that duty, and resigned on coming to this place.

2d. I do not know who they were: the accounts were opened not in the names of persons, but by the number of certificates; when I received money I received by the number of the certificate.

3d. I do not.

4th. I am not. I am interested as a purchaser in that company.

5th. I do not.

6th. I never received any money from any member of the legislature, as I recollect, but I am pretty certain I did not,

7th. Mr. Amasa Jackson.

8th. They have.

9th. About the last of August, he thinks.

I certify that the foregoing were the answers of James Meriwether to the questions of the committee, set down in the half sheet hereunto annexed, the said James Meriwether being first sworn before me in presence of the committee.

THOS. LEWIS, J. P.

Questions asked Philip Clayton, esquire.

Quest. 1st. Were you intimately acquainted with Roberts Thomas, esquire, deceased, one of the senate of the state of Georgia, during the last session of the legislature at Augusta, and did he live in your house during that session?

2d. Had you or had you not conversation with him on the subject of the sale of the western territory of this state, whilst that subject was in agitation, or before or after that time?

3d. Did he or did he not tell you or give you to understand, that he held a share or shares in some one or more of the companies who purchased the lands, and did he or did he not make known to you that such share or shares were given to him by the company or companies, without being liable to pay any money therefor, and that his certificate differed from those given to persons out of the legislature in that respect?

4th. Are you or are you not acquainted with some one or more of the grantees of the said companies, and have you or have you not heard some one or more of them say that the said Roberts Thomas did receive a gratuitous certificate for a share or shares in the purchase, and that he would not be content with one in the usual form?

5th. Have you or have you not heard the said Roberts Thomas say, that he received any sum or sums of money from any of the companies, or any individual of those companies, either in consideration of his share or shares, or otherwise, for being in favor of the sale of the land, or have you or have you not heard any member of either of the said companies declare, that the said Roberts Thomas did receive any sum or sums of money for, or on account of, such shares or otherwise, from any of the members of the said companies, for that consideration?

6th. From every circumstance which has come to your knowledge, do you or do you not know or believe, that the said Roberts Thomas, or any of the members of the last legislature, were absolutely interested in the purchase of the western lands, or did receive money or other thing to induce them or him to vote for the sale thereof?

Evidence re-
specting the
Yazoo claims.

7th. Did you or did you not understand from the question you put to Roberts Thomas, when he brought you the money, and the manner in which he answered it, that he had received the money for his vote in the legislature, or being in favor of the sale of the land?

8th. Do you or do you not know the associates of the respective companies?

Quest. 1st.—*Answer.* I was intimately acquainted with Mr. Thomas; he did live in my house during that session.

2d. He had, before, at and after the passing the act.

3d. After the passing of the act, he brought a considerable sum of money to my house, and asked me to take care of it; I believe it was two thousand dollars; on which I asked him how he got it, or if he got it for his proportion of the land, or words to that effect; he said, it is nothing to you, take care of it, and smiled.

4th. I am acquainted with the grantees of the companies, I never heard it from any of them.

5th. I did not, but had my opinion.

6th. I do not know, but suppose they were, from general suppositions.

7th. I did suppose, from a knowledge of Mr. Thomas's circumstances, that he could not have got that sum of money unless it had been in that way, either directly or indirectly.

8th. I do not. Mr. Longstreet executed a renunciation of dower of lands belonging to the Georgia company, in favor of Mr. Maher.

PHI. CLAYTON.

Sworn to, as aforesaid.

JAMES TERRELL, esquire, being duly sworn, saith, Thomas Raburn, esquire, one of the members of the last legislature, said, in presence of this deponent, some small time after the rising of the general assembly, that he, the said Raburn, had purchased a part of the western lands, during that session, and whilst he was a member of the house of representatives, and that he had sold it again.

JAMES TERRELL.

Sworn to, as aforesaid.

JOHN SHEPPERD, esquire, a member of the last legislature at Augusta, being duly sworn, saith, that just before the bill for the disposal of the western lands, came before the house at the last session, he had frequent conversations with William Longstreet, esquire, another member of the legislature, who recommended to the deponent strongly to be in favor of selling the lands, and if he would, he should come in for shares to the amount of one hundred thousand acres. The deponent said he did not think it right to sell the lands, but the said Longstreet told him if he would, he might make a fortune for himself and family forever, or words to that effect. The deponent said it would be injurious to the community, and it would be displea-

ing to our constituents to dispose of their rights. The said Longstreet then said it was no matter, that the deponent nor himself need not care, provided they could get the land, whether they ever came there again, or words to that effect. That the deponent had a conversation with Philip Clayton, at the state house, about the 28th of December, 1794, concerning the lands, when the said Clayton urged him, the deponent, to go home; that the same evening, the said Clayton called the deponent into his office, and told the deponent, that provided that he would give him, the said Clayton, an order on the speaker for his warrant, which he said, by his calculation, was twenty-eight pounds, and go home immediately and return no more, that he would give the deponent seventy pounds. The deponent answered, that he had business up town, and returned to him no more that night; a few evenings afterwards, the said Clayton told the deponent he need not be angry with him, for that it was at the request of general Gunn, and he would pay the expense.

Evidence respecting the Yazoo cases

JOHN SHEPPERD.

Sworn to, as aforesaid.

David Glen, sworn, saith, that he went down to Augusta during the last session of the legislature, whilst the act for the sale of the western lands was under the deliberation of the general assembly; that he put up with Mr. Wilkinson and Mr. Shepperd, two members of the general assembly, at Mr. M^rTeer's, in Augusta; that he frequently talked with Mr. Wilkinson on that subject, and advised him not to agree to sell it, for it would hurt his popularity; that the said Wilkinson said it would not, for he thought it was best. That after the deponent found the land would be sold, he was desirous to get part of it, and applied to Mr. Cox, one of the trustees in one company, to know if he could get part: that Mr. Cox told the deponent he could not, for that all the shares were taken up; that he then applied to the said Reuben Wilkinson to know if he could get him a part, who said he would, and did let the deponent have a share, which was in the name of the said Reuben Wilkinson, and was for about twenty-seven thousand acres or thereabout, subject to a deduction. The deponent further saith, that he frequently heard Reuben Wilkinson say, after the legislature rose, that he should make a great deal of money by that measure; that during the sitting of the legislature, Mr. Longstreet frequently urged the deponent to try to prevail on Mr. Shepperd, another member, to go home; the deponent said he could not influence Mr. Shepperd; the deponent understood and believed, that the said Longstreet wished to get Mr. Shepperd to go home, to prevent him voting against the sale of the lands; that he likewise had a conversation with Mr. Wilkinson, who also asked the deponent if Shepperd would not go home? The deponent answered he did not know. When Wilkinson replied, by God, I wish he would. The deponent further saith, that before the assembly rose, and before the governor signed the bill, he, the said Wilkinson, showed the deponent two written

Evidence re-
specting the
Yazoo claims.

certificates, for four shares each, or for a certain number of acres, the deponent does not precisely recollect, which said certificates did not mention that any sum was to be paid for them. They were signed by Nathaniel Pendleton, chairman. He believes, that afterwards the said Wilkinson showed the deponent two printed certificates from the Tennessee company, one from the Georgia company, for fifty-six thousand acres, signed by James Gunn, Matthew M'Allister, and George Walker, he believes, and two printed certificates from the Georgia Mississippi company; that the said Wilkinson informed the deponent the first two written certificates had been given up, and that he had received the last two printed ones in lieu thereof.

DAVID GLEN.

Sworn to, as aforesaid.

Robert Flournoy, esquire, being duly sworn, saith, that at the session of the legislature before the last, he made an acquaintance with judge Pendleton; that the said judge Pendleton contemplated and made proposals to the legislature to purchase a part of the vacant territory; that he then offered the deponent a share, provided the business succeeded; that not being the case, the deponent attended at the last session, when that subject came on the carpet again. That then William Longstreet called on the deponent one morning, at his lodgings, and informed him, that he, the deponent, was set down for a share of 75,000 acres, in the Georgia company; that the deponent was informed, that he was set down by the influence of general Gunn: this deponent further saith, that the meetings of the Georgia Mississippi company were held at the deponent's quarters; that he was present at some of their meetings, and during the passage of the act for the disposal of the western lands, he thinks general Gunn sent for the deponent, and asked him if he was intimate with Henry Mitchell, esquire, a senator from the county of Warren. The deponent answered he was. General Gunn then requested the deponent to go to him, the said Mitchell, and propose to him to take a share of 75,000 acres of the lands, on the same terms of the other purchasers, and at the same time to urge him to vote for selling the land; the said Gunn mentioned that captain Raines had a share of 56,000 acres or thereabouts, who was a brother-in-law to Mr. Mitchell, but that Mr. Mitchell should have a share exclusive of that. The deponent did make such a proposal, which Mr. Mitchell refused. The deponent further saith, that the said general Gunn requested him at some time during that session, and before the bill for selling the land was passed, to go to Roberts Thomas, a member of the senate, from Hancock county, and know if he was earnest in the business, for that he was fearful he did not intend to be uniform, for he was afraid the fellow was frightened, or words of that nature; that deponent did call on Mr. Thomas for that purpose, who told him that he meant to be uniform. The deponent, after the rising of the legislature,

saw the said Thomas in the streets of Augusta, when the said Thomas made this observation: "they blame me for speculation, now I will speculate; Flournoy, you have been speculating all your life, and I will make more money in two years, than you have made in your whole life." The deponent replied, I believe you have made more in two months, or less time.

Evidence re-
specting the
Vazoo claim.

R. FLOURNOY.

Sworn to, as aforesaid.

Robert Flournoy, esquire, further saith, that Roberts Thomas, esquire, in a conversation on the subject, before the meeting of the last legislature, told the deponent he should be in favor of a sale, as he thought it would be an advantage to the state, if it came forward in a favorable shape. The deponent further saith, that general Gunn likewise told the deponent, during the sitting of the legislature, that no member of the legislature should or could expect to have a share, if he did not vote for the bill.

R. FLOURNOY.

THOMAS LEWIS.

James Simms, esquire, one of the representatives from the county of Columbia, being duly sworn, saith, that he had frequent conversations with Roberts Thomas, esquire, a member of the senate of this state, at the last session of the legislature at Augusta; that the deponent did frequently, during that session, and whilst the act for the disposal of the western territory was in agitation, advise the said Roberts Thomas not to vote for the sale of the lands; that the said Thomas said there was an opportunity of making something very clever, and if he did vote for it, he would; the deponent told the said Roberts Thomas, that the purchasers would deceive him, and after he had voted in favor of it he would get nothing; to which the said Thomas replied, he would take care to make himself secure before he gave his vote.

The deponent further saith, that during the last session of the legislature, whilst the said bill for the disposal of the western lands was on the carpet, general Gunn called on the deponent, and told him that he was fearful the bill would be lost. Luke Mann, esquire, a member of the senate, as the deponent understood that day, voted against the bill; Gunn then said, Simms, I suppose, from what I have heard, you are a poor man, and you now have an opportunity of making something handsome for yourself and family; if you will prevail on Mann to vote for the bill, I will give you fifty thousand acres of land. The deponent further saith, that the said Gunn told the deponent he would give the same, if he would get Mr. Wood, a senator, to vote for it, or any other member of the senate; that he was in company with Mr. John King and Mr. Samuel Wright, two members of the same senate, at their quarters in Augusta; that a conversation arose about the sale of the west-

Evidence re-
specting the
Yazoo claims;

ern lands; the deponent expressing himself opposed to that measure, the said John King and Samuel Wright told the deponent he ought not to oppose it, for he might make something clever, if he would come into the measure, or words of that nature.

JAMES SIMMS.

Sworn to, as aforesaid.

Burrall Pope, esquire, one of the members of the last and present senate of this state, being duly sworn, saith, that being a member of the senate at the last session of the legislature, he lodged at Mr. Herberts, in Augusta, with Mr. Harrison Musgrove, then a member of the house of representatives from the said county; that one evening, whilst the bill for the disposal of the western territory was in its passage, the said Musgrove told the deponent he had found out more than ever he knew before; that he had discovered there were two shares in Cumming's company reserved for himself and every member that would take them; the deponent further saith, that at another time said Musgrove said to the deponent, friend Pope, I am authorized to tell you that you can have one hundred guineas for your part; to which the deponent answered he had no part; that at another time the said Musgrove further told the deponent he might get five hundred silver dollars.

BURRALL POPE.

Sworn to, as aforesaid.

Henry G. Caldwell, esquire, being sworn, saith, that during the sitting of the last convention at Louisville, the deponent had a conversation with general Gunn, when the said Gunn asked the deponent who was to be governor next year? The deponent said he heard judge Stith mentioned; the said Gunn shook his head, and said it would not do, that Stith had been ungrateful to his poor relations, for that he had made a great deal of money by the speculation, and had not been generous to them; the deponent asked the said general Gunn how much judge Stith had made by that business; general Gunn answered, thirteen thousand dollars. The deponent then asked the said Gunn if the said Stith had a share in the lands, to which general Gunn gave no direct answer, but said he had engaged to give judge Stith thirteen thousand dollars for his influence, in passing the law for disposal of the lands; that if the law passed Stith was to have the money: that the law had passed, and that, in consequence, he had given him a draught for the money, and he either had received or would receive it.

HENRY G. CALDWELL.

Sworn to, as aforesaid.

David B. Mitchell, a member of the last as well as the present legislature of the said state, being duly sworn, maketh oath and saith, that on his return from Augusta, after the rising of the

last legislature, he rode in company with Thomas Wyly, esq. a member of the senate of that legislature, from the county of Effingham, when a conversation took place between this deponent and the said Thomas Wyly, on the subject of the sale of the western territory of this state, which took place during that session, when the said Thomas Wyly told this deponent, that he, the said Wyly, had sold a share which he held in one of the companies who had purchased the said territory, to one Wilson, a merchant in Augusta, for which he had got a negro fellow named Dublin; which was either in full or in part for the said share, but this deponent believes the negro was only in part, for the said Wyly also informed this deponent that he had some money besides, which was paid him on account of said share, and further, that the said negro Dublin was then riding behind the carriage in which the said Wyly and this deponent were; and this deponent further saith, that at the same time, the said Wyly told this deponent, that he would make eight or ten negroes by the shares he held in the different companies who purchased the said territory; that this deponent then observed to the said Wyly, that he had not made as much as some others of the senate had; when the said Wyly observed, that he had engaged too soon, that he was not so lucky as some of them, who had held off until the last.

Evidence respecting the Yazoo claims.

D. B. MITCHELL.

Sworn to, as aforesaid.

Henry Mitchell, esquire, senator from the county of Warren, in the last and present general assembly, being duly sworn, saith, that during the sitting of the last legislature at Augusta, the deponent was sent for by Mr. Cumming, one of the grantees of the Georgia Mississippi company, to his house, where, in a conversation about the sale of the western territory, the said Mr. Cumming asked the deponent his opinion as to the propriety of such sale; the deponent answered, it was a subject that would come before him in the senate, and consequently, he did not think proper to form his opinion before it did come forward; that the said Mr. Cumming further told the deponent that provided he thought it right to sell the lands, that he should not be precluded from having a share, although a member, for that the companies had made provision for shares for all the members, provided they thought fit to take them.

HENRY MITCHELL.

Sworn to, as aforesaid.

James M'Niel, esquire, a member of the representative branch of the last legislature, and now a member of senate, being duly sworn, saith, that in a short space of time after the adjournment of the last legislature, he was in the town of Augusta, in company with Andrew Innis, who told him that he was one of the associates contemplated in an act passed by the aforesaid session, for disposing of a part of the western territory of this state; that the purchasers and their associates were reduced

Evidence re-
specting the
Yazoo claims.

to the necessity of passing a credit in favor of Roberts Thomas, then senator of Hancock county, as an associate, for the full amount of eight clear shares of land, without his paying one shilling for the same; whereby they did procure the vote and interest of him, the said Thomas, in passing the aforesaid act; that after the legislature adjourned, the said Roberts was alarmed, and did propose to sell, or let his eight shares, as aforesaid, revert to the grantees and their associates, for a certain sum, not less than three, nor more than five, thousand dollars, which proposal was acceded to, and that he, as one of the associates, was called in for his proportionate part of the aforesaid sum, which he did pay: whereby the claim of the aforesaid Roberts was thereby extinguished for and in the behalf of the grantees and their associates, or words to that effect.

JAS. M'NIEL.

Sworn to, as aforesaid.

John Thomas, being duly sworn, saith, that his late brother, Roberts Thomas, a member of the senate at the last legislature, told the deponent that the companies who purchased the western lands, had complimented the said Roberts Thomas with something, either a share or shares, or something of that kind; that he does not suppose that his late brother could have had the sum of two thousand dollars in cash before the meeting of the legislature, nor had he sold any part of his property about that time as the deponent knew of: the deponent further saith, that his late brother was possessed of a note of hand for nine hundred dollars, given by Jacob Walburger, to which the name of A. Jones is signed as a witness; that he does not know that his brother sold Mr. Walburger any property. The deponent further saith, that after his brother was wounded, he told the deponent he had voted for the sale of the lands, and thought he had done right, and was it to do again, he should do the same; that the deponent does not believe that the companies gave the said R. Thomas any moneys, and that if he had a large sum of money, he must have got it by the sale of the lands or shares which the companies had given him, as he supposes.

JOHN THOMAS, JR.

Sworn to, as aforesaid.

James Lucas, being duly sworn, saith, that some time after the breaking up of the last legislature, when Roberts Thomas, esquire, a member of senate in that legislature, had returned to Hancock county, that this deponent heard that the said Roberts Thomas was either selling, or about to sell off, all his property, and to remove; that this deponent then went, with some of his neighbors, to the house of said Thomas, and had some conversation with him on the sale of the western territory, when the said Roberts Thomas informed this deponent that he was, and had always been, in favor of the sale of said territory, and that the companies who had purchased the same, had let him have a share or two in the said lands; and this deponent further saith

that on the day of election for members to congress, the deponent saw a Mr. Walburger at the election for Hancock county, who informed the deponent that he had purchased a share of the said lands from the said Roberts Thomas, and that he had given his note of hand for the same for nine hundred dollars, which share he, the said Walburger, had afterwards sold, by which he had made a profit of one hundred and twenty-five dollars; and this deponent further saith, that on or about the day on which the last legislature adjourned, he was in Augusta, and that John King, esquire, a member of the senate, carried the deponent to the house of Mr. Thomas Cumming, and there spoke, as he believes, to one of the grantees of the Georgia Mississippi company to let the deponent have a share in said company; that the deponent did, in consequence thereof, receive a certificate for one share, for which he paid one hundred dollars; and further, that some time in the beginning of August last, this deponent being in Augusta, saw Mr. Reuben Wilkinson, a member of the last legislature, there, who informed the deponent that he had a share in the Tennessee company, and that he had, but a few minutes before, paid the balance of the purchase money therefor.

Evidence respecting the Yazoo claims.

JAMES LUCAS.

Sworn to, as aforesaid.

Captain Robert Raines, being duly sworn, saith, that a day or two before the adjournment of the last legislature, he was in Augusta, and in company with John King, esquire, a member of the senate in that legislature; that this deponent introduced to the said John King, captain James Lucas; that said King then asked the said Lucas into the house where the said King lodged, to drink some grog with; that when the said John King came out of the house, he informed this deponent he had given the said Lucas a share, by which he understood a share in some of the companies who had purchased the western territory, and observed at the same time, with an oath, that he had more land besides than he and his sons knew what to do with; and that the deponent afterwards asked captain Lucas, whether the said King had given him the said share, and was answered that he had, but that he, the said Lucas, was to pay the purchase money. And this deponent further saith, that during the sitting of the last legislature, and previous to the passing of the act for the sale of the western territory, Philip Clayton, esquire, treasurer of this state, called on this deponent, and informed him, if you could prevail on Mr. Mitchell, a member of the senate in that legislature, and the brother in law of this deponent, to go home, he, the deponent, might have five hundred dollars, pounds, or guineas, this deponent does not remember which, and any appointment from the legislature he would ask, which was in their power to give. The said Clayton observed, at the same time, that as the deponent was the brother of Mr. Mitchell, he thought he might have influence enough with him to prevail on him to go home, as the act would be passed whether he went home or not;

Evidence respecting the Yazoo claims.

to which the deponent made some small reply, and the said Clayton then said, he hoped the deponent would not think any thing of him, for he was authorized to say what he did. And this deponent further saith, that some time on or about the first of August last, he was in Augusta, and saw Richard Warsham, a member of the last legislature, there, who had a share in the Georgia company, commonly called Gunn's company, and was offering the same for sale to Mr. Maher; that this deponent also saw Reuben Wilkinson, a member of the last legislature, in Augusta, at the same time, who informed this deponent he had shares in the purchase of the western lands, and that he wished to sell them.

ROBERT RAINES.

Sworn to, as aforesaid.

Andrew Baxter being duly sworn, maketh oath, that some time previous to the passing of the first bill for the disposal of the western territory of this state, by the last legislature, the deponent being at Augusta, and conceiving it a step hurtful to the country, thought it his duty to give his thoughts to the representation of his county, which was Hancock, and accordingly called on senator Roberts Thomas and reprobated the act, which the said Thomas vindicated; that the deponent told him that it would be generally thought he was interested, if he voted in favor of the bill, when it was so generally disapproved of by his constituents; to which the said Thomas replied, that he did not know he was interested, but that those who voted in favor of the bill were provided for in the articles of the different companies; upon which the deponent replied he should consider that as indirect bribery.

ANDREW BAXTER.

Sworn to, as aforesaid.

William Sallard, of the county of Hancock, being duly sworn, maketh oath, that on or about the 22d, 23d, or 24th, days of January, 1795, he, the deponent, was at Augusta, procuring some articles and disposing of some tobacco, and that during the said term he was at general Glasscock's, one of the grantees of the western territory; that a conversation took place between the general and himself relative to it, and concerning Roberts Thomas, the senator (in the legislature which disposed of it) for the said county of Hancock; that the general asked the deponent what the people of Hancock thought of Thomas, and if they would kill him; the deponent replied he did not know they would kill him; but that he would stand a good chance of chugging a sapling, or words to that effect, for they had an idea that Thomas was bribed; the general replied that he did not know that he was bribed, but that he had a good deal of the land; that he himself had purchased some of the shares, and had paid himself, with a Mr. Nightingale, to Thomas, seventeen hundred dollars, to the best of the deponent's recollection, and four hundred dollars to John Thomas, as he believes, Roberts

Thomas's brother, for the land. That the general further said, the other companies he expected had also paid the said Roberts Thomas as much money for lands or shares, as he had paid. That he yesterday, in his way down, met with John Thomas, the said Roberts Thomas's brother, who acknowledged to the deponent that he had received money from general Glasscock.

Evidence re-
specting the
Yazoo claims.

WILLIAM SALLARD.

Sworn to, as aforesaid.

Office of clerk of the house of representatives,
Georgia, Louisville, 25th August, 1801.

I do certify, that the annexed eight sheets contain a true extract from the journal of the house of representatives of this state, at a session of the general assembly, in January, 1796.

GEORGE R. CLAYTON, for
HINES HOLT, *Clk. H. R.*

Evidence respecting the Yazoo claims, reported by the commissioners of the United States, and published by congress.

I certify, that the writing contained in the three annexed papers, marked (B), (B No. 1), and (B No. 9), is truly copied from documents deposited in this office; of which the two first are original papers, and the third, marked (B No. 9), purporting to contain articles of agreement between sundry persons, designated by the name of "Georgia Company," and a list of other persons interested therein, is a copy which accompanied the letter marked (B No. 1); all which papers were delivered by George Sibbald, the writer of the letter marked (B), to the commissioners of the United States, for inquiring into claims to lands in the Mississippi territory, and for receiving propositions of compromise from the claimants.

In witness whereof, I, Albert Gallatin, secretary of the treasury of the United States, have signed these presents, [L. s.] and caused the seal of this office to be affixed thereto, this 16th day of November, 1810, and in the 35th year of the independence of the said states.

ALBERT GALLATIN.

(B.)

The undersigned respectfully presents to the commissioners of the United States, appointed under an act of congress, to settle the claims of the state of Georgia, and of individuals, to the territory commonly called the Mississippi territory, the representation of John Miller, jun. Thomas W. Francis, Henry Pratt, John Ashley, and Jacob Baker, trustees of James Greenleaf and of Thomas Fitzsimons, Samuel Bennet, and Thomas Stretch, attorneys for Hugh Rose and Valentine Jones: he begs leave to inform the commissioners, that he shall remain here some time, in order to give any explanations that may be necessary.

Evidence re-
specting the
Yazoo claims.

The documents marked A. No. 1 & 4, represent the title of James Greenleaf's trustees to 2,500,000 acres of land in the Georgia company, to wit:

- A, No. 1. Memorial of Henry Pratt, Thomas W. Francis, John Miller, jun. John Ashley, and Jacob Baker.
2. Copy of the deed of conveyance from the grantees of the Georgia company to James Greenleaf.
3. Deed in trust to George Simpson.
4. Deed in trust, George Simpson to Henry Pratt, Thomas W. Francis, John Miller, jun. John Ashley, and Jacob Baker.

The documents marked B, No. 1 & 15, represent the title of Hugh Rose and Valentine Jones, to land within the Georgia company's purchase, and Upper Mississippi company, to wit:

- B, No. 1. Memorial, Samuel Bennet, Thomas Stretch, and Thomas Fitzsimons, attorneys to Hugh Rose and Valentine Jones.
2. Power of attorney, Hugh Rose to Samuel Bennet.
3. Power of attorney, Valentine Jones to Thomas Stretch and Thomas Fitzsimons.
4. Notarial copy of the grant of the state of Georgia to the Georgia company.
5. Ditto of the conveyance; Matthew M'Allister to Wade Hampton, of his remaining interest.
6. Ditto of the conveyance, J. Walburger to James Gunn and Wade Hampton.
7. Ditto of Zachariah Coxe to James Gunn.
8. Ditto George Walker and W. Longstreet, to James Gunn and Wade Hampton.
9. Articles of agreement between the grantees of the Georgia company, to which is annexed a list of sundry conveyances, &c.
10. Copy of conveyance, James Gunn and Wade Hampton, to Hugh Rose, for the one half of a tract of land therein described, the half to contain 1,200,000 acres.
11. James Warrington's conveyance to Hugh Rose, for 1-12th and 1-5th of 1-12th of the Upper Mississippi company.
12. Lease, Rose to Jones.
13. Release, same to same.
14. Articles of agreement, Wade Hampton and Hugh Rose.
15. Articles of agreement, James Gunn and Hugh Rose.

Note.—Hugh Rose's conveyance to Valentine Jones is in England, but expected daily.

GEO. SIBBALD.

Honorable JAMES MADISON,
ALBERT GALLATIN,
LEVI LINCOLN, esqrs.

Washington, November 24, 1802.

(B No. 1.)

To the honorable James Madison, Albert Gallatin, and Levi Lincoln, esquires, commissioners on the part of the United States, for treating with commissioners appointed by the state of Georgia, &c.

Evidence respecting the Yazoo claims.

The subscribers, attorneys to Hugh Rose and Valentine Jones, esquires, of Great Britain, respectfully represent:

That, in pursuance of an act of the general assembly of the state of Georgia, passed on the seventh day of January, in the year of our Lord one thousand seven hundred and ninety-five, entitled "An act supplementary to an act for appropriating a part of the unlocated territory of this state, for the payment of the state troops, and for other purposes therein mentioned, and declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes therein mentioned," George Matthews, then governor of the state, under the great seal of the same, did, on the thirteenth day of January, of the same year, give and grant unto James Gunn, Matthew M'Allister, and George Walker, and their associates, called the Georgia company, their heirs and assigns, forever, a certain tract of country described in the deed, an exemplified copy of which is deposited in the office of your honors, and by one other deed under the great seal of the same state, did, on the fifteenth day of January, 1795, grant unto John B. Scott, John C. Nightingale, and Wade Hampton, under the style and title of the Upper Mississippi company, one other tract of land described in the deed, likewise deposited in your office.

That Wade Hampton being one of the associates in the said Georgia company, and James Gunn one of the grantees under them, stood seized as tenants in common, in fee simple, of the following described tract, (being part of that granted to the Georgia company,) that is to say, beginning on the river Mississippi, where the latitude of thirty-three degrees twenty minutes north of the equator intersects the same, therein running a due east course (by lands conveyed by the said Georgia company to James Greenleaf) to the main Tombigbee river; thence, up the said river to where the parallel of latitude thirty-three degrees twenty minutes intersects the said Tombigbee river; thence, a due west course along the said parallel, being the distance of twenty-four British statute miles, as aforesaid, north of the latitude of thirty-three degrees twenty minutes, to the river Mississippi; thence, down the Mississippi, to the place of beginning.

That the said Wade Hampton standing seized of the one equal moiety thereof, and James Gunn of the other half, the said Wade Hampton and James Gunn, on the fourth day of February, 1797, sold to Hugh Rose, then in Philadelphia, one full, equal, and undivided, moiety of their respective shares and interest in the last described tract; (except one-tenth of the whole;) which moiety should contain one million two hundred thousand acres, and for which full payment and satisfaction was made, as by the deeds and contracts accompanying this memorial will more fully appear.

Evidence re-
specting the
Yazoo claims.

That John B. Scott, being one of the grantees in the Upper Mississippi company, did, on the sixteenth day of January, 1795, transfer and assign over to Wade Hampton, his heirs and assigns, forever, all the right, title, interest, and benefit, which he, the said John B. Scott, as grantee or otherwise, had or did hold in the said Mississippi company, being seven twenty-fifth parts thereof, and John C. Nightingale, by indenture bearing date the seventeenth day of January, in the same year, did sell and convey to the said Wade Hampton, his heirs and assigns, forever, all his right, title, and interest, which he, as grantee or otherwise, held in the said Mississippi company, being nine twenty-fifth parts thereof, by which the whole territory or tract of country granted to the said Mississippi company, was solely vested in the said Wade Hampton, his heirs and assigns, in as full and ample a manner, as the same was, by the grant of the state, vested in the said John B. Scott, John C. Nightingale, and Wade Hampton, as trustees or otherwise.

That Wade Hampton, by indenture bearing date the sixth day of March, 1795, granted and sold to Adam Tunno, James Miller, and James Warrington, their heirs and assigns, forever, the whole of the said tract, as contained within the original grant from the state of Georgia to the said Mississippi company, with all the rights, privileges, and pre-emptions, appertinent thereto. And that James Warrington, on the twenty-first day of February, 1795, sold and conveyed to Hugh Rose, all the right, title, and interest, which he, the said James Warrington, held in the said Mississippi company, being the one-twelfth part and the one-fifth of one-twelfth, making together one-tenth thereof, containing one hundred and fifty thousand acres.

That Hugh Rose, by indenture under his hand and seal, bearing date the twentieth day of February, conveyed to Valentine Jones, the one half, as well of the one million two hundred thousand acres, purchased of James Gunn and Wade Hampton, (part of the tract granted by the state of Georgia to the Georgia company,) as of the one-twelfth and one-fifth part of one-twelfth of the tract granted to the Upper Mississippi company, purchased of James Warrington, so that the said lands are now held in equal and undivided proportions between the said Hugh Rose and Valentine Jones, who have never conveyed the same or any part thereof to any other person or persons, nor have they received, or authorized any other person to receive, any part of the original purchase money from the state of Georgia.

That the said several tracts of land having been lately ceded by the state of Georgia to the United States, your memorialists have judged it necessary to lay this their claim before your honors, with copies of the several papers therein referred to, the originals whereof, when called for, will be produced, and if it shall be thought proper by the United States, to grant a reasonable compensation in lieu of this their claim, they will be ready

to treat for the same, at such time and in such manner as you will be pleased to point out.

Evidence re-
specting the
Yazoo claims.

SAMUEL BENNET,
attorney to Hugh Rose.
THOMAS FITZSIMONS,
THOMAS STRETCH,
attorneys to Valentine Jones.

(B No. 9.)

Accompanying the preceding letter, (B No. 1.)

STATE OF GEORGIA.

Articles of agreement, made and concluded upon this first day of January, in the year of our Lord 1795, between James Gunn, Matthew M'Allister, George Walker, Zachariah Cox, Jacob Waldburger, William Longstreet, James Gunn, in trust for his friend, Wade Hampton, as well for himself as for William Stick, jun. and Gideon Denison, all at present of the town of Augusta, gentlemen. Whereas the aforesaid persons did form themselves into a company, known and distinguished by the name of the Georgia company, for the purpose of purchasing from the said state a part of her unlocated western territory, and on the written application of the aforesaid James Gunn, Matthew M'Allister, and George Walker, for themselves and their associates, the beforenamed persons did propose to purchase from the legislature of the said state, all that tract or district of country described as follows: all that tract or parcel of land, including islands, situate, lying, and being, within the following boundaries, that is to say: beginning on the Mobile bay, where the latitude thirty-one degrees north of the equator intersects the same, running thence up the said bay to the mouth of the lake Tensaw; thence, up the said lake Tensaw to the Alabama river, including Curry's and all other islands therein; thence, up the said river Alabama to the junction of the Cousee and Oakfuskee rivers; thence, up the Cousee river, above the big shoals, to where it intersects the latitude of thirty-four degrees north of the equator; thence, a due west course to the Mississippi river; thence, down the middle of the said river to the latitude thirty-two degrees forty minutes; thence, a due east course to the Don or Tombigbee river; thence, down the middle of said river to its junction with the Alabama river; thence, down the middle of the said river to the Mobile bay; thence, down the said Mobile bay to the place of beginning. And whereas it has been found expedient to dispose of a considerable quantity of said lands to divers persons, for the purpose of raising a fund to effect the purchase of the same; and the said parties have also found it necessary to distribute to a variety of citizens of this state, certain subshares or quantities thereof, in order that the benefit of such purchase, if any there be, should be as generally diffused as possible; now, therefore, it is mutually agreed upon, by and between the said James Gunn, Matthew M'Allister, George Walker, Zachariah Cox, Jacob Waldburger, William Longstreet, James Gunn, in

Evidence re-
specting the
Yazoo claims.

trust for his friend, Wade Hampton, as well for himself as for the said William Stick the younger, and Gideon Denison, and their several and respective heirs, executors, and administrators, for the better securing the remaining quantity of land, within the limits aforesaid, to the above named James Gunn, Matthew M'Allister, George Walker, Zachariah Cox, Jacob Waldburger, William Longstreet, James Gunn, in trust for his friend, Wade Hampton, as well for himself as for the said William Stick the younger, and Gideon Denison, and their respective representatives as aforesaid, they mutually agree with each other for themselves and their respective representatives, in the following manner, that is to say, that the said several persons and their respective representatives as aforesaid, except the said William Stick the younger, and Gideon Denison, who have transferred their respective shares to the said Wade Hampton, shall be, and they are hereby equally entitled to all the lands that may remain unappropriated and undisposed of, and also to any surplus which now is, or may hereafter appear to be, within the limits before described, share and share alike, as tenants in common, and not as joint tenants, and all expenses and disbursements which have taken place, or reasonable charges which may hereafter accrue in carrying the disposition of the company into effect, shall be borne by the said parties and their respective representatives, equally, and the profits or produce of any sale, which shall be made at any time or times hereafter, by direction of a majority of said company, or their respective representatives as aforesaid, of any part or parcel, or the whole, of said land, shall be divided between the company and their respective representatives, share and share alike, as aforesaid: and further, it is the true intent and meaning of these presents, and of the parties hereunto subscribing, that the said parties and their respective representatives shall be equally benefitted by the purchase of the aforesaid territory, and shall share in all respects the same advantages or disadvantages.

In witness whereof, the said parties have interchangeably set their hands and seals, the day and year above written.

JAMES GUNN,	<i>for self and friend,</i>	[L. S.]
MATTHEW M'ALLISTER,		[L. S.]
GEORGE WALKER,		[L. S.]
ZACH. COX,		[L. S.]
JACOB WALDBURGER,		[L. S.]
WM. LONGSTREET,		[L. S.]
WADE HAMPTON,		[L. S.]

Sealed and delivered in the presence of

JOSEPH WARE,
T. SUMTER, jun.

The word "therein" interlined in the twenty-seventh line of the first side, also the word "respective" interlined in the twenty-fourth line of the third side.

Whereas, since the execution of the annexed instrument of writing, the legislature, in and by an act passed and dated at Au-

gusta, the seventh day of January, in the present year of our Lord one thousand seven hundred and ninety-five, entitled "An act supplementary to an act for appropriating part of the unlocated territory of this state, for the payment of the late state troops, and for other purposes therein mentioned; declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes;" the land included within the limits described by the annexed agreement is sold unto James Gunn, Matthew M'Allister, and George Walker, and their associates, the Georgia company, being the persons named in the said agreement: Now we, the said members of the Georgia company, for us and our respective representatives, do hereby ratify, by these presents, every matter and thing contained in said agreement, and do hereunto annex a schedule or list of persons who are entitled to our interest in said company, and the quantity contained therein, which is the whole quantity of land disposed of by the said company in any manner or way whatever, and which list forms a part of this agreement: and it is fully understood and agreed upon, that the said Georgia company do consist of the following persons and number of shares, that is to say, James Gunn, one share for himself, and another for his friend; Matthew M'Allister, one share; George Walker, one share; Zachariah Cox, one share; Jacob Waldburger, one share; William Longstreet, one share; and Wade Hampton, three shares; being ten equal parts or original shares, and that each share shall be entitled to one vote.

Evidence respecting the Yazoo claims.

Witness our hands and seals, this tenth day of January, one thousand seven hundred and ninety-five.

JACOB WALDBURGER,	[L. s.]
WILLIAM LONGSTREET,	[L. s.]
W. HAMPTON,	[L. s.]
JAMES GUNN, <i>for self and friend,</i>	[L. s.]
MAT. M'ALLISTER,	[L. s.]
GEO. WALKER,	[L. s.]
ZACH. COX,	[L. s.]

Sealed and delivered in the presence of
 JOSEPH WARE,
 T. SUMTER, jun.

	Shares.	L. Cash.	Acres.
The hon. James Wilson, . . .	10	25,000	750,000
Mr. Andrew M'Credie, . . .	2	2,000	150,000
John Currie, . . .	2	2,000	150,000
Thomas Young, . . .	4	5,000	300,000
Joseph Miller, . . .	2	2,000	150,000
John Fox, . . .	2	2,000	150,000
Owen Owens, . . .	3	3,000	225,000
John M'Iver, . . .	2	2,000	150,000
Emanuel Warmbersie, . . .	2	2,000	150,000
Benjamin Sims, . . .	1	1,000	75,000
George Ker, . . .	1	1,000	75,000

Evidence respecting the Yazoo claims.

	Shares.	L. Cash.	Acres.
Mat. and Jas. Johnstone, and James Robertson,	1	4,000	75,000
Richard Wayne,	1	1,000	75,000
George Woodruff,	0 $\frac{2}{3}$	666 66 $\frac{2}{3}$	50,000
James Warrington,	$\frac{4}{5}$	4,000	300,000
John Davis,	1	200	56,000
Mrs. Elizabeth Carnes,	0 $\frac{2}{3}$	178 50	50,000
R. G. Harper,	1	1,000	75,000
			<hr/>
			3,006,000
1. John King,			112,000
2. Ferdinand O'Neal,			112,000
3. William Cauthorn,			7 $\frac{1}{2}$,000
4. Roger P. Saunders, (for Davis Gresham,)			7 $\frac{1}{2}$,000
5. Robert Walton,			7 $\frac{1}{2}$,000
6. Thomas Wyllie,			7 $\frac{1}{2}$,000
7. Samuel Wright,			7 $\frac{1}{2}$,000
8. Joseph Watts, (for Luke Mann,)			7 $\frac{1}{2}$,000
9. Henry Hampton,			7 $\frac{1}{2}$,000
10. Roberts Thomas,			7 $\frac{1}{2}$,000
11. Thomas Napier, (in name of Robert Randolph,)			56,000
13. Roger Parker Saunders,			112,000
14. Stephen Heard,			56,000
15. Archibald Gresham,			56,000
16. Reuben Wilkinson,			56,000
17. Henry Gindrat,			56,000
18. Benjamin Sims, (for Richard Warsham,)			7 $\frac{1}{2}$,000
19. Roswell King,			56,000
20. P. J. Carnes, (for Richard Carnes,)			7 $\frac{1}{2}$,000
21. William Moubray,			56,000
22. James Warrington, (for William Harden,)			56,000
23. William T. Booker, (for Wm. Moore,)			56,000
24. Wm. G. Gilbert,			56,000
25. Philip Howell, (for Caleb Howell,)			56,000
26. John Davis, ($\frac{1}{3}$ for self and one subshare, and $\frac{1}{3}$ for J. Walker,)			7 $\frac{1}{2}$,000
27. Lachlan M'Intosh,			112,000
28. Benj. Sims,			28,000
29. Seaborn Jones,			112,000
30. Richard Dickenson,			28,000
31. The hon. J. P. Carnes,			112,000
32. George Henning,			28,000
33. Benj. Sims, (for Thomas Mc. Call,)			112,000
34. Philip Clayton,			112,000
35. Jas. Clay, jr. for himself and C. Woodruff,			28,000
36. Francis Tennil,			28,000
37. John Powell,			28,000
38. John Y. Noell,			28,000
39. Charles Crauford,			28,000
40. David Creswell,			28,000
41. William Triplett,			28,000
42. Wm. T. Booker,			28,000

	Acres.	Evidence re- specting the Yasoo claims.
43. Elijah Clark,	56,000	
44. Matthew Talbot,	28,000	
45. Arthur Fort,	28,000	
46. Jeremiah Cuyler,	28,000	
47. Darold M'Leod,	28,000	
48. Edward Watts,	37,000	
49. John Randolph,	28,000	
50. Benj. Harris, (for self and sons,)	28,000	
51. John Green,	28,000	
52. John Appling,	28,000	
53. John Foster,	28,000	
54. Henry Hughes,	37,000	
55. Jacob Wood,	28,000	
56. John Cobb,	28,000	
57. Robert Flournoy,	28,000	
58. Abraham Simons,	28,000	
59. Brighton Dawson, Hugh M'Gehee, and Wm. Howell,	28,000	
60. William Fitzpatrick, and Oliver Porter,	28,000	
61. Col. Gamble, of Virginia,	28,000	
62. Robert G. Harper,	56,000	
63. William Poe,	28,000	
64. Alexander M'Millan,	28,000	
65. James Warrington,	50,000	
66. Andrew M'Credie, (for Mrs. M'Laws,)	28,000	
67. Robert Raines,	28,000	
68. Thomas Raiburn,	56,000	
69. Thomas Heard,	56,000	
70. William Urquhart,	28,000	
71. Harrison Musgrove,	56,000	
72. Samuel Jack,	56,000	
73. Brig. Gen. Glasscock,	56,000	
74. John C. Nightingale,	56,000	
<hr/>		
75. Robert and John Forsyth,	6,700,000	
	28,000	
<hr/>		
One million reserved by law, to be subscribed for by the citizens,	6,728,000	
	1,000,000	
<hr/>		
John Clark,	7,728,000	
	28,000	
<hr/>		
	7,756,000	
<hr/>		

Jas. Moss and John Talbot.

Note by the commissioners.

The persons designated as money sharers do not appear to have all become associates. Exclusively of the land assigned to James Wilson, the persons in whose name a deed was made by the company on account of that advance in money, were:

	No. of shares.
Thomas Young,	6
Joseph Miller,	2

Evidence re-
specting the
Yazoo claims.

	No. of shares.
Benjamin Sims,	1
Owen Owens,	3
Andrew M'Credie,	2
John Currie,	2
Emanuel Wambersie,	2
John M'Iyer,	2
John Fox,	2
Richard Wayne,	1
George Ker,	1

All of which, the nine first shares excepted, have been surrendered, and the purchase money drawn from the treasury by the parties.

The names of the subsharers, who were members of the legislature, and voted in favor of the law, are printed in *Italics*. No. 11 and 13, were members, but did not vote on the law.

Form of a subshare.

STATE OF GEORGIA.

No. 37.

We, the grantees of the Georgia company, do hereby certify, that John Powell, esquire, of the state aforesaid, holds to himself, his executors, and administrators, one half of a subshare, containing twenty-eight thousand acres in this company, he paying the sum of two cents and one-third of a cent per acre to the said grantees or their agent, on or before the seventh day of August next, otherwise the said land shall become forfeited to the company, and this certificate void, agreeably to the rules and regulations of the said company: And we do further certify, that so soon as the mortgage on the lands contained in this company's purchase from the said state, shall be fully paid and satisfied, the said John Powell shall, upon returning this certificate to the company, receive from them a certificate of a negotiable nature.

In testimony whereof, we have hereunto set our hands, at Augusta, the ninth day of January, one thousand seven hundred and ninety-five.

JAMES GUNN,
MATTHEW M'ALLISTER,
GEORGE WALKER.

Attest,

W. URQUHART,

assistant secretary Georgia company.

Received, Augusta, 24th July, 1795, six hundred and fifty-three dollars and thirty-three cents and an half, being the purchase money on the above.

W. URQUHART, *assist. sec'y.*

(Endorsed on the back, John Powell.)

STATE OF GEORGIA.

We, Zachariah Cox, and Matthias Maher, under the firm of the Tennessee company, by an act of the general assembly of the state aforesaid, passed at Augusta, the seventh day of January, one thousand seven hundred and ninety-five, vesting in us all that tract of territory, including islands, situate, lying, and being, within the following boundary lines, that is to say: beginning at the mouth of Bear creek, on the south side of the Tennessee river, thence up the said creek to the most southern

source thereof, thence due south to the latitude of thirty-four degrees ten minutes north of the equator, thence a due east course one hundred and twenty miles, thence a due north course to the great Tennessee river, thence up the middle of said river to the northern boundary line of this state, thence a due west course along the said line, to where it intersects the great Tennessee river below the Muscle Shoals, thence up the said river to the place of beginning.”

Evidence respecting the Yazoo claims.

We have agreed between ourselves to let sundry persons have part of the said territory, as will appear by certificates issued by us, and quoted in the following words, that is to say:

“STATE OF GEORGIA. No.—.

“In pursuance of an act of the legislature of the state aforesaid, passed at Augusta, on the seventh day of January, one thousand seven hundred and ninety-five, vesting in the subscribers a certain tract of territory of the said state, lying on the great bend of the river Tennessee, as fully described by the said act, we hereby certify, that _____, or his assigns, is entitled to the one four hundred and twentieth part of the said territory; provided, the sum of the one four hundred and twentieth part of the full purchase money for said territory, is paid unto _____, or his agent, on or before the first day of August next ensuing, when a deed of conveyance will be issued in lieu of this certificate, to the said _____, or his assigns, conformably to the said act.

And in case the said _____, or his assigns, should fail in paying the sum above specified, then this certificate is declared by the subscribers to be null and void.

Dated at Augusta, this _____ day of _____ one thousand seven hundred and ninety-five.”

“Z. C. & M. M.”

Names of persons to whom certificates of shares are issued, viz.

1795.	Names.	No.	Agent.
January 9.	Lachlan M'Intosh,	1	M. Maher.
	ditto,	2	-
	ditto,	3	-
	ditto,	4	-
	Ferdinand O'Neal,	5	-
	ditto,	6	-
	ditto,	7	-
	ditto,	8	-
	Roger P. Saunders,	9	-
	ditto,	10	-
	ditto,	11	-
	ditto,	12	-
	Benjamin Sims, for	13	-
	Richard Worsham,	14	-
	Roswell King,	15	-
	ditto,	16	-

Evidence re-
specting the
Yazoo claims.

1795.

January 9.

	Names.	No.	Agent.
	Jn. Z. L. M. Maxwell,	17	M. Maher.
	ditto,	18	.
	Thomas Wyllly,	19	.
	ditto,	20	.
	Samuel Wright,	21	.
	ditto,	22	.
	ditto,	23	.
	ditto,	24	.
	John King,	25	.
	ditto,	26	.
	ditto,	27	.
	ditto,	28	.
10.	Isaac Walker,	29	.
	ditto,	30	.
	Richard Carnes,	31	.
	ditto,	32	.
	ditto,	33	.
	ditto,	34	.
	Joseph Farbrough,	35	.
	ditto,	36	.
	ditto,	37	.
	Joseph Farbrough,	38	.
	Benjamin Porter,	39	Zach. Cox.
	ditto,	40	.
	Robert Reins,	41	.
	ditto,	42	.
	William Poe,	43	M. Maher.
	ditto,	44	.
	ditto,	45	.
	John Thomas,	46	.
	ditto,	47	.
	Benajah Smith,	48	.
	Thomas Napier,	49	.
	ditto,	50	.
	Robert Flournoy,	51	.
	ditto,	52	.
	Reuben de Jernatte,	53	.
	ditto,	54	.
	Wade Hampton,	55	.
	For Jarrad Banks,	56	.
	ditto,	57	.
	ditto,	58	.
	Charles Crawford,	59	.
	Laird M. Harris,	60	.
	James Warrington,	61	.
	ditto,	62	.
	Archibald Gresham,	63	.
	ditto,	64	.
	Davis Gresham,	65	.
	ditto,	66	.
	William Poe,	67	.
	ditto,	68	.

1795.	Names.	No.	Agent.	Evidence re- specting the Yazoo claims.
January 10.	Arthur Ford,	69	M. Maher.	
	ditto,	70	-	
	William Fitzpatrick,	71	-	
	ditto,	72	-	
	Joseph Philips,	73	-	
	ditto,	74	-	
	James Scarlet,	75	Zach. Cox.	
	ditto,	76	-	
	Francis Willis,	77	M. Maher.	
	ditto,	78	-	
	Bedford Brown,	79	Zach. Cox.	
	ditto,	80	-	
	John Clark,	81	-	
	ditto,	82	-	
	Elijah Clark,	83	-	
	ditto,	84	-	
	Samuel H. Marlow,	85	M. Maher.	
	ditto,	86	-	
	Thomas P. Carnes,	87	-	
	ditto,	88	-	
	Joseph Ryan,	89	Zach. Cox.	
	ditto,	90	-	
	ditto,	91	-	
	ditto,	92	-	
	George Walker,	93	M. Maher.	
	ditto,	94	-	
	ditto,	95	-	
	ditto,	96	-	
	John Smith,	97	Zach. Cox.	
	ditto,	98	-	
	ditto,	99	-	
	ditto,	100	-	
	John F. Gardner,	101	M. Maher.	
	ditto,	102	-	
	ditto,	103	-	
	ditto,	104	-	
	William Cox,	105	Zach. Cox.	
	ditto,	106	-	
	ditto,	107	-	
	ditto,	108	-	
	Stephen Heard,	109	-	
	ditto,	110	-	
	ditto,	111	-	
	ditto,	112	-	
	Daniel Gains,	113	M. Maher.	
	ditto,	114	-	
	ditto,	115	-	
	ditto,	116	-	
	William Downs,	117	-	
	ditto,	118	-	
	ditto,	119	-	
	William Downs,	120	-	

Evidence re-
specting the
Yazoo claims.

1795. Jan. 10.	Names.	Nc.	Agent.
	John Strother,	121	M. Maher.
	ditto,	122	-
	ditto,	123	-
	ditto,	124	-
	Thomas Gilbert,	125	-
	ditto,	126	-
	ditto,	127	-
	ditto,	128	-
	Anderson Watkins,	129	-
	ditto,	130	-
	ditto,	131	-
	ditto,	132	-
11.	Zachariah Cox,	133	-
12.	From No. 133 to	252	-
13.	Matthias Maher,	253	Zach. Cox.
& 14.	From No. 253 to	372	-
Feb. 25.	Matthias Maher,	373	-
	From No. 373 to	396	-
	Zachariah Cox,	397	M. Maher.
	From 397 to	420	-

(E)

GEORGIA.

By his excellency, John Milledge, governor and commander in chief of the army and navy of this state, and of the militia thereof, to all to whom these presents shall come, greeting:

Know ye, that James Bozeman, esquire, who hath certified the proceedings of the house of representatives, from page one to three, is deputy clerk of the said house of representatives: And that William Robertson, esquire, who hath certified the proceedings of the senate, from page four to five, is secretary to the said senate, and all of which proceedings are hereunto annexed.

Therefore, all due faith, credit, and authority, are and ought to be had and given their and each of their certificate and attestation as such.

In testimony whereof, I have hereunto set my hand, and caused the great seal of this state to be put and affixed, at the statehouse, in Louisville, this twentieth day of January, in the year of our Lord eighteen hundred and three, and in the twenty-seventh year of the independence of the United States of America.

By the governor.

HOR. MARBURY,

secretary of the state.

In the house of representatives,

Friday, January 2d, 1795.

The bill to be entitled, "An act supplementary to an act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other purposes

therein mentioned, declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes," was read the third time, and several amendments made thereto: Evidence respecting the Yazoo claims.

On motion, by Mr. Moubray,

Resolved, That the bill as amended do pass, and that the bill be "An act supplementary to an act, entitled an act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and other purposes therein mentioned, declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes.

On the question put thereupon, the yeas and nays being required, are as follow:

YEAS. Messrs. Carnes, Gindrat, Gresham, Gilbert, S. Heard, Hardin, T. Heard, Howell, King, Longstreet, Moubray, Musgrove, Moore, M'Intosh, Ra-burn, Watkins, Wilkinson, Worsham, and Walker.—19.

NAYS. Messrs. Gibbons, I. Jones, G. Jones, I. Jones, Lanier, Lewis, M'Neil, Mitchell, and Shepperd.—9.

Ordered, That the clerk do carry the same to the senate, and desire their concurrence.

I certify that the foregoing is truly taken from the journal of the house of representatives.

**JAMES BOZEMAN, for
HINES HOLT,**

clerk of the house of representatives.

Louisville, January 20th, 1803.

In senate, Saturday, January 3d, 1795.

The bill to be entitled, "An act supplementary to an act, entitled an act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and for other purposes therein mentioned, declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes," was taken up and read a second time.

The senate then proceeded to the third reading of the bill; and,

On question, shall the bill pass under the title above? The yeas and nays being required, are as follow:

AYES. Mr. King, Mr. Wright, Mr. O'Neal, Mr. Wylly, Mr. Walton, Mr. Hampton, Mr. Cawthorn, Mr. Gresham, Mr. Thomas, Mr. Mann.—10.

NAYS. Mr. Milledge, Mr. Lanier, Mr. Morrison, Mr. Irwin, Mr. Blackburn, Mr. Pope, Mr. Mitchell, Mr. Wood.—8.

So it passed in the affirmative.

I certify that the foregoing is truly taken from the journal of the senate.

WILLIAM ROBERTSON,

secretary of senate.

Louisville, January 20th, 1803.

Instructions of governor Gayoso, for the administration of the posts and distribution of lands.

Instructions to be observed by the commandants of the posts in this province, for the admission of new settlers.

1. If the new settler comes from another post in the province, where he has obtained a grant of land, no other grant shall be made to him; and if he undertakes to fix himself down, he must buy lands, or produce my special permission for the grant; and in order to determine whether he has before obtained land or not, the commandant of the post from which he goes shall express it in his passport.

2. If the new settler is a stranger, and is not a farmer, nor married, nor has property in negroes, merchandise, or money, he shall have no right to solicit a grant of lands, until he has remained four years, conducting himself well, in some honest and useful occupation.

3. Artisans shall be fully protected, but no land shall be granted to them, until they have acquired property, and have lived three years in the exercise of their art or profession.

4. To no unmarried emigrant who has not a trade or profession, shall lands be granted, till after the expiration of four years; and then only on his showing that he has been, without interruption, honestly employed in the cultivation of the earth, without which necessary circumstance he shall not be entitled to a grant.

5. If any person, as described in the last article, after having lived in the country two years, shall obtain a recommendation from a farmer of honesty, who shall be willing, from his industry and application, to give him his daughter in marriage, as soon as the marriage is accomplished in due form, he shall be entitled to receive a grant of land, agreeably to the terms contained in this instruction.

6. The privilege of enjoying liberty of conscience, is not to extend beyond the first generation. The children of those who enjoy it, must positively be catholics. Those who will not conform to this rule, are not to be admitted; but are to be sent back out of the province immediately, even though they possess much property.

7. In the Illinois, none shall be admitted but catholics of the classes of farmers and artisans. They must also possess some property, and must not have served in any public character in the country from whence they come. The provisions of the preceding article shall be explained to the emigrants already established in the province, who are not catholics, and shall be observed by them; the not having done it until this time, being an omission, and contrary to the orders of his majesty, which required it from the beginning.

8. The commandants will take particular care, that no protestant preacher, or one of any sect other than the catholic, shall introduce himself into the province. The least neglect in this respect, will be a subject of great reprehension.

9. To every new settler, answering the foregoing description and married, there shall be granted two hundred arpens of land; fifty arpens shall be added for every child he shall bring with him. Spanish regulations, &c.

10. To every emigrant possessing property, and uniting the circumstances before mentioned, who shall arrive with an intention to establish himself, there shall be granted two hundred arpens of land; and in addition, twenty arpens for every negro that he shall bring; provided, however, that the grant shall never exceed eight hundred arpens to one proprietor. If he has such a number of negroes, as would entitle him at the above rate to a larger grant, he will also possess the means of purchasing more than that quantity of land, if he wants it; and it is necessary, by all possible means, to prevent speculations in lands.

11. No lands shall be granted to traders; as they live in the towns, they do not want them.

12. Immediately on the arrival of a new settler, the oath of fidelity shall be required of him. If he is married, he shall prove that the wife whom he brings with him, is his lawful wife. If he has goods or personal property, they shall both declare what part of them belongs to the portion of the wife, and whether any part belongs to any person who is absent; giving them to understand, that if the contrary of what they assert is proved, the lands which are granted to them shall be taken back, with all the improvements they may have made upon it.

13. At the time when they take the oath, the above particulars are to be attended to; and no lands are to be granted for any negroes which are not proved to be lawfully and wholly the property of the emigrant; nor for the wife whom he brings with him, unless she is proved to be his lawful wife. In default of making such proofs, he is to be taken as coming within the description given in the second article.

14. The new settler to whom lands have been granted, shall lose them without recovery, if, in the term of one year, he shall not begin to establish himself upon them, or if, in the third year, he shall not have put under labor ten arpens in every hundred.

15. He shall not possess the right to sell his lands, until he shall have produced three crops, on the tenth part of his lands which shall be well cultivated; but in case of death, he may leave them to his lawful heir, if he has a resident in the country. If he has no heir in the country, they shall in no event go to an heir who is not of the country, unless such heir shall resolve to come and reside in it, conformably to the established conditions.

16. Debts contracted out of the province, cannot be paid with the produce of lands thus granted, if there are debts due in the province, until after five harvests shall have been gathered. If for bad conduct, it shall become necessary to eject the settler from the country, before he shall have made the three crops necessary to give him the dominion of the soil, and the right to dispose of it, the lands shall then again become united to the domain of the king: and in the same state shall be granted alternately to the young man and to the young woman residing

Spanish regulations, &c.

within one league of the land which shall thus become vacant, who by their good conduct shall best deserve such a gift. The question, who is entitled to this preference? shall be decided in an assembly of the most considerable people, headed by the commandant: which decision they shall make without any expense. They shall only consult me in the case, making known the circumstances for my approbation, and shall, without delay, put the deserving person in possession.

17. The forms established by my predecessors, in which to petition for lands, shall be followed under the conditions expressed in this order, with the difference only, that when the quantity of land amounts to or exceeds three hundred arpens, the fees to the secretary must be paid.

18. It shall not be permitted to any new settler to form an establishment at a distance from other settlers. The grants of lands must be so made, as not to leave pieces of vacant ground between one and another; since this would offer a greater exposure to the attacks of the Indians, and renders more difficult the administration of justice, and the regulation of the police, so necessary in all societies, and more particularly in new settlements.

MANUEL GAYOSO DE LEMOS.

New Orleans, 9th September, 1797.

Refusal of the intendant to sell land, and especially 100,000 arpens, asked by H. Peyroux.

I have to reply to your communication No. 9, that I cannot at this time consent to the sale of lands, in the manner and under the circumstances requested; and I have to make the same reply to that of the 6th February last, No. 8, in which you ask for one hundred thousand arpens. God preserve you, &c.

New Orleans, 3d April, 1800.

RAMON DE LOPEZ Y ANGULA.

To don Henry Peyroux, commandant at New Madrid.

A further refusal, because the proposals appear speculations hurtful to poor people, &c.

It was never the intention of the king to dispose of the lands in such large quantities, and under such circumstances, as are stated in your letter of the 9th of February last, No. 9, and the petition of the inhabitants accompanying it.

It is true, that in the new regulation, there is provision made for the sale of lands in the manner referred to; but it is only under the previous formalities there specified, and with a reference to the ability and forces of the person desirous of purchasing, because it would not be just, that for a small consideration, one or more speculators should make themselves masters of a great extent of lands, to the prejudice of others coming to settle, and who would consequently find themselves driven to purchase those lands which they might otherwise have obtained free of expense.

For these reasons, I cannot, at present, accede to the before-mentioned proposal, which you will make known to the parties concerned. God preserve you, &c.

New Orleans, 3d April, 1800.

RAMON DE LOPEZ Y ANGULA.

To Don Henry Peyroux.

Communication of the decease of the assessor of intendancy, and no receiving petitions for land till another is appointed.

On account of the death of the assessor of this intendancy, and there not being in the province a learned man, who can supply his place, I have closed the tribunal of affairs and causes relating to grants and compositions of royal lands, as the 81st article of the royal ordinance, for the intendants of New Spain, provides that for conducting that tribunal, and substantiating its acts, the concurrence of that officer shall be necessary.

I make this communication, to apprize you of this providence, and that you may not receive or transmit memorials for the grant of lands, until further orders. God preserve you, &c.

New Orleans, 1st December, 1802.

JUAN VENTURA MORALES.*

To Don Henry Peyroux.

N^o. 19. Papers respecting Bastrop's claim on Washita.

To the governor general.

The baron de Bastrop, desirous of encouraging the population and cultivation of the Ouachita and its neighborhood, of passing into the United States to complete the plan of emigration which he has projected, and from thence to return with his family, makes known to your lordship that it is absolutely indispensable on the part of the government, that a district be designated, of about twelve leagues square, including the Bayou Liar and its vicinity, in which your petitioner may, without the least obstacle or delay, place the families he is about to bring in, on the express condition that concessions of land are to be made gratis, and under no title or pretext to exceed, at most, four hundred arpens square, with a view to prevent the introduction of negroes, and the making of indigo, which, in that district, will be entirely contrary and prejudicial to the cultivation of wheat, and will cause your petitioner irrecoverably to lose the expenses of his establishment. Your petitioner prays also that you will be pleased to grant him permission to export for the Havanna, the flour which may be manufactured at the mills on the Ouachita, without confining him to sell it absolutely in New Orleans and other posts in this province, unless it should be necessary for their subsistence, in which case they ought always to have the preference. It is also indispensable that the government should charge itself with the conducting and support of the families which the petitioner may introduce, from the post of New Madrid to Ouachita, by furnishing them with some provisions for

Bastrop's
claim on
Washita.

* The general regulations and instructions of Morales, for conceding public lands, could not be obtained for insertion in this collection. *Note of the editor of the Land Laws, &c.*

Bastrop's
claim on
Washita.

the subsistence of the first months, and assisting them to commence the sowing of their seeds, granting to those inhabitants who are not catholics, the same liberty of conscience as is enjoyed by those of Baton Rouge, Natchez, and other districts of the province, and without fixing, on the part of the government, conclusively, the number of families which your petitioner is to introduce. The zeal which I feel for the prosperity and encouragement of the province, joined to a desire of securing tranquillity and quietude to that establishment, by removing, at once, whatever obstacles might be opposed to those interesting objects, have induced me to represent to you what I have here done, hoping that you will recognize in these dispositions the best service of the king, and advancement of the province confided to your authority. New Orleans, June 20, 1796.*

DE BASTROP.

New Orleans, June 21, 1796. Seeing the advantages which will result from the establishment projected by baron Bastrop, the commandant of Ouachita, don John Fathiol, will designate twelve leagues square, half on the side of the bayou of Liar, and half on the side opposite the Ouachita, for the purpose of placing there the families which the said baron may direct, it being understood that no greater concession of land is to be given to any one, than four hundred square arpens at most, gratis and free from all dues. With regard to the object of this establishment, it is to be for the cultivation of wheat alone. The exportation of the products of this province being free, the petitioner need not doubt that it will be allowed to him, for the flour which he may manufacture at the mills of the Ouachita, to the Havanna and other places open to the free commerce of this province. The government will charge itself with the conducting of the families from New Madrid to Ouachita, and will give them such provisions as may appear sufficient for their support during six months, and proportionably for their seeds. They shall not be molested in matters of religion, but the apostolical Roman catholic worship shall alone be publicly permitted. The petitioner shall be allowed to bring in as many as five hundred families: provided, that after the lapse of three years, if the major part of the establishment shall not have been made good, the twelve leagues square destined for those whom the petitioner may place there, shall be occupied by the families which may first present themselves for that purpose.

THE BARON DE CARONDELET, [L. S.]

Registered.

ANDRES LOPES ARMESTO.

The baron de Carondelet, chevalier of the religion of St. John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana, West Florida, and

* It is presumed that this date, as well as that of the decree of the baron de Carondelet immediately succeeding, ought to have been 1795, instead of 1796. Note of the editor of the *Land Laws*, &c.

inspector of the troops, &c. Whereas baron Bastrop, in pursu- Bastrop's claim on Washita.
 ance of his petition, dated the 20th of June of the year last past, and the décret of the 21st of the same month, has commenced the establishment of the Ouachita; that for the fulfilment of the stipulation on the part of the government; for avoiding, progressively, all obstacles, difficulties, and delays; and that the said baron might proceed with every facility in fixing the families, which, to the number of five hundred, he was held to place or cause to be placed there, we have proceeded to designate the twelve leagues intended for the said establishment, in the terms, with the limits, metes, and bounds, and in the place marked, fixed, and defined, by the figured plan and description affixed to the head of this instrument, verified by the surveyor general, don Charles Laveau Trudeau, it having now appeared to us to be also most expedient for avoiding all contest and dispute, and approving them as we do approve them, by virtue of the authority which the king has granted to us, we do destine and appropriate, in his royal name, the aforesaid twelve leagues, in order that the said baron Bastrop may establish them in the manner and under the conditions expressed in the said petition and decree. We give the present, signed with our hand, sealed with the seal of our arms, and countersigned by the underwritten hoporary commissary of war, and secretary of his majesty for this commandancy general. New Orleans, June 20, 1796.

**THE BARON DE ÇARONDELET, [L. s.]
 ANDRE LOPES ARMESTO.**

To the governor general.

Baron de Bastrop has the honor to make known to you, that, it being his intention to establish in the Ouachita, it is expedient that you should grant to him a corresponding permission to erect there one or more mills, as the population may require, as also to shut up the Bayou de Liar, where he proposes to establish the said mills, with a dike in the place most convenient for his works; and as it appears necessary to prevent disputes in the progress of the affair, he begs also the grant, along the Bayou Barthelemi, from its source to its mouth, of six toises on each bank, to construct upon them the mills and works which he may find necessary; and prohibiting every person from making upon said Bayou any bridge, in order that its navigation may never be interrupted, as it ought, at all times, to remain free and unobstructed. This request, sir, will not appear exorbitant, when you are pleased to observe that your petitioner, who will expend in these works twenty thousand dollars, or more, will be exposed, without these grants, to lose all the fruits of his labors, by the caprice or jealousy of any individual, who, being established on this Bayou, may cut off the water or obstruct the navigation; not to mention the loss, which the province will sustain of the immense advantages to result from the useful project proposed for the encouragement of the agriculture and population of those parts. New Orleans, June 12, 1797.

DE BASTROP.

Bastrop's
claim on
Washita.

New Orleans, June 12, 1797. Considering the advantages to the population on the Ouachita and the province in general, to result from the encouragement of the cultivation of wheat, and the construction of flour mills, which the petitioner proposes to make at his own expense, I grant him, in the name of his majesty, and by virtue of the authorities which he has conferred upon me, liberty to shut the Bayou de Liar on which he is about to establish his mills, with a dike, at the place most proper for the carrying on of his works. I also grant him the exclusive enjoyment of six toises of ground on each side of the Bayou Barthelemi, from its source to its mouth, to enable him to construct the works and dams necessary for his mills, it being understood, that by this grant, it is not intended to prohibit the free navigation of the said Bayou to the rest of the inhabitants, who shall be free to use the same, without, however, being permitted to throw across it any bridge, or to obstruct the navigation, which shall at all times remain free and open. Under the conditions here expressed, such mills as he may think proper to erect, may be disposed of by the petitioner, together with the lands adjoining, as estates belonging entirely to him in virtue of this decree, in relation to which the surveys are to be continued, and the commandant, don John Fathiol, will verify and remit them to me, so that the person interested may obtain a corresponding title in form. It being a formal and express condition of this grant, that at least one mill shall be constructed within two years, otherwise it is to remain null.

THE BARON DE CARONDELET, [L. s.]

Registered.

ANDRE LOPES ARMESTO.

[Here follows a petition and decree the same as the preceding, except that the petition asks for six toises of ground on each side of the Bayou de Liar, from its source to its mouth, which are granted by the decree. *Note of the editor of the Land Laws, &c.*]

The baron de Bastrop contracts with his majesty, to furnish, for the term of six months, rations to the families which he has latterly introduced at the post of the Ouachita, which are to be composed of twenty-four ounces of fresh bread, or an equivalent in flour, twelve ounces fresh beef, or six of bacon, two ounces of fine *menestra*, or three of ordinary, and one thousandth part of a *celemin* (about a peck) of salt, for which there is to be paid to him, by the royal chests, at the rate of a real and a half for each ration. For which purpose there shall be made out, monthly, a particular account, the truth and regularity of which shall be attested at foot, by the commandant of that post. Under which conditions, I oblige myself, with my person and estate, to the fulfilment of the present contract, subjecting myself in all things to the jurisdiction of this general intendency.

In testimony of which I sign it at New Orleans, the 16th of June, 1797.

BARON DE BASTROP.

New Orleans, date as above. I approve this contract in the name of his majesty, with the intervention of senor Gilbert Leonard, principal contador of the army in these provinces, for its validity. Two certified copies are to be directed to the secretary, Juan Ventura Morales. With my intervention, Gilbert Leonard. Copy of the original, which remains in my keeping, and which I certify, and is taken out to be passed to the secretary of this general intendency. New Orleans, ut supra.

Bastrop's
claim on
Washita.

GILBERT LEONARD.

Whereas the intendant, from the want of funds, has solicited the suspension of the last remittance of families, until the decision of his majesty, there ought to be no prejudice occasioned to you, by the last paragraph of my decree, which expresses, that if within three years the major part of the establishment shall not have been made good, such families as may first present themselves shall be located within the twelve leagues destined for the settlement which you have commenced; and this shall only have effect two years after the course of the contract shall have again commenced to be executed, and the determination of his majesty shall have been made known to you. You will always remain persuaded, that on my part, I will observe religiously the engagements I have contracted; a principle which has constantly distinguished the Spanish nation. God preserve you many years. New Orleans, June 18, 1797.

THE BARON DE CARONDELET.

To baron de Bastrop.

No. 20. Papers respecting Grand Maison's claim on Washita.

We, Francis Lewis Hector, baron de Carondelet, knight of Malta, brigadier general of the royal armies of his catholic majesty, military and civil governor of the provinces of Louisiana and West Florida; don Francis Rendon, intendant of the army, and deputy superintendent of the royal domains in the said provinces; don Joseph de Orue, knight of the royal and distinguished order of Charles third, principal accountant for the royal chests of this army, exercising the functions of fiscal of the royal domains; declare, that we agree and contract with the senor marquis de Maison-rouge, an emigrant French knight, who has arrived in this capital from the United States, to propose to us to bring into these provinces thirty families, who are also emigrants, and who are to descend the Ohio, for the purpose of forming an establishment with them on the lands bordering upon the Washita, designed principally for the culture of wheat, and the erection of mills for manufacturing flour, under the following conditions:

Grand Mai-
son's claim on
Washita.

1. We offer, in the name of his catholic majesty, whom God preserve, to pay out of the royal treasury, two hundred dollars to every family composed of two white persons, fit for agriculture or for the arts useful and necessary to this establishment, as house or ship carpenters, blacksmiths, and locksmiths; and

Grand Mai-
son's claim on
Washita.

four hundred to those having four laborers; and, in the same way, one hundred to those having no more than one useful laborer or artificer, as before described, with his family.

2. At the same time we promise, under the auspices of our sovereign monarch, to assist them forward from New Madrid to Washita, with a skilful guide, and the provisions necessary for them, till their arrival at their place of destination.

3. The expenses of transportation of their baggage and implements of labor, which shall come by sea to this capital, shall be paid on account of the royal domains; and they shall be taken on the same account from this place to the Washita, provided that the weight shall not exceed three thousand pounds for each family.

4. There shall be granted to every family containing two white persons fit for agriculture, ten arpens of land, extending back forty arpens, and increasing, in the same proportion, to those which shall contain a greater number of white cultivators.

5. Lastly, it shall be permitted to the families to bring or to cause to come with them, European servants, who shall bind themselves to their service for six or more years, under the express condition, that if they have families, they shall have a right, after their term of service is expired, to receive grants of land, proportioned in the same manner to their numbers. Thus we promise, as we have here stated; and that it may come to the knowledge of those families which propose to transport themselves hither, we sign the present contract, with the afore-said senor marquis de Maison-rouge, to whom that it may be made plain, a certified copy shall be furnished. New Orleans, the seventeenth of March, 1795.

**THE BARON DE CARONDELET,
FRANCIS RENDON,
JÓSEPH DE ORUE,
THE MARQUIS DE MAISON-ROUGE.**

Having laid before the king what you have made known in your letter of the 25th of April last, No. 44, relative to the contract entered into with the marquis of Maison-rouge, for the establishment on the Washita, of the thirty families of farmers, destined to cultivate wheat, for the supply of these provinces, his majesty, considering the advantages which it promises, compared with the preceding, has been pleased to approve it in all its parts. By his royal direction, I communicate it to you for your information. God preserve you many years. Madrid, 14th July, 1795.

GARDOQUI.

To the intendant of Louisiana.

New Orleans, Nov. 13th, 1795.

To be transmitted to the principal office of accounts (contaduria) of the army and royal domains, for their information, and two certified copies to be provided for this secretary's office.

RENDON.

Don Gilbert Leonard, treasurer of the army, exercising the functions of royal accountant, and don Manuel Gonzales Armirez, exercising those of treasurer, par interim, of the royal chests of this province of Louisiana. Grand Maison's claim on Washita.

We certify, that the two foregoing copies are conformable to the originals, which remain in the archives of the ministry of the royal domains under our charge, and that the contractor, the marquis de Maison-rouge, complied punctually with the terms which he proposed in the said contract; and that this may be made manifest, conformably to the order above inserted, of this intendency general, we give the present in New Orleans, the 5th of August, 1803.

**GILBERT LEONARD.
MANUEL ARMIREZ.**

The baron de Carondelet, knight of the order of St, John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana and West Florida, inspector of troops, &c.

Forasmuch as the marquis de Maison-rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families, by the royal order of July 14th, 1795; and desirous to remove, for the future, all doubt respecting other families or new colonists who may come to establish themselves, we destine and appropriate conclusively for the establishment of the aforesaid marquis de Maison-rouge, by virtue of the powers granted to us by the king, the thirty superficial leagues, marked in the plan annexed to the head of this instrument, with the limits and boundaries designated, with our approbation, by the surveyor general, don Charles Laveau Trudeau, under the terms and conditions stipulated and contracted for by the said marquis de Maison-rouge; and that it may at all times stand good, we give the present, signed with our hand, sealed with our seal at arms, and countersigned by the underwritten honorary commissary of war and secretary of his majesty for this commandancy general. New Orleans, the twentieth of June, 1797.

**THE BARON DE CARONDELET.
ANDRES LOPEZ ARMESTO.**

[*Note.* That in conformity with his contract, the marquis de Maison-rouge is not to admit or establish any American in the lands included in his grant. *Note of the editor of the Land Laws, &c.*]

THE BARON DE CARONDELET.

No. 21. Papers respecting the Houma's claim on New Orleans island.

To the governor general.

I, Maurice Conway, an inhabitant of this vicinity, with due respect, do represent to your excellency: Houma's claim on New Orleans island.

That being about to settle myself up the country, on the lands which Alexander Latil and I purchased, with your approbation, of the Houma Indians, and which are totally destitute of fences,

Houma's
claim on New
Orleans
island.

and is cleared for upwards of one league in depth, in such a manner that the cypress trees may be about one league and a half from the river, without my having any right to them, your excellency having granted to us only the depth of forty arpens, with which shortness of depth I cannot have access to the cypress trees, so necessary for the construction of my fences and other utilities of a plantation: therefore, I humbly pray your excellency to take the circumstances into consideration, and to grant me all the depth which may be vacant behind or at the end of the aforesaid forty arpens of depth, whereof I am at present the sole owner, by virtue of a deed of conveyance passed before Andrew Almonester, notary public, on the 4th day of January last, of the moiety belonging to Mr. Latil, aforesaid. I also pray your excellency to appoint Louis Andry to put me in possession of the aforesaid front and depth, by fixing the needful boundaries and furnishing me with due copies of the whole transaction for my use and guide.

And in duty bound I shall ever pray.

MAURICE CONWAY.

New Orleans, September 27th, 1776.

New Orleans, September 27th, 1776.

Louis Andry, second adyudant of this place, is hereby directed to go to the land alluded in the within memorial, and to give the petitioner possession of that which may be vacant after the forty arpens in depth, of which he is in possession, following the same directions: provided it be vacant, and that no injury is thereby done to any of the adjoining inhabitants: to which effect he shall establish his boundaries and limits; and of the whole proceedings he shall make a process verbal, of which he will make a return to us, signed by himself and the parties, in order to issue the complete title in due form to the claimant.

ONZAGA.

Louis Andry, captain of infantry and second adjutant, major of the city of New Orleans, duly commissioned and authorized by his excellency the governor general of this province of Louisiana, for the purposes mentioned in the above petition and decree; do certify that I have transferred myself, on the 1st day of October, 1776, to the land referred to in the above documents, which land is situated in the district of the parish of the Ascension or La Fourche, on the left bank of the Mississippi, about twenty-two leagues above the said capital; being accompanied by the petitioner, Maurice Conway, and the commandant of the said district. Louis Judice, whom I requested, (as being well versed in the language of the Houma Indians,) to send for their chief, named Calabe, seller of the land in question, in order that he might point out to me the boundaries which are to limit the same on both upper and lower sides; which being done, and the said chief present, he answered to me, through the assistance of the interpreter aforesaid, that the land sold by him, and former-

ly occupied by the Indians, extended from the lower line of Francis Duhon, on the upper side, to that of Michael Chiasson, on the lower, (although these names do not correspond now with those which appear in the instrument of sale, because, since that time, the said adjoining lands have passed through the hands of several owners;) and which intermediary land I then measured, drawing to this effect through the woods the necessary lines to ascertain its length, (which lines are described in the figurative plat of my operations, which I delivered to the party,) and found that it contains ninety-six arpens in front on the river, opening one hundred and twenty degrees towards its rear, owing to its situation in the bottom of the bend; the upper line, adjoining lands of Francis Duhon, being directed north fifty degrees west; and the lower, adjoining those of Michael Chiasson, running north seventy degrees east.

Houma's
claim on New
Orleans
island.

The measurements of the said front being concluded, I proceeded to put the petitioner in possession of the depth which, by the aforesaid decree, has been granted to him. To this end, having transferred myself to the upper line, which joins Francis Duhon aforesaid, I examined in his presence the stakes which had been planted by me on the 22d December, 1773, which stakes still exist in the same situation, distance, and direction, both of mulberry tree: the first measuring five feet, &c. planted at thirty-seven toises and two feet from the present margin of the river; and the second of 6 feet, &c. planted at one arpent, or 30 toises, further back towards the rear.

Afterwards I proceeded on the same line and on the same course, viz. north fifty degrees west, until the forty arpens in depth, opening for that purpose a road through the woods, at which point I caused to be planted a stake of cypress of six feet in length, &c. And at two arpens further still, that is to say, at forty-two arpens from the river, I planted another stake similar in all to the last above described.

This line being concluded, I went to the lower one, adjoining lands of Michael Chiasson, whom I also sent for, and after having measured the seven arpens, which, by decree of the 27th September, of this same year, were granted to him by the same governor aforesaid, I caused to be planted on it two stakes of mulberry tree; the first measuring four feet, &c. at twenty toises from the present margin of the river; and the second at twenty toises further back: after which I went on through the woods, and in the aforesaid direction of north seventy degrees east, on the same line, until the forty arpens in depth, at which point I caused to be planted a cypress stake, six feet long, &c. and at two arpens further from the river, I caused another stake to be planted, (that is, at 42 arpens from the river,) of the same size as the precedent, in order to keep the course.

And for the end that all the above stated may be proven, I give the present certificate, signed by me, together with the party Maurice Conway, and the commandant aforesaid, and interpreter in this case, the chief of the Indians having declared, as well as the two adjoining neighbors aforesaid, that they did

Honourable
claim on New
Orleans Is-
land.

not know how to sign; which I do attest—in the abovesaid court and district, the day, month, and year, above written.

**LOUIS ANDRY,
MAURICE CONWAY,
LOUIS JUDICE.**

Don Bernard de Galvez, colonel of the battalion of infantry of Louisiana, governor, intendant, and inspector pro tem. of the troops thereof, &c.

Having seen the proceedings of the second adjutant of this town, captain Louis Andry, relative to the possession by him given to Maurice Conway, pursuant to the above decree issued by my predecessor, of all the vacant land lying behind and on the rear of the first forty arpens which he possesses, by ninety-six arpens in front on the river, following the same direction of these: and finding them to be conformable to the rules of survey, and agreeable to the concessions of the adjoining inhabitants, without causing to these last any harm or injury whatsoever, nor having by them been claimed; but, on the contrary, consented to it, as it appears by their assistance to the said operations.

Approving of the same, as we do by these presents approve; using of the power to us conferred by the king; we hereby do grant, in his royal name, to the said Maurice Conway, the abovesaid land behind or at the end of the forty arpens which contains his plantation, situated in the district of La Fourche, by ninety-six in front on the river, following the same direction which those run, in order that, it being his property, he may share and dispose of the same, ruling himself upon the abovesaid proceedings, and observing the conditions prescribed in the ordinance relative to this subject.

Given under our hand and seal, at the city of New Orleans, and countersigned by our secretary, this 21st day of June, 1777.

BERNARDO DE GALVEZ.

By order of his excellency.

JOSEPH FOUCHER.

[Under the preceding grant, more than one hundred thousand acres are now claimed, viz: on a front of about a league on the Mississippi. The upper boundary line, as claimed, runs parallel to the Mississippi as far as Manshak: the lower line stretches to lake Maurepas; and the *back line*, as claimed, extends from the Mississippi to the lower end of said lake, along the Iberville, Amite, and said lake. *Note of the editor of the Land Laws, &c*]

No. 22. General permission to cut cypresses in Opelousas.

Permission to
cut cypresses
in Opelousas.

The syndics of Opelousas, in the name of the inhabitants of our district, represent to your lordship, with all respect and truth possible, that the wood proper for enclosures and building, especially the cypress, has become so scarce in this post, that much difficulty is experienced in keeping up and repairing the estates, and, for want of it, that many are in ruins and abandoned. In consideration of this, we beseech you, sir, earnestly, to favor

this post, which is in danger of ruin, by granting it the common use of all the cypress and cypress swamps not already conceded, in whatever part they may be found, on all the bayoux or elsewhere, in the whole extent of its jurisdiction, in every sense, exclusively of the land, to which we make no pretensions; in such sort that the concession, if you shall deign to make it, may be a privilege common to every one of the inhabitants who shall desire to make use of it, and to which no individual can derogate by subsequent demands: a favor which we confidently solicit from your beneficence. Opelousas, 20th August, 1796.

Permission to
cut cypresses
in Opelousas.

Signed, &c.

To the baron de Carondelet, field marshal of the armies of his catholic majesty, chevalier of the religion of St. John, and governor general of the province of Louisiana.

The demand which the subscribers make, is in the name of the public, and is so far calculated for the general good, that, for want of the assistance demanded, many estates are in ruins. Opelousas, 20th August, 1796.

MN. DURALD.

New Orleans, 12th April, 1797.

Seeing the solid and just reasons stated, by all the syndics and inhabitants of the post of Opelousas, which are supported by the commandant don Martin Durald, not only by his information of the 20th of August, of the year last past, but also in his official letter, No. 95, of the 14th of February, of the current year, with which my inclinations concur; I do grant, in the terms requested, the common use of all the cypresses and cypress swamps not heretofore granted, in whatever place they exist, as well in the marshes as elsewhere through the whole extent of that jurisdiction, and in whatever direction they may be met with; under the express condition, that although, by this decree, the cypress swamps and cypresses are granted for the use of the inhabitants, the lands whereon they stand are not comprehended therein, they being excluded from the common use, which is confined expressly to the trees, it becoming the particular duty of the commandant and syndics of the post, to take care that the inhabitants make the prudent use of this license, which the wants of a well established society may require, and that they restrain the rapacious, who, without regard to those wants, may waste and cut more cypresses than the repairs of their fences and the necessary buildings on their farms may demand.

THE BARON DE CARONDELET.

No. 23. Renaut's claim to lead mines in Upper Louisiana.*

SIR: Please to take notice, that I claim, as a *complete title*, for Jean Baptiste Francois Meynaud and Amelia Joseph Renaut, *his wife*, of the empire of France, the lineal heir and legal

Renaut's
claim to lead
mines in Up-
per Louisiana.

* Now the Missouri territory. See act of 4th June, 1812; chap. 418, vol. 4.

Renaut's
claim to lead
mines in Up-
per Louisiana.

representative of Monsieur Renaut, "ancien directeur aux Illinois," the two following tracts of land, situate and lying within the district of St. Genevieve, in the territory aforesaid, specially located and described in the words following, viz: (Here follow the description.)

Which several tracts of land are of right, by legal inheritance, the property of the said Jean Baptiste Francois Meynaud and Amelia Joseph Renaut, by virtue of the original grant made "en franc alleu" (in liberum allodium) unto the said Monsieur Renaut, the grandfather of the said Amelia Joseph Renaut, bearing date at fort Chartres, the 14th day of June, 1723; a certified copy of which is hereunto annexed, and which I request you to record. St. Louis, 10th February, 1808.

SETH HUNT,

attorney to J. B. F. Meynaud and Amelia Joseph Renaut.

To Frederick Bates, esquire,
recorder of land titles for the territory of Louisiana.

TRANSLATION.

Year one thousand seven hundred and twenty-three, June fourteenth, granted to M. Renaut, in freehold (*en franc alleu*) in order to make his establishments upon the mines:

A league and a half of ground in front upon the Little Marameig and in the river Marameig, at the place of the first fork which leads to the cabins called the *Cabanage de Renaudiere*, with a depth of six leagues, the river making the middle of the point of compass, and the small stream being perpendicular, as far as the place where the sieur Renaut has his furnaces, and thence straight to the place called the Great Mine.

One league in front, at Pimiteau, on the river of the Illinois, facing the east, and adjoining to the lake, bearing the name of the Village, and on the other side to the banks opposite the Village, half a league above it, with a depth of five leagues, the point of compass following the Illinois river down the same upon one side, and ascending by the river of Arcouy, which forms the middle through the rest of the depth.

Two leagues of ground on the mine called the mine of M. La Mothe, the front looking towards the northeast, the prairie of the said mine making the middle point of the two leagues.

One league fronting on the Mississippi, at the place called the Great Marsh, adjoining on one side to the Illinois Indians, settled near fort de Chartres, with a depth of two leagues; this place being the situation which has been granted to him for the raising of provisions, and to enable him to furnish them to all the settlements he shall make upon the mines. The day and year above written. At fort de Chartres.

**BOIS BRIANT.
DES URSINS.**

[Renaut had left Louisiana in 1744, from which time till Mr. Hunt's application, no claim had been laid in his behalf to the two lead mines here described. By the 3d article of Crozat's patent, mines abandoned during three years, reverted to the crown.* The subsequent document, No. 24, shows, that Bois Briant and Des Ursins, were not authorized to make a complete title, a power reserved by the directors of the royal India (or western) company. Note of the editor of the *Liquid Laws*, &c.]

* See ante,
page 440.]

St. Vrain's (now John Smith's, of T.) claim to lead mines in Upper Louisiana.

St. Vrain's claim to lead mines in Upper Louisiana; now Missouri.

SIR: James Ceran Delassus de St. Vrain, formerly an officer of the royal French marine, with all due respect, has the honor to make known to you, that being obliged to emigrate to the United States, by circumstances unhappily too well known, having lost his fortune and his situation, he has followed his family to St. Genevieve, and has associated himself to their lot, which your generous bounty and protection has been careful to ameliorate. The petitioner, during this interval, has had the good fortune to render himself useful to the government that has received him, by using all his efforts to show his zeal, his activity, and his devotedness, against a party of French, who dared to menace the Spanish possessions. The knowledge of mineralogy, possessed by the petitioner, has induced his father to make over to him the contract which he had formed with the government for the supply of a certain quantity of lead. With a view the more easily to fulfil the conditions entered into by his father with the intendant, to satisfy the government, and to place himself in circumstances which shall ensure to him, at a future day, an honorable existence, the petitioner asks you to grant, in full property, to him and to his heirs, ten thousand superficial arpens of land, with the special permission to locate it in separate pieces upon different mines, of whatever nature they may be, salines, mill seats, and any other place that shall appear suitable to his interest; without, however, obliging him to make a settlement, which, at the present moment, he could not do with success, seeing that the execution of his different works requires great expense, and that the objects cannot be effected, except in places remote from population and exposed to the insults of the Indians. These are favors which the petitioner ventures to hope from your generous bounty and from your justice. St. Genevieve, 16th November, 1795.

JACQUES DE ST. VRAIN.

To the baron de Carondelet, knight of Malta, brigadier of the armies of the king, governor general, vice patron of Louisiana and West Florida, and inspector of the troops of the same.

New Orleans, 10th February, 1796.

Granted.

THE BARON DE CARONDELET,

Recorded in book No. 3, pages 28 and 29, of Feb. 28, 1806.

ANTOINE SOULARD,

survéyor general of Louisiana.

[Under this claim, John Smith, of Tennessee, claims and occupies a number of lead mines, which he pretends a right to locate, from time to time, as new discoveries are made. *Note of the editor of the Land Laws, &c.*]

No. 24. Papers respecting Dubuque's and Chouteau's claim to certain lands and lead mines on the Mississippi, five hundred miles above the Missouri.

Copy of the council held by the Reynards, (Foxes,) that is to say, of the branch of five villages, with the approbation of the rest of their people, explained by Mr. Quinantotaye, deputed

Dubuque's and Chouteau's claim to lands and lead mines on the Mississippi.

Dubuque's
and Chou-
teau's claim to
lands and lead
mines on the
Mississippi.

by them, in their presence and in ours. We, the undersigned, make known, that the Reynards permit Mr. Julien Dubuque, called by them the Little Night, (la petite nuit,) to work at the mine as long as he shall please, and to withdraw from it, without specifying any term to him; moreover, that they sell and abandon to him all the coast and the contents of the mine discovered by the wife of Peosta, so that no white man or Indian shall make any pretensions to it without the consent of the sieur Julien Dubuque; and in case he shall find nothing within, he shall be free to search wherever it shall seem good to him, and to work peaceably without any one hurting him or doing him any prejudice in his labors. Thus we, chief and by the voice of all our villages, have agreed with Julien Dubuque, selling and delivering to him this day, as abovementioned. In presence of the Frenchmen who attend us, who are witnesses to this writing. At the Prairie du Chien, in full council, the 22d September, 1788.

BLONDEAU,
BASIL PIAR, his x mark,
ALA. AUSTIN, his x mark,
BLONDEAU,
QUIRNEAU TOBAGUE, his x mark,
ANTAGUE,
JOSEPH SONTIGNY, witness.

—
To his excellency the baron de Carondelet.

The most humble petitioner, to your excellency, named Julien Dubuque, having made a settlement upon the frontiers of your government, in the midst of the Indian nations who are the inhabitants of the country, has bought a tract of land from these Indians and the mines it contains, and by his perseverance has surmounted all obstacles, as expensive as they were dangerous, and, after many voyages, has come to be the peaceable possessor of a tract of land on the western bank, to which he has given the name of "Mines of Spain," in commemoration of the government to which he belongs. As the place of the settlement is but a point, and the different mines which he works are scattered at a distance of more than three leagues from each other; your most humble petitioner prays your excellency to be pleased to grant him the peaceable possession of the mines and lands, that is to say, from the coasts, above the little river Maquaque-tois, to the coasts of the Mesquabemanque, which forms about six leagues on the west bank of the Mississippi, by a depth of three leagues; which demand your most humble petitioner ventures to hope your goodness will be pleased to grant him. I beseech this same goodness, which forms the happiness of so many, to endeavor to pardon my style, and to be pleased to accept the pure simplicity of my heart, in default of my eloquence. I pray heaven, with the whole of my power, that it may preserve you; and may load you with its benefits, and I am and shall be all my life your excellency's most humble, most obedient, and most submissive servant.

J. DUBUQUE.

New Orleans, 22d October, 1796.

Let information be given by the merchant don Andrew Todd, on the nature of this demand.

Dubnque's
and Chou-
teau's claim to
lands and lead
mines on the
Mississippi.

THE BARON DE CARONDELET.

SEÑOR GOVERNOR,

In compliance with your superior order, in which you command me to give information on the solicitation of the individual interested in the foregoing memorial, I have to say, that as to the land for which he asks, nothing occurs to me why it should not be granted, if you find it convenient, with the condition nevertheless, that the grantee shall observe the provisions of his majesty relating to the trade with the Indians; and that this be absolutely prohibited to him, unless he shall have my consent in writing. New Orleans, 29th Oct. 1796.

ANDREW TODD.

New Orleans, 10th November, 1796.

Granted as asked, under the restrictions expressed in the information given by the merchant don Andrew Todd.

THE BARON DE CARONDELET.

Translation of the register of the United States, in the district of Kaskaskia.

Pierre Dugne de Bois Briant, knight of the military order of St. Louis, and first king's lieutenant of the province of Louisiana, commanding at the Illinois, and Marc Antoine de la Loire des Ursins, principal secretary for the royal India Company.

On the demand of Charles Danie, to grant him a piece of land of five arpens in front, on the side of the Mitchiagamia river, running north and south, joining to Michel Philip on one side, and on the other to Meleque, and in depth east and west to the Mississippi.

In consequence, they do grant to the said Charles Danie (in socage) the said land, whereon he may, from this date, commence working, clearing, and sowing, in expectation of a formal concession, which shall be sent from France by Messrs. the directors of the Royal India Company; and the said land shall revert to the domain of the said company, if the said Charles Danie does not work thereon within a year and a day. Signed by Bois Briant, and Des Ursins, the tenth day of May, 1722.

I do certify the foregoing to be a true copy from a paper filed in my office. Witness my hand and seal, this 31st day of December, 1804.

ROBERT MORRISON.

Recorded in book B. page 16.

The foregoing is a copy of the translation remaining on record in my office, in translation book A. page 86 and 87.

MICHL. JONES, register.

At a sitting of the board of commissioners, held on the 20th day of September, 1806,

Dubuque's
and Chou-
teau's claim to
lands and lead
mines on the
Mississippi.

PRESENT—The honorable John B. C. Lucas, Clement B. Penrose, James L. Donaldson, esqs.

Julien Dubuque and Auguste Chouteau, claiming a tract of one hundred and forty-eight thousand one hundred and seventy-six arpens of land, situate at a place called the Spanish Mines, on the river Mississippi, at a distance of about four hundred and forty miles from St. Louis, forming, in superficies, about twenty-one leagues, produce a petition of the said Julien Dubuque to the baron de Carondelet, praying for the peaceable possession of an extent of land of about seven leagues on the western banks of the Mississippi, beginning at the heights of the little river Maquauquetois to the heights of Mesquabemanque, being in front on said river seven leagues, by a depth of three leagues, the whole forming the said tract called the Spanish Mines.

A reference by the baron de Carondelet to one Andrew Todd, an Indian trader, of the above demand, under the date of the 22d October, 1796, with the assent of said Andrew Todd to the granting of the same, provided the said petitioner should not interfere with his trade, the same dated 27th of same month and year.

The decree of the baron de Carondelet, in the words following: *Concedido como se sollicito baxo las restricciones que el comerciante dn. Andres Todd, expresa en su informe, 10th Novr. 1796.*

EL BARON DE CARONDELET.

Translation: by the translator of the board.

Granted as it is demanded, under the restrictions mentioned by the merchant don Andrew Todd, in his information, 10th November, 1796.

THE BARON DE CARONDELET.

An additional article to a treaty made by William Henry Harrison, with the united tribes of the Sacs and Foxes Indians, dated November 3d, 1804,* wherein it is agreed that nothing in said treaty shall effect the claim of any individual or individuals, who may have obtained grants of land from the Spanish government, and which are not included within the general boundary line, laid down in said treaty, provided that such grants have at any time been made known to the said tribes and recognised by them; a certificate in the words following:

The undersigned, William Henry Harrison, governor of the territory of Louisiana, and commissioner plenipotentiary of the United States for treating with the Indian tribes northwest of the Ohio, hereby certifies and declares, that after the treaty which was made with the Sacs and Foxes at St. Louis, on the 3d day of November, 1804, was drawn up and prepared for signing, he was shown a grant from the governor general of Louisiana, to a certain Dubuque, for a considerable quantity of land, at some distance up the Mississippi, and where the said Dubuque has for many years resided; finding that this tract would be considered as receded by the treaty as it then stood, the additional article was written and submitted to the Indians,

* See the additional article; ante, page 429.

they readily consented to it, and the undersigned informed them that the intention of it was to embrace particularly the claim of Dubuque, the validity of which they acknowledged.

Dubuque's
and Chou-
teau's claim to
lands and lead
mines on the
Mississippi.

Given under my hand and seal, at Vincennes, the 1st day of
January, 1806.

WILLIAM HENRY HARRISON.

And last, by a bill of sale of one half of said tract to said Auguste Chouteau by said Julien Dubuque, dated October 20th, 1804.

A majority of the board, John B. C. Lucas dissenting, ascertain this claim to be a complete Spanish grant, made and completed prior to the first day of October, 1800.

Extract from the minutes.

J. V. GARNIER,

assistant clerk to the board.

Report of the secretary of the treasury to the president of the United States.

FACTS.

In 1788, Dubuque purchases from the Indians, an extent of 7 leagues front on the Mississippi, by three leagues in depth, containing upwards of 140,000 acres, and the most valuable lead mines of Louisiana, situated about 500 miles above St. Louis. The sale is very vague; they permit Dubuque to work the mine as long as he pleases, and till he thinks proper to abandon it, without confining him to any time, and they also sell him the hill and contents of the land (or mine) found by Peosta's wife, and if he finds nothing in it, he may seek where he pleases and work quietly. In 1796, he presents his *requête* to governor Carondelet, at New Orleans, stating that he has made a settlement (*habitation*) or settled a plantation amongst the Indians, that he has purchased from them a portion of land with all the mines therein contained; that the *habitation* is but a *point*, and inasmuch as the mines he works are three leagues from each other, he requests the governor to grant him the *peaceable possession* of the mines and lands, contained within certain natural boundaries, and which he states as being above six leagues in front, and three in depth.

The governor refers the application, for information, to A. Todd, who had the monopoly of the Indian trade on the Mississippi.

A. Todd reports, that no objection occurs to him, if the governor thinks it convenient to grant the application, provided that Dubuque shall not trade with the Indians without his permission.

Governor Carondelet writes at the foot of the request, "granted as is asked (*concedido como se solecita*) under the restrictions mentioned by Todd, in his information, 10th November, 1796."

Dubuque's
and Chouteau's
claim to
lands and lead
mines on the
Mississippi.

Governor Harrison, in his treaty with the Sacs and Foxes, of 3d November, 1804, introduces an additional article, by which it is agreed that nothing in the treaty shall affect the claim of individuals who might have obtained grants of land from the Spanish government, known to, and recognised by the Indians, though such grants be not included within the boundary line fixed by the treaty with said Indians. And the same governor certifies that the article was inserted with the intention of particularly embracing Dubuque's claim.

The claim having been laid before the commissioners, they made, on 20th September, 1806, the following decision:

“A majority of the board, John B. C. Lucas dissenting, ascertain this claim to be a complete Spanish grant, made and completed prior to the 1st day of October, 1800.”

A copy of that decision, tested by the assistant clerk of the board, has been delivered to Aug. Chouteau, who had purchased from Dubuque one undivided half of the claim.

REMARKS.

1. Governor Harrison's treaty adds no sanction to the claim: it is only a saving clause in favor of a claim, without deciding on its merits; a question which, indeed, he had no authority to decide.

2. The form of the concession, if it shall be so called, is not that of a patent, or final grant; and that it was not considered as such the commissioners knew, as they had previously received a list procured from the records at New Orleans, and transmitted by the secretary of the treasury, of all the patents issued under the French and Spanish government, in which this was not included; and which also showed the distinction between concession and patent, or complete title.

3. The form of the concession is not even that used when it was intended ultimately to grant the land; for it is then uniformly accompanied with an order to the proper officer to survey the land, on which survey being returned, the patent issues.

4. The governor only grants as is asked: and nothing is asked but the peaceable possession of a tract of land on which the Indians had given a *personal* permission to work the lead mines as long as *he* should remain.

Upon the whole, this appears to have been a mere permission to work certain distant mines, without any alienation of, or intention to alienate, the domain. Such permission might be revoked at will; and how it came to be considered as transferring the fee simple, or even as an incipient and incomplete title to the fee simple, cannot be understood.

It seems also, that the commissioners ought not to have given to any person certificates of their proceedings tending to give a color of title to claimants. They were, by law, directed to transmit to the treasury a transcript of their decisions, in order that the same might be laid before congress for approbation or rejection.

CHAPTER 32.

An ordinance for ascertaining the mode of disposing of lands in the Western Territory.

Be it ordained by the United States in congress assembled, In congress, May 20, 1785.
That the territory ceded by individual states, to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each state shall be appointed by congress, or a committee of the states, who shall take an oath for the faithful discharge of his duty, before the geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts. Surveyors to be appointed, &c.

The geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in office, and shall make report of the same to congress, or to the committee of the states; and he shall make report in case of sickness, death, or resignation, of any surveyor. Geographer to form regulations, &c.

The surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require. And each surveyor shall be allowed and paid at the rate of two dollars for every mile in length he shall run, including the wages of chain carriers, markers, and every other expense attending the same. Surveyors to divide the territory into townships, &c. Compensation to surveyors.

The first line running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the western termination of a line which has been run as the southern boundary of the state of Pennsylvania: and the first line running east and west, shall begin at the same point, and shall extend throughout the whole territory; provided, that nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. The geographer shall designate the townships or fractional parts of townships, by numbers, progressively, from south to north; always beginning each range with No. 1; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked No. 1. First lines to begin on the Ohio, &c. Townships, &c. to be numbered, &c.
The geographer shall personally attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers. Geographer take latitude &c.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distances, all mines, salt springs, salt licks, and mill seats, that shall come to his knowledge; and all water courses, mountains, Lines to be measured, marked, &c.

and other remarkable and permanent things, over or near which such lines shall pass, and also the quality of the lands.

Plats of townships to be marked into lots, &c.

The plats of the townships, respectively, shall be marked, by subdivisions, into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36; always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes beforementioned, only a fractional part of a township shall be surveyed, the lots protracted thereon shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

Corners for adjacent lots, &c.

Variation of the magnetic needle, &c.

The geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the times of running the lines thereon noted.*

Plats of seven ranges first surveyed, to be returned, &c.

As soon as seven ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed, the geographer shall transmit plats thereof to the board of treasury, who shall record the same, with the report, in well bound books to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges, as they may be surveyed. The secretary of war shall have recourse thereto, and shall take by lot therefrom a number of townships and fractional parts of townships, as well from those to be sold entire, as from those to be sold in lots, as will be equal to one-seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed.† The board of treasury shall, from time to time, cause the remaining numbers, as well those to be sold entire as those to be sold in lots, to be drawn for, in the name of the thirteen states, respectively, according to the quotas in the last preceding requisition on all the states: provided, that in case more land than its proportion is allotted for sale in any state at any distribution, a deduction be made therefor at the next.‡

[† See supplement to this ordinance, of 9th July, 1788, post. and act of 18th May, 1796, chap. 363, vol. 3.]

In congress, May 12, 1786.

* On motion by Mr. King, seconded by Mr. Hornblower, Whereas the ordinance for ascertaining the mode of disposing of lands in the western territory, directs "That the geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the times of running the lines thereon noted;" which direction will greatly delay the survey of the said territory:

Resolved, That the above recited clause in the said ordinance be, and the same hereby is, repealed.

In congress, April 21, 1787.

‡ On a report of the board of treasury, to whom it was referred to report a plan for selling, for public securities, the townships surveyed in the western territory:

Resolved, That after the secretary of war shall have drawn for the proportionate quantity of the lands already surveyed, which were assigned to the late army, agreeably to the ordinance of the 20th of May, 1785, the remainder shall be advertised for sale in one of the newspapers, at least, of each of the states, and at the expiration of five months from this day, the sale of the land shall commence in the place where congress

The board of treasury shall transmit a copy of the original Board of treasury to transmit a copy of original plats to the commissioners of loans, who are to sell the townships, &c.

plats, previously noting thereon the townships and fractional parts of townships, which shall have fallen to the several states, by the distribution aforesaid, to the commissioners of the loan office of the several states, who, after giving notice of not less than two, nor more than six, months, by causing advertisements to be posted up at the court houses or other noted places in every county, and to be inserted in one newspaper published in the states of their residence, respectively, shall proceed to sell the townships or fractional parts of townships, at public vendue, in the following manner, viz: the township or fractional part of a township No. 1, in the first range, shall be sold entire; and No. 2, in the same range, by lots; and thus, in alternate order, through the whole of the first range. The township or fractional part of a township No. 1, in the second range, shall be sold by lots; and No. 2, in the same range, entire; and so, in alternate order, through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth in the same manner as the second; and thus, alternately, throughout all the ranges: provided, that none of the lands within the said territory be sold under the price of one dollar the acre, to be paid in specie or loan office certificates, reduced to specie value by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty-six dollars the township, in specie or certificates as aforesaid, and so, in the same proportion, for a fractional part of a township or of a lot, to be paid at the time of sales, on failure of which payment the said lands shall again be offered for sale.

Price not less than \$1 per acre, &c.

\$36 the township, &c.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot No. 16, of every township, for the maintenance of public schools within the said township; also, one-third part of all gold, silver, lead, and copper, mines, to be sold, or otherwise disposed of, as congress shall hereafter direct.*

Lots Nos. 8, 11, 26, 29, reserved.

No. 16, for schools. Mines, &c.

When any township, or fractional part of a township, shall have been sold as aforesaid, and the money or certificates received therefor, the loan officer shall deliver a deed in the following terms:

Loan officer to deliver deeds, &c.

The United States of America, to all to whom these presents shall come, greeting:

Form of the deed.

shall sit, and continue, from day to day, until the same shall be disposed of: provided, that none of the land shall be sold at a less price than one dollar per acre, and that the sale shall be made agreeably to the mode pointed out by the ordinance aforesaid.

[* Salt springs and lead mines are reserved by subsequent laws; but the reservation has been discontinued as it respects gold, silver, and copper mines. See the note in the margin on the next page, 566.]

Resolved, That one-third of the purchase money shall be immediately paid, in any of the public securities of the United States, to the treasurer of the said states, and that the remaining two-thirds shall be paid, in like manner, in three months after the date of the sale; on which payment (a certificate thereof being previously furnished by the treasurer to the board of treasury,) titles to the lands shall be given to the purchasers by the board of treasury, agreeably to the terms prescribed by the said ordinance: provided, that if the second payment shall not be made in three months as aforesaid, the first payment shall be forfeited, and the land shall again be exposed to sale.

Ordered, That the board of treasury take the necessary measures for carrying the aforesaid resolutions into effect, and also for exhibiting the surveys of the lands.

Form of the deed.

[By the contracts with the Ohio company and John Cleyes Symmes, (ante, Nos. 14 and 15 of chap. 31,) No. 29 was given for religious purposes: by the acts of 18th May, 1796, chap. 323, vol. 2, and 10th May, 1800, chap. 209, vol. 3, four central sections (including No. 16) were reserved in lieu of the five sections here designated. By subsequent acts the sale of all those reserved sections, (sec. No. 16, for the use of schools, excepted) has been authorized.]

Know ye, that for the consideration of — dollars, we have granted, and hereby do grant and confirm, unto —, the township (or fractional part of the township, as the case may be) numbered —, in the range —, excepting therefrom, and reserving, one-third part of all gold, silver, lead, and copper mines, within the same; and the lots No. 8, 11, 26, and 29, for future sale or disposition, and the lot No. 16, for the maintenance of public schools. To have to the said —, his heirs and assigns, forever; (or, if more than one purchaser, to the said —, their heirs and assigns, forever, as tenants in common.) In witness whereof, A. B. commissioner of the loan office in the state of —, hath, in conformity to the ordinance passed by the United States, in congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal, this — day of —, in the year of our Lord —, and of the independence of the United States of America —.

And when any township, or fractional part of a township, shall be sold by lots as aforesaid, the commissioner of the loan office shall deliver a deed therefor in the following form:

The United States of America, to all to whom these presents shall come, greeting:

Know ye, that for the consideration of — dollars, we have granted, and hereby do grant and confirm, unto —, the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered —, in the range —, excepting and reserving one-third part of all gold, silver, lead, and copper mines, within the same, for future sale or disposition. To have to the said —, his heirs and assigns, forever; (or, if more than one purchaser, to the said —, their heirs and assigns, forever, as tenants in common.) In witness whereof, A. B. commissioner of the continental loan office in the state of —, hath, in conformity to the ordinance passed by the United States in congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal, this — day of —, in the year of our Lord —, and of the independence of the United States of America —.

Deeds to be recorded, &c.

Which deeds shall be recorded in proper books, by the commissioner of the loan office, and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

Commissioners of loan offices to transmit account of sales, &c.

The commissioners of the loan offices, respectively, shall transmit to the board of treasury, every three months, an account of the townships, fractional parts of townships, and lots, committed to their charge; specifying therein the names of the persons to whom sold, and the sums of money or certificates received for the same; and shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury with the amount of the moneys or certificates, distinguishing the same, by them received as aforesaid.

If any township, or fractional part of a township or lot, remains unsold for eighteen months after the plat shall have been received by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as congress may hereafter direct.

Sale of remaining townships, &c.

And whereas congress, by their resolutions of September 16th and 18th, in the year 1776, and the 12th of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22d September, 1780,* stipulated grants of land to certain officers in the

Army bounty lands, &c.

* The resolutions of congress of the 16th of September, 1776, here referred to, provide for the raising of eighty-eight battalions, to serve for the war. In addition to a money bounty of twenty dollars to each noncommissioned officer and private soldier, it was resolved, "that congress make provision for granting lands, in the following proportions, to the officers and soldiers who shall engage in the service, and continue therein to the close of the war, or until discharged by congress, and to the representatives of such officers and soldiers, as shall be slain by the enemy.

"Such lands to be provided by the United States, and whatever expense shall be necessary to procure such land, the said expense shall be paid and borne by the states, in the same proportion as the other expenses of the war, viz:

To a colonel	500 acres.
To a lieutenant colonel	450
To a major	400
To a captain	300
To a lieutenant	200
To an ensign	150

Each noncommissioned officer and soldier 100."

On the 18th of September, 1776, the following resolutions were adopted:

"That the bounty and grants of land offered by congress, by a resolution of the 16th instant, as an encouragement to the officers and soldiers to engage to serve in the army of the United States during the war, shall extend to all who are, or shall be, enlisted for that term; the bounty of ten dollars, which any of the soldiers have received from the continent, on account of a former enlistment, to be reckoned in part payment of the twenty dollars offered by the said resolution:

"That no officer in the continental army be allowed to hold more than one commission, or to receive pay but in one capacity, at the same time."

The resolution of the 12th of August, 1780, referred to, is in the words following:

"That the provision for granting lands, by the resolution of September 16th, 1776, be and is hereby extended to the general officers, in the following proportion:

To a major general, one thousand one hundred acres,
a brigadier general, eight hundred and fifty do."

With respect to the resolution of the 22d of September, 1780, the following appears on the journals of congress:

"Congress resumed the consideration of the report of the committee on the medical department; and, on the consideration of the following paragraph, viz:

"That the several officers, whose pay is established as above, except the clerks and stewards, shall, at the end of the war, be entitled to a certain provision of land, in the proportion following, to wit:

"The director to have the same quantity as a brigadier general; chief physicians and purveyor the same as a colonel; physicians and surgeons, and apothecary, the same as a lieutenant colonel; regimental surgeons and assistants to the purveyor and apothecary, the same as a major; hospital and regimental surgeons' mates, the same as a captain."

"A motion was made by Mr. Muhlenberg, seconded by Mr. Bland,

"To amend the paragraph, by inserting after the words "entitled to," the words following, viz: "half pay, in the same proportion and under like restrictions a officers of the line."

"And on the question to agree to the amendment,

"The yeas and nays were required, and

"It was resolved in the affirmative.

"On the question to agree to the paragraph, as amended;

The yeas and nays were required, and

"It was resolved in the affirmative.

"Ordered, That the paragraph respecting the pay be recommitted."

To these provisions for military bounties, may be added the following resolution of the 3d of October, 1780:

"And whereas, by the foregoing arrangement,† many deserving officers must become supernumerary, and it is proper that regard be had to them:

"Resolved, That from the time the reform of the army takes place, they be entitled to half pay for seven years, in specie or other current money equivalent, and also grants of land at the close of the war, agreeably to the resolution of the 16th of September, 1776."

[† For reducing and regulating the army.]

Army bounty hospital department of the late continental army; for complying lands, &c.

therefore, with such engagements, be it ordained, that the secretary of war, from the returns in his office, or such other sufficient evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are, respectively, entitled, and cause the townships or fractional parts of townships, herein before reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different states, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment, or company, to which he belonged, the quantity of land he is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken.

To be drawn for, &c.

Secretary of war to transmit certificates, &c.

Regulations with respect to army bounty lands.

The commissioners of the loan offices shall execute deeds for such undivided proportions, in manner and form herein before mentioned, varying only in such a degree as to make the same conformable to the certificate from the secretary of war.

Where any military claimants of bounty in lands shall not have belonged to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The secretary of war, from the proper returns, shall transmit to the board of treasury a certificate, specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the states, shall, within eighteen months, return receipts to the secretary of war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded; which deeds, so returned, shall be preserved in the office, until the parties or their representatives require the same.

Reservation of three townships for refugees, &c.

And be it further ordained, That three townships adjacent to lake Erie be reserved, to be hereafter disposed of by congress, for the use of the officers, men, and others, refugees from Canada, and the refugees from Nova Scotia, who are or may be entitled to grants of land under resolutions of congress now existing, or which may hereafter be made respecting them, and for such other purposes as congress may hereafter direct.

Reservation for the use of

And be it further ordained, That the towns of Gnadenhutzen, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the christian Indians, who were formerly settled there, or the re-

mains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.*

christian Indians, &c.

Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates for the state of Virginia, on the 1st day of March, 1784, and the act of congress accepting the same: and to the end that the said rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid, be it ordained, that no part of the land included between the rivers called Little Miami and Scioto, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of congress accepting the same.†

Saving of the rights of officers and soldiers entitled to lands on the northwest side of the Ohio.

Done by the United States in congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.

[† See the act of 10th Aug. 1790; chap. 67, vol. 2.]

RICHARD H. LEE, *president.*

Charles Thomson, secretary.

[*Note.* The regulations of the preceding ordinance, respecting the transmission of certificates to the commissioners of loans, and the mode of making deeds, have never been carried into effect. *Note of the editor of the Land Laws, &c.*]

A supplement to an ordinance, entitled "An ordinance for ascertaining the mode of disposing of lands in the western territory." In congress, July 9, 1788.

Whereas it is found to be inconvenient to execute that part of the land ordinance, passed May 20, 1785, which directs that certain proportions of lands be allotted to the several states, to be sold by the loan officers in each state. And whereas a sufficient quantity of lands, for satisfying the bounties due to the late army, was set apart by the act of congress, passed the 22d October last,‡ whereby further drafts for satisfying military

In congress, July 9, 1788.

* A motion being made in the words following:

"Whereas the United States in congress assembled, have, by their ordinance, passed the 20th of May, 1785, among other things ordained, that the towns of Gnadenhutzen, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the christian Indians who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate." In congress, July 27, 1787.

Resolved, That the board of treasury except and reserve out of any contract that they may make for the tract described in the report of the committee which, on the 23d instant, was referred to the said board to take order, a quantity of land around and adjoining each of the beforementioned towns, amounting, in the whole, to ten thousand acres; and that the property of the said reserved land be vested in the Moravian brethren, at Bethlehem, in Pennsylvania, or a society of the said brethren, for civilizing the Indians and promoting christianity, in trust, and for the uses expressed as above in the said ordinance; including Killbuck and his descendants, and the nephew and descendants of the late captain White Eyes, Delaware chiefs, who have distinguished themselves as friends to the cause of America."

In congress, July 27, 1787.

Ordered, That the above be also referred to the board of treasury to take order. In congress, October 22, 1787.
 ‡ On the report of a committee, consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Cook, to whom was referred a letter of the secretary of war, of the 26th of April last. [*The resolve at bottom of next page.*]

bounties in lands from the townships lately surveyed, are become unnecessary:

Part of the ordinance of May 20, 1785, repealed.

Be it ordained by the United States in congress assembled, That so much of the said ordinance, passed May 20, 1785, as ordains that certain parts of the townships therein directed to be surveyed, shall be drawn for in the name of the thirteen states, respectively, according to the quotas in the last preceding requisitions, in all the states, in order that the same be sold by the said loan officers; and also, that the secretary of war shall take by lot from the townships when surveyed, certain proportions of land for the use of the late army, so far as the same may respect future drafts, be and the same are hereby repealed.

Board of treasury to sell parts of seven ranges, &c.

Be it further ordained, That the board of treasury be, and they hereby are, authorized and directed, to sell those parts of the seven ranges of townships surveyed in the western territory, which are not already sold or drawn for the use of the late army, in the same manner, on the same conditions, and under the same restrictions and limitations, as were prescribed in the resolutions of congress of April 21, 1787,* except as to the place of sale, and the daily continuance thereof, which may be so far varied, that the said board may commence the sales at New York or Philadelphia, and adjourn the same from time to time to any part or parts of the United States which they may judge most proper for the purpose.

[* See ante, page 564.]

Secretary of war to issue warrants for military bounties, &c.

Be it further ordained, That the secretary of war issue warrants for bounties of land to the several officers and soldiers of the late continental army who may be entitled to such bounties, or to their respective assigns† or legal representatives, certifying therein the rank or station of each officer, and the line, regiment, corps, and company, in which the officer or soldier served.

Geographer to appoint surveyors to two tracts for satisfying military bounties, &c.

[‡ See the act at bottom of the preceding page.]

Be it further ordained, That the geographer, by warrant under his hand and seal, appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties by the act of congress of the 22d of October last;‡ and that the persons entitled to lands by virtue of warrants issued as aforesaid, shall be at liberty to locate them on any part of the two tracts of lands set apart as aforesaid; provided, that each location and survey shall be bounded on one side by one of the external boundaries of one of the tracts aforesaid, or by some prior survey therein; and the external lines of each survey shall

This resolution has not been carried into effect. See act of 1st June, 1796; chap. 340, vol. 2.

Resolved, That a million of acres of land, to be bounded east by the seventh range of townships, south by the land contracted for by Cutler and Sargent, and to extend north as far as the ranges of townships, and westward so far as to include the above quantity; also, a tract to be bounded as follows, beginning at the mouth of the river Ohio, thence up the Mississippi to the river Au Vause; thence up the same until it meets a west line from the mouth of the little Wabash; thence easterly with the said west line to the great Wabash; thence down the same to the Ohio, and thence with the Ohio to the place of beginning; be reserved and set apart for the purpose of satisfying the military bounties due to the late army; and that no locations, other than for the said bounties, be permitted within the said tract, until they shall be fully satisfied.

That the secretary of war take measures for ascertaining the existing claims for such bounties, and that the geographer proceed to have the same surveyed under the direction of the secretary of war, agreeably to the terms upon which they have been promised.

† This provision would seem to repeal a previous resolution of congress, of the 20th of September, 1776, which provides "that congress will not grant lands to any person or persons claiming under the assignment of an officer or soldier."

run east and west, north and south, such parts thereof excepted as may border upon a river bounding the district, and the several surveys shall be in squares, unless where restrained by such river, or by the lines of former surveys; and provided also, that in every location there shall be a combination of as many warrants as shall make the same at least six miles square, and no interstices shall be left between surveys less than six miles wide.

Be it further ordained, That each surveyor, upon making any survey, shall protract and lay the same down in a general map, to be kept and preserved, and shall make a record of each survey in a book to be kept for that purpose, and make out and deliver a copy of the survey, certified under his hand, to the proprietor or proprietors thereof; and the surveyor shall retain in his hands all warrants by him laid out and located, until he can transmit the same to the board of treasury, which he shall do within one year after laying out the land, certifying thereon, under his hand, that the same is satisfied. That the surveyors to be appointed as herein before directed, shall be entitled to receive, for the services enjoined them by this ordinance, so much only as shall be allowed and fixed by the governor and judges of the western territory, and shall be liable to be displaced by the geographer for neglect of duty, or other misbehavior; in which case he shall supply any vacancy so happening by a new appointment. That each surveyor who may be appointed under this ordinance, before he enters upon the duties of his office, shall take an oath or affirmation, that *he will justly and truly execute the trust reposed in him as surveyor of a district of land in the western territory, according to the best of his skill and understanding, without favor or partiality*: which oath or affirmation shall be taken before the governor or either of the judges of the western territory, or one of the justices of the supreme court in any of the United States, and being duly attested, shall be transmitted to the secretary of congress, to be by him filed of record. That the maps and records before mentioned, shall, at all times, be subject to the orders of congress, to be removed or deposited wherever they shall direct. That if any officer or soldier, or assignee or grantee of either, shall desire to have their bounty of land allotted in the townships or fractional parts thereof, lately drawn for the army by the secretary of war, out of the first four ranges of townships surveyed west of the Ohio, and shall cause such his desire, in writing, together with his land warrant, to be deposited in the office of the secretary of war, before the first of July, 1789; the said secretary shall cause so much of the said townships which have been drawn for the army, to be drawn for by lot, as will satisfy the warrants so deposited, for which surveys shall be made out and delivered to the several proprietors, signed by the geographer of the United States, which surveys shall be recorded in a book by the geographer, and lodged in the treasury office. And whereas lands are set apart for satisfying military bounties, not only in the said districts and townships, but also within the limits of purchases made by several companies;

Duties of the surveyors, &c.

Compensation to surveyors, &c.

Surveyors to take an oath, &c.

Maps and records subject to the order of congress, &c.

Parts of townships to be drawn for by lot, &c.

Credit to purchasers for amount of land warrants delivered, &c.

Be it further ordained, That the persons who have purchased tracts of the federal lands, shall have credit for so much land as the warrants issued as aforesaid, and delivered by them to the board of treasury, cover; provided, that in no case deductions on account of military bounties shall exceed one-seventh part of the purchase. Done, &c.

[*Note.* The provisions of the preceding ordinance, respecting the location of military land warrants, have never been carried into effect. See act of June 1st, 1796; chap. 340, vol. 2.]

CHAPTER 33.

Act of congress, concerning the location, &c. of Virginia military bounty land.*

[* Repealed, by act of 10th August, 1790; chap. 67, vol. 2.]
In congress, July 17, 1788.

Whereas congress, on the 13th September, 1783, fixed the terms and conditions upon which they would accept a cession of claims to the western territory from the state of Virginia: and whereas the said state, on the 20th of October, in the same year, agreed to the same terms and conditions, and by her act authorized her delegates in congress to convey, transfer, and assign, to the United States, the right, title, and claim, of the said state to the lands within her charter, and northwest of the river Ohio, on the terms and conditions proposed by congress; and the said delegates made a conveyance accordingly on the same conditions;† among which conditions is the following, to wit: "That in case the good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law to the Virginia troops upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the river Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia." And whereas, it has not, in any manner, been alleged or stated to congress, that there is any such deficiency of lands on the southeast side of the Ohio,

[† See ante, chap 31, No. 9, page 472.]

Surveys before deficiency, invalid.

Resolved, That the state of Virginia be informed, that congress consider all locations and surveys which shall be made, by or on account of the said troops, on the said lands between the Scioto and Little Miami, before the said deficiency, if any, on the southeast side of the Ohio, shall be ascertained and stated to congress, invalid.

Executive of Virginia requested to inform congress of deficiency, &c.

Resolved, That the executive of the state of Virginia be requested to inform congress, whether there has been any deficiency of good lands reserved by the laws of that state on the southeast side of the Ohio, for the Virginia troops upon continental establishment; and if there has been any deficiency, what is the amount; and also, what checks have been provided by the said state, to prevent the said troops taking up more lands than are actually due to them, in order that measures may immediately be taken for laying off, for the benefit of such troops, a sufficient quantity of good land between the river Scioto and Little Mia-

ing, and that congress may be prepared to dispose of the remaining land between those rivers for the general benefit of the union.

Powers to the board of treasury to contract for the sale of western territory.

In congress, July 23, 1787.

The report of a committee, consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Benson, amended to read as follows, viz.

That the board of treasury be authorized and empowered to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying; thence by the said boundary to the northern boundary of the tenth township from the Ohio; thence by a due west line to Scioto; thence by the Scioto to the beginning, upon the following terms, viz: The tract to be surveyed, and its contents ascertained, by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the board of treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract, at their own expense, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785;* complete returns whereof to be made to the treasury board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion.† The lots Nos. 8, 11, and 26, in each township, or fractional part of a township, to be reserved for the future disposition of congress. Not more than two complete townships to be given perpetually for the purposes of an university, to be laid off by the purchaser or purchasers, as near the centre as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the state. The price to be not less than one dollar per acre for the contents of the said tract, excepting the reservations and gifts aforesaid, payable in specie, loan office certificates reduced to specie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumstances whatever; provided, that such allowance shall not exceed, in the whole, one-third of a dollar per acre. And in making payment the principal only of the said certificates shall be admitted,‡ and

Board of treasury authorized to contract for a grant of a tract of land.

Boundaries of the tract.

The tract to be surveyed, &c.

The purchasers to lay off the tract into townships at their own expense, &c.

Lot No. 16, to be given for schools.

Lot No. 29, to be given for religious purposes; and lots Nos. 8, 11, and 26, reserved for future disposition.

Two townships for university.

Price of the land, and in what payable, &c.

Principal of certificates on-

* See the ordinance, ante, chapter 32, page 563.

† This grant of No. 29, for religious purposes, is confined to the Ohio company's purchase, and to John Cleves Symmes' patent. *Note of the editor of the Land Laws, &c.*

‡ On a letter of the 22d from the board of treasury, stating, that in the sales which they have made of lands in the western territory, a declaration had been made by them, previous to the sale, that the interest on the securities to be received in payment was not to be computed, and requesting to be favored with the sense of congress, whether in payment of purchases made under the ordinance of the 20th May, 1785, interest should be computed on the principal of the securities, and received in payment on the same terms with the principal. [*The resolve at bottom of next page.*]

In congress, Sept. 24, 1787.

ly, admitted in the board of treasury, for such interest as may be due on the payment, &c. certificates rendered in payment as aforesaid, prior to January 1, 1786, shall issue indents for interest to the possessors, which shall be receivable in payment as other indents for interest of the existing requisitions of congress; and for such interest as may be due on the said certificates between that period and the period of payment, the said board shall issue indents, the payment of which to be provided for in future requisitions, or other-

Rights for military bounties in discharge, may be rendered acre for acre; provided, &c.

\$ 500,000 to be paid down, &c.

Security, &c.

wise. Such of the purchasers as may possess rights for bounties of land to the late army, to be permitted to render the same in discharge of the contract, acre for acre; provided, that the aggregate of such rights shall not exceed one-seventh part of the land to be paid for; and provided also, that there shall be no future claim against the United States on account of the said rights. Not less than 500,000 dollars of the purchase money to be paid down upon closing of the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and sufficient security to be given by the purchaser or purchasers for the completion of the contract on his or their part. The grant to be made upon the full payment of the consideration money, and a right of entry and occupancy to be acquired immediately for so much of the tract as shall be agreed upon between the board of treasury and the purchasers.

Ordered, That the above be referred to the board of treasury to take order.

[*Note*. See, in relation to the preceding report and order, the letter from Manh. Cutler and Winthrop Sargent; ante, chap. 31, No. 14, page 491. With respect to that letter, which was dated "New York, July 26, 1787," congress, on the day following, passed the subjoined order:

"*Ordered*, That the above letter from Manh. Cutler, and Winthrop Sargent, to the board of treasury, containing proposals for the purchase of a tract of land described in the act of congress of the 23d instant, be referred to the board of treasury to take order; provided, that after the date of the second payment therein proposed to be made, the residue shall be paid in six equal and half yearly instalments, until the whole thereof shall be completed, and that the purchasers stipulate to pay interest on the sums due from the completion of the survey to be performed by the geographer. *Journals of congress, July 27, 1787.*]

Relinquishment of a tract of land to Pennsylvania, &c.

In congress, June 6, 1788.

On the report of a committee, consisting of Mr. Clark, Mr. Irvine, Mr. Armstrong, Mr. Wadsworth, and Mr. Brown, to whom was referred a motion of Mr. Irvine,

See resolution of 26th Aug. 1789; vol. 2.

Geographer to ascertain boundary line, &c.

Congress approve the declaration, that interest should not be computed on securities received in payment, &c.

Resolved, That the geographer of the United States be, and he is hereby, directed to ascertain by himself, or by a deputy duly appointed for the purpose, the boundary line between the United States and the states of New York and Massachusetts, agreeably to the deeds of cession of the said states.

That the said geographer inform the executives of the states

Resolved, That congress approve of the declaration made by the board of treasury at the time of selling the public lands, that the interest on the securities to be received in payment should not be computed; and direct them to proceed in the same manner in future sales, issuing certificates, or indents of interest, for the interest due on the certificates, paid conformably to the authority given them, for the sale of the lands between the seventh range of townships and the Scioto, on the 23d day of July last.

of New York and Massachusetts of the time of running the said line, in order that they, or either of them, may, if they think proper, have persons attending at the time.

That the said geographer or his deputy, having run the meridian* between lake Erie and the state of Pennsylvania, and marked and noted down in his field book proper land marks for perpetuating the same, shall proceed to make a survey of the land lying west of the said line, between lake Erie and the state of Pennsylvania, so as to ascertain the quantity thereof, and make return of such survey to the board of treasury, who are hereby authorized and empowered, at any time before or after such survey, to sell the said tract in whole, at private sale, for a price not less than three-fourths of a dollar per acre, in specie or public securities drawing interest.

Geographer to make survey of land lying west of a certain line, &c.

On a report of a committee, consisting of Mr. Dane, Mr. Sedgwick, and Mr. Madison, to whom was referred a motion of the delegates of Pennsylvania: In congress, Sept. 4, 1788.

Whereas it appears that the board of treasury, in conformity to the act of congress of the 6th June last, have entered into a contract with the delegates of the state of Pennsylvania, in behalf of the said state, for the tract of land bounded east, agreeably to the cession of western territory by the states of Massachusetts and New York, south by Pennsylvania, north and west by lake Erie; and whereas the said tract is entirely separated from the other lands of the western territory, over which the jurisdiction of the United States extends: and whereas, under these circumstances, it will be expedient for the state of Pennsylvania to hold and exercise jurisdiction over the tract aforesaid; therefore,

Resolved, That the United States do hereby relinquish and transfer all their right, title, and claim, to the government and jurisdiction of the said tract of land, to the state of Pennsylvania, forever. And it is hereby declared and made known, that the laws and public acts of the said state shall extend over every part of the same tract, to all intents and purposes, as if the same had been originally within the charter bounds of the said state; provided, that the inhabitants of the said tract shall be maintained in all the rights and privileges which other citizens of the said state of Pennsylvania are now, or may hereafter be, constitutionally entitled to enjoy.†

Relinquishment to Pennsylvania.

CHAPTER 34.

Bounties to foreign deserters.

The committee appointed to devise a plan for encouraging the Hessians, and other foreigners, to quit the British service, brought in a report, which was taken into consideration; whereupon congress came to the following resolution: In congress, August 14, 1776.

* Passing by the western extremity of lake Ontario, and which is the western boundary of the state of New York. *Note of the editor of the Land Laws, &c.*

† See, in fulfilment of this resolution, the act of the 3d of January, 1792; chap. 105, vol. 2.

Bounties to
foreign de-
serters.

Whereas it has been the wise policy of these states to extend the protection of their laws to all those who should settle among them, of whatever nation or religion they might be, and to admit them to a participation of the benefits of civil and religious freedom, and the benevolence of this practice, as well as its salutary effects, have rendered it worthy of being continued in future times:

And whereas his Britannic majesty, in order to destroy our freedom and happiness, has commenced against us a cruel and unprovoked war; and unable to engage Britons sufficient to execute his sanguinary measures, has applied for aid to foreign princes, who are in the habit of selling the blood of their people for money, and from them has procured and transported hither considerable numbers of foreigners. And it is conceived that such foreigners, if apprized of the practice of these states, would choose to accept of lands, liberty, safety, and a communion of good laws and mild government, in a country where many of their friends and relations are already happily settled, rather than continue exposed to the toils and dangers of a long and bloody war, waged against a people guilty of no other crime than that of refusing to exchange freedom for slavery; and that they will do this the more especially, when they reflect, that after they have violated every christian and moral precept, by invading and attempting to destroy those who have never injured them or their country, their only reward, if they escape death and captivity, will be a return to the despotism of their prince, to be by him again sold to do the drudgery of some other enemy to the rights of mankind.

And whereas the parliament of Great Britain have thought fit, by a late act, not only to invite our troops to desert our service, but to direct a compulsion of our people, taken at sea, to serve against their country:

Congress will
receive and
protect desert-
ers, and give a
bounty in land,
&c.

Resolved, therefore, That these states will receive all such foreigners who shall leave the armies of his Britannic majesty in America, and shall choose to become members of any of these states; and they shall be protected in the free exercise of their respective religions, and be invested with the rights, privileges, and immunities, of natives, as established by the laws of these states; and moreover, that this congress will provide, for every such person, fifty acres of unappropriated lands, in some of these states, to be held by him and his heirs in absolute property.

Resolved, That the foregoing resolution be committed to the committee who brought in the report, and that they be directed to have it translated into German, and to take proper measures to have it communicated to the foreign troops.

The committee, to whom the letter from colonel Wilson was referred, brought in a report, which was taken into consideration; wheretupon congress came to the following resolutions:

Congress proceeding to take into farther consideration the expediency of inviting, from the service of his Britannic majesty, such foreigners as are engaged therein, and expecting that, among the officers having command in the said foreign corps,

In congress,
August 27,
1776.

there may be many of liberal minds, possessing just sentiments of the rights of human nature, and of the inestimable value of freedom, who may be prompted to renounce so dishonorable a service by the feelings of humanity, and a just indignation at the office to which they are devoted by an infamous contract between two arbitrary sovereigns, and at the insult offered them, by compelling them to wage war against an innocent people who never offended them, nor the nation to which they belong, but are only contending for their just rights; and willing to tender to them also, as they had before done to the soldiers of their corps, a participation of the blessings of peace, liberty, property, and mild government:

Resolved, That this congress will give to all such of the said foreign officers, as shall leave the armies of his Britannic majesty in America, and choose to become citizens of these states, unappropriated lands, in the following quantities and proportions, to them and their heirs in absolute dominion; to a colonel, 1,000 acres; to a lieutenant colonel, 800 acres; to a major, 600 acres; to a captain, 400 acres; to a lieutenant, 300 acres; to an ensign, 200 acres; to every noncommissioned, 100 acres, and to every other officer or person employed in the said foreign corps, and whose office or employment is not here specifically named, in the like proportion to their rank or pay in the said corps; and moreover, that where any officers shall bring with them a number of the said foreign soldiers, this congress, besides the lands before promised to the said officers and soldiers, will give to such officers further rewards, proportioned to the numbers they shall bring over, and suited to the nature of their wants: provided, that such foreign officers or soldiers shall come over from the armies of his Britannic majesty, before these offers shall be recalled.

Certain quantities of land to officers deserting, &c.

[*Note*. The only grant that appears to have been made in pursuance of the preceding resolutions, is that to Nicholas Ferdinand Westfall, by act of 27th March, 1792. See sec. 6, chap. 114, vol. 2.]

Provision for refugees from Canada and Nova Scotia.

On the report of a committee, consisting of Mr. Osgood, Mr. Wilson, Mr. Madison, Mr. Carroll, and Mr. Williamson, to whom was referred a memorial of brigadier general Hazen, in behalf of himself, officers, and others, Canadian refugees:

In congress,
April 23,
1789.

Resolved, That the memorialist be informed, that congress retain a lively sense of the services the Canadian officers and men have rendered the United States, and that they are seriously disposed to reward them for their virtuous sufferings in the cause of liberty:

Provision for refugees from Canada.

That they be farther informed, that whenever congress can consistently make grants of land, they will reward, in this way, as far as may be consistent, the officers, men, and others, refugees from Canada.

On the report of a committee, consisting of Mr. Ellery, Mr. Monroe, Mr. Read, Mr. Williamson, and Mr. Spaight, to whom was referred a petition of Jonathan Eddy, and other refugees of Nova Scotia:

In congress,
April 13,
1785.

Provision for
refugees from
Nova Scotia.

Resolved, That Jonathan Eddy, and other refugees from Nova Scotia, on account of their attachment to the interest of the United States, be recommended to the humanity and particular attention of the several states in which they respectively reside; and that they be informed, that whenever congress can consistently make grants of land, they will reward, in this way, as far as may be consistent, such refugees from Nova Scotia as may be disposed to live in the western country.

[*Note*. For acts of congress, passed in consequence of the foregoing resolutions, see act of 7th April, 1793; act of the 18th February, 1801; act of 3d March, 1803; and act of the 16th March, 1804; chap. 43, 230, 348, 376, vol. 3: and acts of 24th February, 1810; and 23d April, 1812; chap. 237, 386, vol. 4.]

Donation to Arnold Henry Dohrman.

In congress,
Oct. 1, 1787.

On a report of the board of treasury, to whom was recommended their report on the memorial of Arnold Henry Dohrman:

Reimburse-
ment to A. H.
Dohrman.

Resolved, That Arnold Henry Dohrman be reimbursed the sum of five thousand eight hundred and six dollars, and seventy-two ninetieths of a dollar, with interest on the same from the time of expenditure, being the amount of sundry disbursements by him made for the relief of American prisoners, agreeably to vouchers examined and admitted by the proper officers of the treasury.

Services and
claims of A. H.
Dohrman.

And whereas the claims of the said Arnold Henry Dohrman against the United States amount to twenty thousand two hundred and seventy-seven dollars, and forty ninetieths, over and above the sum of five thousand eight hundred and six dollars, and seventy-two ninetieths, as above stated, in support of which various and important documents are offered, though of a nature too general to be admitted agreeably to the rules of the treasury; and whereas this deficiency of vouchers appears to arise from the nature of the disbursements made by Mr. Dohrman, whose own house was frequently the asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness, through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property; and whereas congress are disposed to acknowledge, in the most honorable manner, the eminent services rendered by Mr. Dohrman, and to make him further compensation:

Salary of
\$3,600 allow-
ed, &c.

Resolved unanimously, That the said Arnold Henry Dohrman be allowed, in consideration of his faithful and generous services, as agent from the United States at the court of Lisbon, the sum of sixteen hundred dollars per annum, and that the said salary be computed from the period at which his expenditures commenced to the present day.

One entire
township
granted to A.
H. Dohrman,
&c.

Resolved unanimously, That one complete and entire township, subject to the reservations as in the other townships agreeably to the ordinance of the twentieth of May, 1785, out of the three last ranges surveyed in the western territory of the United States, be and hereby is granted to the said Arnold Henry Dohrman, free from all charges of survey, and that the said

Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the secretary of war shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.*

Resolved unanimously, That the above payments be made in such manner as the present state of the finances will best admit of; and that the same, together with the grant of land as aforesaid, be in full of Mr. Dohrman's claims against the United States.†

Payments and grant in full, &c.

Donation to the Society of the United Brethren.

On a report of a committee, consisting of Mr. Clark, Mr. Williamson, and Mr. Madison, to whom was referred a memorial of John Etwein, of Bethlehem, president of the Brethren's Society for propagating the Gospel among the Heathen:

In congress, Sept. 3, 1788.

Whereas the United States in congress assembled, by their ordinance of the 20th May, 1785, among other things, ordained that the towns of Gnadenhutzen, Schoenbrun, and Salem, with lands adjoining to the said towns, be reserved for the sole use of the christian Indians, who were formerly settled there, or the remains of that society; and by an act of the 27th July, 1787, directed the board of treasury to except and reserve out of any contract they might make pursuant to an order of the 23d of the same month, a quantity of land around and adjoining to each of the beforementioned towns, amounting in the whole to ten thousand acres, and ordered the property of the said towns and reserved lands to be vested in the Moravian Brethren at Bethlehem, in Pennsylvania, or the society of the said brethren for civilizing the Indians, and promoting christianity (or as they are called, The Society of the United Brethren for propagating the Gospel among the Heathen) in trust and for the uses expressed in the said ordinance, including others, as mentioned in the said act of 27th July, 1787; and whereas it has been agreed that the plot of each of the towns should be estimated at 666 2-3 acres, so that each town and the reserved land adjoining shall make a tract of four thousand acres; and whereas the remnant of the said christian Indians are desirous of returning to their towns as speedily as possible, and the United Brethren, to facilitate this without loss of time, have offered to advance the expenses of surveying the three tracts, on condition they be repaid, either in money or land:

Reference to the ordinance of 20th May, 1785.

Ordered, That the geographer of the United States survey, or cause to be surveyed, as speedily as possible, without interfering with the business he is sent to execute, the three tracts of Gnadenhutzen, Schoenbrun, and Salem, on the Muskingum, including the reserved land adjoining each of the said towns, and return plots thereof to the board of treasury, that deeds may be issued for the same as is mentioned above; and that he also sur-

Geographer to survey the three tracts mentioned, &c.

* See the ordinance; ante, chapter 32, page 565.

† See, in fulfilment of the donation of land to Mr. Dohrman, the act of 27th February, 1801; chap. 259, vol. 3.

Geographer
to survey, &c.

vey or cause to be surveyed, the intermediate spaces, if any there be, between the said three tracts, and return plots thereof, with an account of the expense, to the board of treasury; and that the said board, provided it can be done without infringing any contract they may have already made, convey the same to the said United Brethren, or the Society of the said Brethren for propagating the Gospel among the Heathen, upon their paying for the said intermediate space or spaces when the said survey shall be returned by the geographer, at the rate at which such lands are granted to others, and also the expenses attending the surveying and plotting the said spaces, deducting the sum advanced for surveying the three tracts; provided, that in case any of the abovementioned lands shall fall within the supposed bounds of the million of acres reserved for the late army, that the said bounds shall be understood to extend so far to the westward as to include the million of acres exclusive of the abovementioned lands.*

Provisions respecting claims and donations in the territories of Indiana, Illinois, and Michigan.

In congress,
June 20, 1788.

Report on the
memorial of
George Morgan,
&c. respecting a
tract of land
on the Mississippi.

The committee, consisting of Mr. Williamson, Mr. Dane, Mr. Carrington, Mr. Kearney, and Mr. Wingate, to whom was referred a memorial of George Morgan and his associates, respecting a tract of land in the Illinois country, on the Mississippi, having reported thereon, and their report being amended to read as follows: "That there are sundry French settlements on the river Mississippi, within the tract which Mr. Morgan and his associates propose to purchase. Near the mouth of the river Kaskaskies, there is a village which appears to have contained near eighty families from the beginning of the late revolution. There are twelve families in a small village at la Prairie du Rochers, and near fifty families at the Kahokia village. There are also four or five families at fort Chartres and St. Philips, which is five miles farther up the river. The heads of families in those villages appear, each of them, to have had a certain quantity of arable land allotted to them, and a proportionate quantity of meadow and of woodland or pasture. Your committee are of opinion, that from any general sale which may be made of the lands on the Mississippi, there should, at least, be a reserve of so much land as may satisfy all the just claims of the ancient settlers on that river, and that they should be confirmed in the possession of such lands as they may have had at the beginning of the late revolution, which may have been allotted to them according to the laws or usages of the governments under which they have respectively settled. And whereas an additional quantity of land may be necessary for the support of those people whenever the settlement shall increase, and the Indian trade, by which they have chiefly subsisted, shall become less profitable; your committee are of the opinion that such allowance should also be made to them within

Recommendation of a reserve to satisfy ancient settlers, &c.

* See, in fulfilment of the donation made by this ordinance, the act of 1st June, 1796; sec. 5, chap. 340, vol. 2.

the reserved limits. Your committee observe, that in the contract which is already made for the sale of a tract of land in the western country, the purchasers are to be charged with surveying three lots which are reserved for the benefit of the United States. They conceive that future contractors may be relieved from this expense, but they would propose that every agreement hereafter to be made shall be equally binding on the contracting parties; whereupon they submit the following resolves:

That the board of treasury be authorized to contract with any person or persons for a grant of a tract of land, which shall be bounded as follows: beginning on the river Au Vase, in the parallel of latitude of the mouth of Little Wabash river; thence running due north to the parallel of latitude which passes through the mouth of Wood river; thence west to the Mississippi at the mouth of Wood river; thence down the river Mississippi to the mouth of the river Au Vase; thence up the said river to the place of beginning, under the exceptions and reservations hereinafter mentioned.

The board of treasury authorized to contract, &c.

That the purchaser or purchasers shall oblige themselves to lay off the tract at their own expense, into townships or fractional parts of townships, and to divide the same into lots according to the land ordinance of the 20th May, 1785,* complete returns of which are to be made to the board of treasury. The lot No. 16, in each township, or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance; and the lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion; and that each of the several townships shall be thus laid off before the original purchaser or purchasers shall have disposed of the same, or made any settlement therein. The price to be not less than two-thirds of a dollar per acre for the contents of the said tract, except the reservations and gifts herein mentioned, payable in specie, loan office certificates reduced to specie value, or certificates of liquidated debts of the United States; the principal only of the said certificates to be received in payment; and the board of treasury, for such interest as may be due on the certificates rendered in payment as aforesaid, prior to the first day of January, 1787, shall issue indents for interest to the possessors, which shall be receivable in payment as other indents for interest of the existing requisitions of congress; and for such interest as may be due on the said certificates, between that period and the time of payment, the board shall issue indents, the payment of which to be provided for hereafter. That part of the purchase money, not less than one hundred and fifty thousand dollars, shall be paid down upon the closing of the contract, and the remainder of the purchase money whenever the Indian claim shall have been extinguished, and the boundary line of the tract run by the geographer of the United States, or his assistant, the contents of the land which is to be sold ascertained, and a plot of the same returned to the office of the treasury board; on which payment a grant

Conditions of sale.

* See the ordinance, ante, chap. 32, page 563.

shall be made, and the purchaser or purchasers shall have the right of entry and occupancy.*

Reservation of separate tracts to satisfy claims of ancient settlers, &c.

That separate tracts shall be reserved for satisfying the claims of the ancient settlers, which shall be included within the following boundary, viz: a straight line to be extended from the mouth of the little river Marie, below the river Kaskaskies, to the old French fort on the east side of the said river Kaskaskies and opposite the Kaskaskie village; thence north three miles; thence west across the Kaskaskies river to the ridge of rocks and high land which extend from the Kaskaskies to the Illinois rivers; then along the west side or foot of the said ridge of rocks and high land, to the parallel that runs two miles north of the church at Kahokia; thence west to the river Mississippi; thence down the said river to the mouth of the river Marie.

Measures to be taken for confirming titles of French and Canadian settlers, &c.

That measures be immediately taken for confirming in their possessions and titles, the French and Canadian inhabitants, and other settlers on those lands, who, on or before the year 1783, had professed themselves citizens of the United States or any of them, and for laying off the several tracts which they rightfully claim within the described limits; and for laying off, for the benefit of the said inhabitants, three additional tracts adjoining the several villages Kaskaskies, la Prairie du Rochers, and Kahokia, in the form of a parallelogram, extending from the river Mississippi eastward, to the ridge of rocks before described, and of such extent as shall contain four hundred acres for each of the families now living at either of the villages of Kaskaskies, la Prairie du Rochers, Kahokia, fort Chartres, or St. Philip's. The additional reserved tract adjoining the village of Kaskaskies shall be for the heads of families in that village; the tract adjoining la Prairie du Rochers for the heads of families in that village; and the tract adjoining Kahokia for the heads of families in that village, as also for those at fort Chartres and St. Philip's. Such additional donations of four hundred acres each to be distributed by lot, and immediate possession given: provided nevertheless, that no person thus obtaining possession of such donation lands shall have power to alienate the same, until he or she, or his or her heirs, shall have resided, at least three years from the time of such distribution, within that district; at the end of which period, every such resident shall obtain a title to the reserved lot; and all lots not thus conveyed to residents, shall revert to the United States.

Provido: as to alienation of the donation lands, &c.

After satisfying claims and donations, the remainder to appertain to the general purchase.

That whenever the French and Canadian inhabitants, and other settlers aforesaid, shall have been confirmed in their possessions and titles, and the amount of the same ascertained, and the three additional parallelograms for future donations, and a tract of land one mile square on the Mississippi, extending as far above as below fort Chartres, and including the said fort, the buildings and improvements adjoining the same, shall be laid off, the whole remainder of the soil, within the reserved limits above described, shall be considered as appertaining to the general purchase, and shall be conveyed accordingly.

* The purchase, thus authorized, was never effected.

That measures be immediately taken to extinguish the Indian claim, if any such exists, to the land bordering on the Mississippi, from the mouth of the Ohio to a determined station on the Mississippi, that shall be sixty or eighty miles north from the mouth of the Illinois river, and extending from the Mississippi as far eastward as may be. Indian claim to be extinguished.

That the governor of the western territory be instructed to repair to the French settlements on the Mississippi, at and above the Kaskaskies; that he examine the titles and possessions of the settlers as above described, in order to determine what quantity of land they may severally claim, which shall be laid off for them at their own expense; and that he take an account of the several heads of families living within the reserved limits, in order that he may determine the quantity of land that is to be laid off in the several parallelograms, which shall be laid off accordingly by the geographer of the United States or his assistant, at the expense of the United States. Governor of the western territory to examine titles of settlers, &c.

That the geographer of the United States be instructed to take the latitude of the mouth of the river Au Vase, and the mouth of Wood river, and of the northeast and southern angle of the tract; and that, in executing all other large surveys, he take the latitude of three or four of the chief corners." The geographer to take certain latitudes.

Resolved, That congress agree to the said report.

On the report of a committee, consisting of Mr. Williamson, Mr. Otis, and Mr. Baldwin, to whom was recommitted a report on the memorial of George Morgan, and sundry other papers; In congress, Aug. 28, 1788.

Resolved, That the board of treasury be, and they hereby are authorized, in contracting with George Morgan and his associates, or with any other person or persons, for the sale of a tract of land on the Mississippi, which is described in the act of June 20th last, to vary, in the following particulars, from the terms proposed in the said act, viz. A payment of 200,000 dollars shall be made on closing the contract, the remainder of the price to be paid in seven equal payments, the first of which shall be paid whenever the Indian title, if any such there is, shall be extinguished, and a survey of the tract returned to the treasury office. The other six payments to be made half yearly, with interest from the time in which the survey is returned. Variation authorized in the terms of contract with George Morgan, &c.

On making the first payment, entries shall be permitted on so much land as that sum is equal to, at the limited price. On making the second payment, a deed shall issue for so much land as may then be paid for, and other deeds, if required, shall issue on making the several payments: provided, that it is previously stipulated on what part the first deed shall be laid, and that every subsequent deed shall be for a regular tract, as nearly as may be of an equal width, extending from the Mississippi to the eastern boundary of the general purchase, and that the several deeds be for tracts in contact with one another. That in case of failure in any one of the payments stipulated for, the contract shall be considered as forfeited, in all the parts thereof which shall then remain to be carried into effect.

Donations to ancient settlers to be laid out on the east side of the ridge, &c.

That instead of the three parallelograms to be reserved according to the act of the 20th June last, for donations to the ancient settlers on the west side of a certain ridge of rocks, there shall be reserved an equal quantity of land, for the same use, to be laid out in three squares, on the east side of the said ridge of rocks, and as near as may be to the improvements belonging to the villages of Kaskaskies, la Prairie du Rochers, and Kahokia.

Additional reserved improvements, &c.

That in case there are any improvements belonging to the ancient French settlers without the general reserved limits, the same shall also be considered as reserved for them in the sale now proposed to be made.*

In congress. Aug. 29, 1788.

On the report of a committee, consisting of Mr. Williamson, Mr. Dane, Mr. Clark, Mr. Tucker, and Mr. Baldwin, to whom was referred the report of a former committee, respecting the inhabitants of Post St. Vincents:

Provision for the French and Canadian inhabitants, &c. at post St. Vincents, &c.

Resolved, That measures be taken for confirming in their possessions and titles, the French and Canadian inhabitants and other settlers at Post St. Vincents, who, on or before the year 1783, had settled there, and had professed themselves citizens of the United States, or any of them, and for laying off to them, at their own expense, the several tracts which they rightfully claim, and which may have been allotted to them according to the laws and usages of the government under which they have respectively settled.

That four hundred acres of land be reserved and given to every head of a family, of the above description, settled at Post St. Vincents.

That the governor of the western territory cause to be laid out, at the public expense, in the form of a square, adjoining to the present improvements at Post St. Vincents, and in whatever direction the settlers shall prefer, a tract of land sufficient for completing the above donations; which tract shall afterwards be divided by lot among the settlers who are entitled to any part of the same, in such manner as they shall agree.

Instructions to the governor of the western territory.

On a report of the same committee, the following instructions to the governor of the western territory were agreed to:

SIR: You are to proceed without delay, except while you are necessarily detained by the treaty now on hands, to the French settlements on the river Mississippi, in order to give despatch to the several measures which are to be taken according to the acts of the 20th June last, and the 28th instant, of which a copy is enclosed for your information. You are to inquire whether there be any Indians who claim the lands on the east side of the river Mississippi, above the mouth of the Ohio; and if there be any such Indians, you are immediately to take measures for holding a treaty with them, and extinguishing their claim, at least to so much of the territory as you find described in the aforesaid acts, and in the several acts of October 22d, 1787, relative to lands on the Mississippi. If you find it cheap and best to extinguish the claim of those Indians by agreeing to furnish them annually with a certain allowance in corn,

* The sale contemplated was never effected.

or other provisions, for a term not exceeding ten years, you will contract accordingly.

When you have examined the titles and possessions of the settlers on the Mississippi, in which they are to be confirmed, and given directions for laying out the several squares, which the settlers may divide, as they shall think best among themselves, by lot, you are to report the whole of your proceedings to congress.

After you shall have despatched the several matters committed to your care on the Mississippi, you will take Post St. Vincents on your return, where you are to pursue the measures directed to be taken by the act of this day, and report your proceedings accordingly.

CHAPTER 35.

Origin, &c. of the Department of State for the United States.

Resolved, That a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world, and that they lay their correspondence before congress when directed.

In congress,
Nov. 29, 1775.
Committee of
foreign cor-
respondence.

Resolved, That congress will make provision to defray all such expenses as may arise by carrying on such a correspondence, and for the payment of such agents as they may send on this service.

The members chosen, Mr. Harrison, Dr. Franklin, Mr. Johnson, Mr. Dickinson, and Mr. Jay.

Resolved, That the style of the committee of secret correspondence be altered, and that for the future it be styled the committee of foreign affairs:

In congress,
April 17, 1777.
Committee of
foreign affairs;
secretary, &c.

That a secretary be appointed to the said committee, with a salary of seventy dollars a month:

That the said secretary, previous to his entering on his office, take an oath, to be administered by the president, "*well and faithfully to execute the trust reposed in him according to his best skill and judgment, and to disclose no matter, the knowledge of which shall be acquired in consequence of such his office, that he shall be directed to keep secret*," also the oath prescribed for officers of the army, and passed the 21st day of October, 1776,*

* Congress took into consideration the form of the oath to be taken by the officers in the service of the continent, which was agreed to, as follows:

I, _____, do acknowledge the thirteen United States of America, namely, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, independent, and sovereign states, and declare that the people thereof owe no allegiance or obedience to George the third, king of Great Britain, and I renounce, refuse, and abjure, any allegiance or obedience to him; and I do swear that I will, to the utmost of my power, support, maintain, and defend, the said United States against the said king George the third, and his heirs and successors, and his or their abettors, assistants, and adherents; and will serve the said United States in the office of _____, which I now hold, and in any other office which I may hereafter hold by their appointment, or under their authority, with fidelity and honor, and according to the best of my skill and understanding. So help me God:

In congress,
Oct. 21, 1776.

and that a certificate thereof be given by the president and lodged with the secretary of congress.

In congress,
Jan. 10, 1781.
This act re-
pealed. See
page 589, post.

Congress took into consideration the report of the committee appointed to consider and report a plan for the department of foreign affairs, wherein they state,

That the extent and the rising power of these United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connexion:

That, to render such an intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations, and systems, of those potentates, is obvious:

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and an unremitting application to the means of acquiring well grounded information:

That congress are, moreover, called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the public honor, interest, and safety:

That to answer those essential purposes, the committee are of opinion, that a fixed and permanent office for the department of foreign affairs ought forthwith to be established, as a remedy against the fluctuation, the delay, and indecision, to which the present mode of managing our foreign affairs must be exposed: whereupon,

Office for the
department of
foreign affairs;
secretary
thereof; his
duties, &c.

Resolved, That an office be forthwith established for the department of foreign affairs, to be kept always in the place where congress shall reside:

That there shall be a secretary for the despatch of the business of the said office, to be styled "secretary for foreign affairs:"

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the department of foreign affairs; to receive and report the applications of all foreigners; to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers, and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before congress when required; also to transmit such communications as congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries: the said secretary shall have liberty to attend congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department: he shall also be authorized to employ one, or, if necessary, more, clerks to assist him in the business of his office: and the secretary, as well as such clerks, shall, before the president of congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.

On the report of a committee, consisting of Mr. Ellery, Mr. Randolph, and Mr. Eveleigh, to whom was referred a letter of the 25th of January, from the secretary for foreign affairs, respecting his department: In congress, Feb. 22, 1782.

Resolved, That the department of foreign affairs be under the direction of such officer as the United States in congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be styled "secretary to the United States of America for the department of foreign affairs;" shall reside where congress or a committee of the states shall sit, and hold his office during the pleasure of congress: Secretary for the department of foreign affairs; his duties, &c.

That the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of congress shall have access: provided that no copy shall be taken of matters of a secret nature without the special leave of congress:

That the correspondence and communications with the ministers, consuls, and agents, of the United States in foreign countries, and with the ministers and other officers of foreign powers with congress, be carried on through the office of foreign affairs, by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: provided always, that letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection, and receive the approbation, of congress before they shall be transmitted:

That the secretary for the department of foreign affairs correspond with the governors or presidents of all or any of the United States, affording them such information from his department, as may be useful to their states, or to the United States, stating complaints that may have been urged against the government of any of the said states or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such state, or the charge proved to be groundless, and the honor of the government vindicated:

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to congress, and advise the mode in which the memorials and evidence shall be stated, in order to afford congress the most comprehensive view of the subject, and, if he conceives it necessary, accompany such memorial with his report thereon: he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions:

He shall report on all cases expressly referred to him for that Secretary for

the department of foreign affairs; his duties, &c.

purpose by congress, and on all others touching his department, in which he may conceive it necessary:

And that he may acquire that intimate knowledge of the sentiments of congress, which is necessary for his direction, he may at all times attend upon congress, and shall particularly attend when summoned or ordered by the president:

He may give information to congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member and no objection be made by congress: he shall answer to such inquiries respecting his department as may be put from the chair, by order of congress, and to questions stated in writing, about matters of fact which lie within his knowledge, when put by the president at the request of a member, and not disapproved of by congress; the answers to such questions may, at the option of the secretary, be delivered by him in writing:

He shall have free access to the papers and records of the United States, in the custody of their secretary, or in the offices of finance and war, or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary:

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States:

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestos, instructions, passports, safe conducts, and other acts of congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of congress, and when passed, signed, and attested, sent to the office of foreign affairs, to be countersigned and forwarded:

If an original paper is of such a nature as cannot be safely transmitted without ciphers, a copy in ciphers, signed by the secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts may govern themselves thereby, in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or, if necessary, more clerks, to assist him in the business of his office.

Salaries to the officers of the department of foreign affairs.

Resolved, That the salaries annexed to this department, shall be as follow:

To the secretary of the United States for the department of foreign affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last:

To the secretary, one thousand dollars per annum:

To the clerks, each, five hundred dollars per annum.

Resolved, That the secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before a judge of the state where congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office. Oaths of secretary, &c.

Resolved, That the act of the 10th day of January, 1781,* respecting the department of foreign affairs, be and hereby is repealed. [* Ante, page 586.]

On the report of a committee, consisting of Mr. Williamson, Mr. Madison, and Mr. Peters, to whom was referred a motion of Mr. Madison, In congress, Nov. 25, 1782.

Resolved, That the secretary for foreign affairs be, and he is hereby, authorized to communicate to the ministers of foreign powers, who may reside near congress, all such acts and resolutions of congress, and all such articles of intelligence received by congress, as he may judge proper, those only excepted which congress may specially require to be kept secret, in which cases he shall make previous application to congress.

On the report of a committee, consisting of Mr. Monroe, Mr. Platt, Mr. Read, Mr. Hardy, and Mr. Spaight, to whom were referred sundry letters from the secretary for foreign affairs, In congress, Feb. 11, 1785.

Resolved, That in pursuance of the resolutions of the 22d February, 1782, † all communications, as well to as from the United States in congress assembled, on the subject of foreign affairs, be made through the secretary for the department of foreign affairs, and that all letters, memorials, or other papers, on the subject of foreign affairs for the United States in congress assembled, be addressed to him. [† See ante, page 587.]
Communications, &c. through the secretary, &c.

Resolved, That all papers written in a foreign language, which may in future be communicated to congress from the office of the department of foreign affairs, shall be accompanied with a translation into English. Translation of foreign languages, &c.

Resolved, That the secretary for the department of foreign affairs be, and he is hereby, authorized to appoint an interpreter, whose duty it shall be to translate all such papers as may be referred to him, as well by the United States in congress assembled as by committees of congress, the secretary for the department of foreign affairs, the secretary of congress, the board of treasury, or the secretary for the department of war; and who shall be entitled to receive such allowance as the secretary for foreign affairs may think sufficient, not to exceed the annual pay of a clerk in the office; and who, previous to his entering on his duty as interpreter, shall take the oath of fidelity and the oath of office prescribed in an ordinance passed on the 27th day of January last, ‡ a registry of which oath shall be kept in the office of the secretary of congress. Interpreter, &c.

Resolved, That the wages of the doorkeeper to the office for foreign affairs, be considered as part of the contingent expenses of said office. Wages of doorkeeper, &c.

† See the forms of these oaths in the ordinance referred to, chapter 36, post.

§ 1,000 for contingencies, &c.

Resolved, That the treasurer of the United States advance to the secretary for the department of foreign affairs, the sum of one thousand dollars, for the contingencies of his office, he to be accountable.

In congress,
Feb. 12, 1788.

On the report of a committee, consisting of Mr. Kearny, Mr. Kean, and Mr. Madison:

Secretary to grant sealetters, &c.

Resolved, That the secretary for foreign affairs for the time being be, and he is hereby, authorized and directed, upon application made to him for that purpose, to grant, in the usual form, sealetters for any vessel or vessels owned entirely and navigated chiefly by citizens of the United States, and bound on long and distant voyages, at his discretion: provided always, that it be made appear to him, by oath or affirmation, or by such other evidence as shall by him be deemed satisfactory, by the person or persons applying therefor, that the vessel or vessels for which such sealetters shall be required, shall, together with all and every part of her cargo, be owned entirely and commanded by officers, citizens of the United States, and shall be navigated for the most part by the same. That for this purpose the secretary for foreign affairs be, and he is hereby, instructed to procure a sufficient number of blank sealetters, drafted in the usual form, and signed by the president of congress, for the purposes aforesaid: and that the same, when filled up, be sealed with the seal of the United States, and certified by the secretary of congress.

An ordinance for the regulation of the office of the Secretary of Congress.

In congress,
March 31,
1785.
Secretary of congress; his duties, &c.

Be it ordained by the United States in congress assembled, That the secretary of congress shall in future be charged with the following duties, and shall keep his office in or near the statehouse or building where the sessions of congress shall be holden.

He shall carefully preserve the journals of congress, and all other papers committed to his charge; and such as are secret in their nature, or by special order, shall not be communicated by him to any person, except members of congress, and such persons as may be entitled thereto by special resolutions.

He shall not deliver any original journal out of his office, nor shall he deliver any original letter or paper out of his office, without an order of congress, and a receipt therefor.

He shall deliver attested copies of any resolutions of congress, or public papers in his office, not secret in their nature, or by special order, to any members of congress who may require the same.

He shall transmit to the secretary for foreign affairs, to the secretary for the war department, to the secretary of marine, to the commissioners of the board of treasury, and to the post-master general, all papers referred to them by congress, respectively, as well as an authenticated copy of all acts, ordinances, and resolutions, of congress, touching their respective departments.

He shall keep a daily account of all memorials, petitions, and communications, received by congress, noting therein their

object, and the steps taken respecting them; and lay the said account or register every day on the table in congress, for the inspection of the members.

Secretary of congress; his duties, &c.

He shall return such answers as congress shall direct to be given to the memorials, petitions, and communications, except where congress shall judge it proper that the same be given by their president, or where it shall be the duty of any of the executive departments to return such answer.

He shall transmit to the several states all acts, ordinances, resolutions, and recommendations, of congress; correspond with the states, for the purpose of receiving communications from them relative to the execution of the same, and make report thereof to congress, keeping a book in which shall be entered copies of all such letters and communications.

He shall attend congress during their session, and, in their recess, the committee of the states, either in person or by his deputy, read the public despatches, acts, ordinances, and reports of committees, and make the proper entries on the journals.

He shall authenticate all acts and proceedings of congress not specially directed to be authenticated by their president: and keep a register of all treaties, conventions, ordinances, and permanent acts of congress.

He shall cause to be made and laid upon the table for every state represented in congress, and for every member appearing for any state unrepresented, a copy of every ordinance, or report upon a matter of importance and not of a secret nature, for the consideration of which a day is assigned.

He shall keep the great seal of the federal union, and cause the same to be affixed to every act, ordinance, or paper, congress shall direct. He shall superintend the printing of the journals, and other publications ordered by congress.

He shall keep a book in which shall be noted, in columns, the names of the several members of congress, the state which they represent, the date of their appointment, and the term for which they are appointed.

That as well the secretary of congress, as the deputy secretary and clerks, shall take and subscribe the oath or affirmation of fidelity and of office, prescribed in an ordinance passed on the 28th day of January, 1785;* which oaths shall be taken by the said secretary before the president of congress, and that all former resolutions for regulating the duties of the office of the secretary of congress be, and they are hereby, repealed.

[* See chap. 36, post. under date of 27th Jan. 1785.]

Done, &c.

CHAPTER 36.

Origin, &c. of the Department of War.

Congress took into consideration the report of the committee on a war office; whereupon,

In congress, June 12, 1776.

Resolved, That a committee of congress be appointed by the name of a board of war and ordnance, to consist of five members:

Board of war, &c.

Secretary and clerks.

That a secretary, and one or more clerks, be appointed by congress, with competent salaries, to assist the said board in executing the business of their department:

Duties of the board.

That it shall be the duty of the said board, to obtain and keep an alphabetical and accurate register of the names of all officers of the land forces in the service of the united colonies; with their rank and the dates of their respective commissions; and also regular accounts of the state and disposition of the troops in the respective colonies; for which purpose the generals and officers commanding in the different departments and posts, are to cause regular returns to be made into the said war office:

That they shall obtain and keep exact accounts of all the artillery, arms, ammunition, and warlike stores, belonging to the united colonies, and of the manner in which, and the places where, the same shall, from time to time, be lodged and employed; and that they shall have the immediate care of all such artillery, arms, ammunition, and warlike stores, as shall not be employed in actual service; for preserving whereof, they shall have power to hire proper magazines at the public expense:

That they shall have the care of forwarding all despatches from congress to the colonies and armies, and all moneys to be transmitted for the public service by order of congress; and of providing suitable escorts and guards for the safe conveyance of such despatches and moneys, when it shall appear to them to be necessary:

That they shall superintend the raising, fitting out, and despatching, all such land forces as may be ordered for the service of the united colonies:

That they shall have the care and direction of all prisoners of war, agreeable to the orders and regulations of congress:

That they shall keep and preserve in the said office, in regular order, all original letters and papers, which shall come into the said office by order of congress or otherwise, and shall also cause all draughts of letters and despatches to be made or transcribed in books to be set apart for that purpose, and shall cause fair entries in like manner to be made, and registers preserved, of all other business which shall be transacted in the said office:

Secretary and clerks to take an oath.

That before the secretary or any clerk of the war office shall enter on his office, they shall, respectively, take and subscribe the following oath, a certificate whereof shall be filed in the said office:

Form of the oath.

“ I, A B, do solemnly swear, that I will not, directly or indirectly, divulge any matter or thing which shall come to my knowledge as secretary of the board of war and ordnance, (or clerk of the board of war and ordnance,) established by congress, without the leave of the said board of war and ordnance, and that I will faithfully execute my said office according to the best of my skill and judgment. So help me God.”

Apartments, &c. at public expense.

That the said board of war be authorized to hire suitable apartments, and provide books, papers, and other necessaries, at the continental expense, for carrying on the business of the said office.

Congress resumed the consideration of the report on the war office, which was agreed to, as follows: In congress,
Oct. 17, 1777.

Resolved, That a board of war be established, to consist of Board, &c. three persons, not members of congress:

That there shall be a secretary to the said board, to be ap- Secretary. pointed by congress:

That the board shall recommend for the approbation and ap- Clerks. pointment of congress, as many clerks as shall be necessary, for assisting them in the execution of the business of their department:

That the powers and duties of the said board be as follows: Powers and
duties of the
board.
To obtain and keep an alphabetical and accurate register of the names of all officers in the land forces in the service of the United States, with their ranks and the dates of their commissions; to fill up all military commissions, which shall be signed by the president of congress, and countersigned by the secretary of the war office, and to publish, annually, a register of all appointments: to obtain and keep regular and exact accounts of the numbers and disposition of the forces of the United States: to obtain and keep exact accounts of all the artillery, arms, ammunition, warlike stores, clothing, medicines, and provisions, belonging to the United States, and of the manner in which, and the places where, the same shall, from time to time, be lodged and employed: to take the immediate care and direction of all such artillery, arms, ammunition, and warlike stores, as shall not be employed in actual service: to superintend the building and management of laboratories, arsenals, foundries, magazines, barracks, and other public buildings, the necessity of which they are, from time to time, to report to congress: to forward all despatches from congress to the states and armies, and all moneys ordered by congress to be transmitted for the public service, and to provide guards for the safe conveyance of such despatches and moneys, whenever it shall appear to the board to be necessary: to superintend the raising, recruiting, and despatching, of the land forces in the service of the United States: to take care and direction of prisoners of war: to lay before congress proper and seasonable estimates of such artillery, arms, ammunition, and warlike stores, clothing, and medicines, as shall, from time to time, be wanted for the service of the United States: to execute all such matters as they shall be directed: to give their opinion on all such subjects as shall be referred to them by congress: and, in general, to superintend the several branches of the military department; and if at any time they think a measure necessary for the public service, to which their powers are incompetent, they shall communicate the same to congress, for their direction therein: to keep fair entries of all the business transacted by them.

The said board shall sit in the place where congress shall be Place of sit-
ting. held, and no member of the board shall absent himself without leave of congress:

All the proceedings of the board shall be inspected by con- Proceedings
to be inspect-
ed by con-
gress. gress, or a committee by them appointed for that purpose, once a month, or oftener, as may be thought proper and convenient;

Board of war, and every member of congress may have free access to the records of the said board, and take copies thereof, excepting copies of returns of the armies, provisions, or military stores, which shall not be delivered to any member without the order of congress.

Resolved, That all military and other officers, attending upon, or connected with, the army of the United States, be, and they are hereby, required and enjoined to observe the directions of the said board, in making and transmitting proper returns, and such other matters as may tend to facilitate the business of the said board:

That it be recommended to each of the United States, to give the said board all necessary assistance in the execution of the business of their department.

Resolved, That the salary of each of the three gentlemen who shall conduct the business of the board of war, be two thousand dollars per annum.

In congress, Oct. 29, 1778. *Resolved*, That the board of war shall consist of three commissioners, who are not members of congress, and two members of congress; and three or more of them, who shall be present, shall constitute a board.

In congress, Feb. 7, 1781. *Resolved*, That there be a superintendent of finance, a secretary of war, and a secretary of marine.

Secretary of war; his powers, duty, &c. That the powers and duty of the secretary of war, shall be as follow:

To examine into the present state of the war office, the returns and present state of the troops, ordnance, arms, ammunition, clothing, and supplies, of the armies of these United States, and report the same to congress: to obtain and keep exact and regular returns of all the forces of the United States, and of all the military stores, equipments, and supplies, in the magazines of the United States, or in other places for their use; and to take the immediate care of all such as are not in actual service: to form estimates of all such stores, equipments, and supplies, as may be requisite for the military service, and for keeping up competent magazines; and to report the same to the superintendent of finance, that he may take measures for procuring the same, in such manner as may best suit the finances of these states: to prepare estimates for paying and recruiting the armies of these United States, and lay them before the superintendent of finance, so seasonably as to enable him to make provision without delay or derangement: to execute all the resolutions of congress respecting military preparations, and transmit all orders and resolutions relative to the military land forces of these United States: to make out, seal, and countersign, all military commissions, keep registers thereof, and publish, annually, a list of all appointments: to report to congress the officers necessary for assisting him in the business of his department.

In congress, April 10, 1782. On a report of a committee, consisting of Mr. Dickinson, Mr. Cornell, and Mr. Atlee, appointed to examine the powers vested in the late board of war, and to report such of them as appear necessary to be vested in the secretary of war:

Instructions and additional That the following instructions and additional powers be given to, and vested in, the secretary of war:

That the commander in chief be furnished with returns of powers to the ordnance and ordnance stores, when he shall request them, secretary of war. from the war office:

That the clothier general receive his instructions from the war office, and that the distributions of clothing for the army be made under the secretary of war's directions:

That the secretary of war shall, in the absence of the commander in chief, be empowered to order the holding of general courts martial, in the places where congress may be assembled:

That the commissary general of prisoners, so far as respects the securing of military prisoners, and making returns of them, take his directions from the secretary of war:

That estimates and returns from the different departments be lodged at the war office, to be examined and approved of by the secretary of war:

That the secretary of war direct the building and management of laboratories, arsenals, foundries, magazines, barracks, and other public buildings, the necessity of which he is, from time to time, to report, and the same is to be approved of by congress:

That the secretary of war be empowered to send off express-
es, and to provide guards for the safe conveyance of despatches, money, and any articles necessary for the use of the army, whenever it shall appear to him to be necessary:

That the care and direction of prisoners of war be vested in the secretary of war, so far as respects their safe keeping.

That the secretary of war execute all such matters as he shall be directed by congress, and give his opinion on all such subjects as shall be referred to him by congress; and if, at any time, he shall think a measure necessary, to which his powers are incompetent, he shall communicate the same to congress, for their direction therein:

That all military and other officers attending upon, or connected with, the army of the United States, be, and they are hereby, required and enjoined to observe the directions of the secretary of war in making and transmitting proper returns, and such other matters as may tend to facilitate the business of his department.

Resolved, That the secretary of war, in the absence of the commander in chief, be, and he is hereby, authorized to order all persons to be arrested and tried for disobedience of any orders which he is empowered to issue. In congress, July 3, 1782.

The ordinance for ascertaining the powers and duties of the secretary of war was taken up, and, being read a third time, was passed, as follows: In congress, Jan. 27, 1785.

An ordinance for ascertaining the powers and duties of the Secretary of War.

Be it ordained by the United States in congress assembled, That the powers and duty of the secretary of war shall be as follow, to wit: to examine into the present state of the war department, the returns, and present state of the troops, ordnance, arms, ammunition, clothing, and supplies of the troops of these Powers and duty of the secretary of war.

Powers and
duty of the se-
cretary of
war.

states, and report the same to congress: to keep exact and regular returns of all the forces of these states, and of all the military stores, equipments, and supplies, in the magazines of the United States, or in other places for their use: and to receive into his care, from the officers in whose possession they may be, all such as are not in actual service: to form estimates of all such stores, equipments, and supplies, as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the commissioners of the treasury of the United States, that measures may be taken in due time for procuring the same: to prepare estimates for paying and recruiting the troops of these United States: to carry into effect all ordinances and resolves of congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination, and operation of such troops, as are or may be in service, subject to the orders of congress, or of the committee of the states in the recess of congress; to make out, seal, and countersign, the commissions of all such military officers as shall be employed in the service of the United States; to take order for the transportation, safe-keeping, and distributing, the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove, at pleasure, all persons employed under him, and shall be responsible for their conduct in office; all which appointments shall be immediately certified to congress, and such certificate, or the substance thereof, registered in a book, to be kept for that purpose, in the office of the secretary of congress. He shall keep a public and convenient office in the place where congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them, with proper arrangements, to congress; and shall, twice a year, or oftener if thereto required, settle the accounts of his department. That, as well the secretary of war, as his assistants or clerks, before they shall enter on the duties of their office, shall, respectively, take and subscribe an oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the secretary of congress, and a certificate thereof filed in his office. The oath of fidelity shall be in the words following: "*I, A B, appointed to the office*

Form of the
oath of fidelity.

of _____, do acknowledge that I do owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain, and defend, the said United States, in their freedom, sovereignty, and independence, against all opposition whatsoever." And the oath of office shall be in the words following: "*I, A B, appointed to the office of _____, do swear (or affirm) that I will faithfully, truly, and impartially, execute the office of _____, to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing that shall come to my knowledge, in the execution of the said office, or from the confidence I may thereby acquire, which, in my own judgment, or by the injunction of my superiors,*

Form of the
oath of office.

ought to be kept secret." That the form of the oath of fidelity heretofore prescribed by congress, and all former resolutions of congress relative to the department of war, be, and they are hereby, repealed. Former oath and resolutions repealed.

Done by the United States in congress assembled, &c.

Commencement and progress of Indian Affairs.

A petition from the committee representing the people in that part of Augusta county, in the colony of Virginia, on the west side of the Allegany mountain, was laid before the congress and read, intimating "fears of a rupture with the Indians on account of lord Dunmore's conduct," and desiring "commissioners, from the colony of Virginia and province of Pennsylvania, to attend a meeting of the Indians at Pittsburg, on behalf of these colonies." In congress, June 1, 1775.

Ordered, That the above be referred to the delegates of the colonies of Virginia and Pennsylvania.

A number of letters and speeches, from the Stockbridge Indians, were laid before the congress and read. In congress, June 30, 1775.

Resolved, That the committee for Indian affairs do prepare proper talks to the several tribes of Indians, for engaging the continuance of their friendship to us, and neutrality in our present unhappy dispute with Great Britain.

The congress resumed the consideration of the report of the committee on Indian affairs, and the same being gone through, was agreed to, as follows: In congress, July 12, 1775.

That the securing and preserving the friendship of the Indian nations appears to be a subject of the utmost moment to these colonies.

That there is too much reason to apprehend that administration will spare no pains to excite the several nations of Indians to take up arms against these colonies; and that it becomes us to be very active and vigilant in exerting every prudent means to strengthen and confirm the friendly disposition, towards these colonies, which has long prevailed among the northern tribes, and which has been lately manifested by some of those to the southward.

As the Indians depend on the colonists for arms, ammunition, and clothing, which are become necessary to their subsistence, that commissioners be appointed by this congress to superintend Indian affairs in behalf of those colonies.

That there be three departments of Indians, the northern, middle, and southern. The northern to extend so far south as to include the whole of the Indians known by the name of the Six Nations, and all the Indians northward of those nations. The southern department, to extend so far north as to include the Cherokees, and all the Indians that may be to the southward of them. The middle, to contain the Indian nations that lie between the other two departments.

That five commissioners be appointed for the southern department.

Indian affairs.

That for each of the other two departments, there be appointed three commissioners.

That the commissioners have power to treat with the Indians, in their respective departments, in the name and on behalf of the united colonies, in order to preserve peace and friendship with the said Indians, and to prevent their taking any part in the present commotions.

That the commissioners for the southern department receive, from the continental treasury, the sum of ten thousand dollars; the commissioners for the middle and northern department, the sum of six thousand six hundred and sixty-six and two-thirds, for each of their respective departments, for defraying the expense of treaties and presents to the Indians.

That the commissioners, respectively, have power to take to their assistance gentlemen of influence among the Indians in whom they can confide, and to appoint agents, residing near or among the Indians, to watch the conduct of the superintendents, and their emissaries.

That in case the commissioners for the respective districts, or any one of them in either district, shall have satisfactory proof, that the king's superintendents, their deputies or agents, or any other person whatsoever, are active in stirring up or inciting the Indians, or any of them, to become inimical to the American colonies, such commissioner or commissioners ought to cause such superintendents, or other offender, to be seized and kept in safe custody, until order shall be taken therein by a majority of the commissioners of the districts where such seizure is made, or by the continental congress, or a committee of said congress, to whom such seizure, with the causes of it, shall, as soon as possible after, be made known.

That the commissioners shall exhibit fair accounts, of the expenditure of all moneys by them respectively to be received for the purposes aforesaid, to every succeeding continental congress, or committee of congress, together with a general state of Indian affairs in their several departments; in order that the colonies may be informed, from time to time, of every such matter as may concern them to know and avail themselves of, for the benefit of the common cause.

That as there is a seminary for the instruction of Indian youth, which has been established under the care of doctor Wheelock, on Connecticut river; and as there are nine or ten Indian youths at that school, chiefly from the tribes residing in Quebec; and as, for want of a proper fund, there is danger that these youths may be sent back to their friends, which will probably excite jealousy and distrust, and be attended with bad consequences, the commissioners for Indian affairs in the northern department be authorized to receive, out of the continental treasury, a sum not exceeding five hundred dollars, to be applied by them for the support of said Indian youths.

In congress, July 13, 1775. *Ordered*, That a talk be prepared for the Indian nations, so as to suit the Indians in the several departments.

In congress, Sept. 14, 1775. The commissioners for Indian affairs, in the northern department, transmitted to the congress the minutes of a treaty, held

with the Six Nations, at Albany, in August; and the same were read. Indian affairs.

The congress resumed the consideration of the report of the committee, on Mr. Douw's letter, and the Albany treaty; and after debate, the first paragraph was postponed, and the remainder agreed to, as follows: In congress,
Nov. 23, 1775.

The committee to whom it was referred to take into consideration the letter from Volckert P. Douw, esq. and the minutes of the treaty held with the Indians at Albany, by the commissioners for Indian affairs, in the northern department, have examined the same, and come to the following resolutions thereupon:

That it is the opinion of this committee, that the Indians be assured that this congress are pleased with their desire that the trade should be opened, as formerly, at Albany and Schenectady; that the congress will exert their strenuous endeavors to procure the goods the Indians may want, and put the trade under such wise regulations, as that mutual justice may be effected, and that they hope those endeavors will be successful.

That general Schuyler be desired to furnish the commissioners at Albany with some powder, if he can spare it, to be distributed among the Indians, who, in the present circumstances, are much distressed by the want of that article.

That the commissioners for transacting Indian affairs in the northern department, be desired to obtain from the Mohawk Indians, and the corporation of Albany, a state of the controversy between them, concerning the land desired by the former, in the late treaty at Albany, to be restored to them, and report the matter, as it shall appear to them, to the congress.

That the said commissioners be desired, at the expense of the united colonies, to provide for and entertain the sachems and warriors of the Six Nations, and other Indians friendly to these colonies, their attendants and messengers, with the accustomed hospitality, when they come to Albany or Schenectady, to treat, or give intelligence of public affairs, or upon a visit, and for this purpose, that seven hundred and fifty dollars be lodged in the hands of the said commissioners, subject to account.

That the said commissioners be directed to employ two blacksmiths, for reasonable salaries, to reside among and work for the Indians of the Six Nations.

That the said commissioners be empowered to employ an interpreter, with a salary of two hundred and twenty-two and one-fifth dollars by the year, commencing the twelfth day of this month, who shall also be allowed his travelling expenses, to be settled by the commissioners; and James Deane, if they judge him well qualified, is recommended to execute this office.

That twenty-three dollars be paid to James Deane, over and above the seventy-five dollars advanced him by the commissioners, for his past services.

Resolved, That three members be added to the committee on the Albany treaty, and that they be directed to consider of a

Indian affairs. plan for carrying on a trade with the Indians, and to devise ways and means for procuring goods proper for that trade.

In congress,
Jan. 27, 1776.

The committee to whom the treaty held with the Indians at Albany, and the letter from V. P. Douw, esquire, were referred, brought in their report: whereupon,

Resolved, That in order to preserve the confidence and friendship of the Indians, and to prevent their suffering for want of the necessaries of life, a suitable assortment of Indian goods, to the amount of forty thousand pounds sterling, be imported on account and risk of the united colonies:

That the said goods, when imported, be divided among the different departments, in the following proportions, viz: for the northern department, comprehending Canada, thirteen thousand three hundred and thirty-three pounds six shillings and eight pence sterling; for the middle department, the like value; and the residue for the southern department:

That in order to pay for the said goods, a quantity of produce of these colonies be exported to some foreign European market, where it will sell to the best advantage:

That the secret committee be empowered to contract with proper persons for importing said goods, and for exporting produce to pay for the same:

That the said goods, when imported, be delivered to the commissioners of Indian affairs, for the respective departments, or their order, in the proportions beforementioned:

That the respective commissioners, or such of them as can conveniently assemble for that purpose, shall, as the goods arrive, fix a price, adding to the first cost interest, the charge of insurance, and all other charges, and also a commission not exceeding two and a half per cent. on the first cost, for their own care and trouble in receiving, storing, and selling them to the Indian traders; but such commissioners as are at the same time members of congress, shall not be burdened with this part of the business, nor receive any part of the aforesaid commission:

That no person shall be permitted to trade with the Indians without license from one or more of the commissioners of each respective department:

That all traders shall dispose of their goods at such stated reasonable prices as shall be fixed and ascertained by the commissioners, or a majority of such as can conveniently assemble for that purpose, in each respective department, and shall allow the Indians a reasonable price for their skins and furs, and take no unjust advantage of their distress and intemperance; and to this end they shall, respectively, upon receiving their licenses, enter into bond to the commissioners, for the use of the united colonies, in such penalty as the acting commissioners or commissioner shall think proper, conditioned for the performance of the terms and regulations above prescribed:

That to such licensed traders only, the respective commissioners shall deliver the goods, so to be imported, in such proportions as they shall judge will best promote a fair trade, and relieve the necessities of the Indians:

That every trader, on receiving the goods, shall pay to the ^{Indian affairs.} commissioners, in hand, the price at which they shall be estimated; and the commissioners shall, from time to time, as the money shall come to their hands, transmit the same to the continental treasurers, deducting only the allowance for their trouble as aforesaid:

That the trade with the Indian nations shall be carried on at such posts and places only, as the commissioners for each department shall respectively appoint:

That these resolutions shall not be construed to prevent or debar any private person from importing goods for the Indian trade, under the restrictions expressed in the association.

The committee to whom the memorial of Samson Occum, one ^{In congress,} of the Mohegan Indians, in Connecticut, was referred, brought ^{Feb. 5, 1776.} in their report: whereupon,

Resolved, That a friendly commerce between the people of the united colonies and the Indians, and the propagation of the gospel, and the cultivation of the civil arts among the latter, may produce many and inestimable advantages to both; and that the commissioners for Indian affairs be desired to consider of proper places, in their respective departments, for the residence of ministers and schoolmasters, and report the same to congress:

That the commissioners for Indian affairs in the northern department, be desired to inquire of Mr. Jacob Fowler, of the Montauk tribe of Indians, on Long Island, and Mr. Joseph Johnson, of the Mohegan, upon what terms they will reside among the Six Nations of Indians, and instruct them in the christian religion.

Resolved, That Indians be not employed as soldiers in the ^{In congress,} armies of the united colonies, before the tribes to which they ^{March 8,} belong shall, in a national council, held in the customary ^{1776.} manner, have consented thereunto, nor then, without express approbation of congress.

The committee to whom the report on Indian affairs in the ^{In congress,} middle department, and the petition of captain White Eyes, ^{April 10,} are referred, brought in their report, which was taken into ^{1776.} consideration: whereupon,

Resolved, That the commissioners for Indian affairs in the middle department, or any one of them, be desired to employ, for reasonable salaries, a minister of the gospel, to reside among the Delaware Indians, and instruct them in the christian religion; a schoolmaster to teach their youth reading, writing, and arithmetic; also, a blacksmith to do the work of the Indians in the middle department.

Resolved, That the commissioners for Indian affairs in the middle department, be desired to provide, at the expense of the united colonies, for the entertainment of the sachems and warriors of the Indians, and their attendants and messengers, with the accustomed hospitality, when they come to Pittsburg to treat, or give intelligence of public affairs, or upon a visit.

Resolved, That the commissioners for Indian affairs be desired to acquaint the Indians, in their respective departments,

Indian affairs. that congress have formed a plan for importing goods to supply their necessities:

That the commissioners for Indian affairs be desired to inquire and report the cause of the discontent of the Indians in the middle department, what measures may be pursued to restore quiet and harmony, and to use their utmost endeavors, in the mean time, to prevent hostilities.

That disputes which shall arise between any of the white people and the Indians, in their dealings, (if the latter will consent,) be determined by arbitrators chosen, one by each of the parties, and another by the commissioners for Indian affairs, or, when they are absent, by the agent in the department where the Indian party resides.

In congress,
April 29,
1776.

Resolved, That no traders ought to go into the Indian country without license from the agent in the department: and that care be taken by him to prevent exorbitant prices for goods being exacted from the Indians.

Resolved, That a ton of powder be sent to Mr. G. Morgan, to be distributed to such Indians as he shall be convinced are in our interest.

Resolved, That measures be immediately taken to procure goods, to supply the Indians at the treaties ordered to be held with them.

In congress,
May 6, 1776.

Resolved, That the Indian goods said to be at fort Pitt, be purchased for the use of the united colonies:

That Indian goods, to the value of ten thousand dollars, be purchased at Montreal, for the use of the united colonies:

That treaties be held with the Indians in the different departments, as soon as practicable, and that the sum of ten thousand dollars be paid out of the treasury, to the commissioners of each respective department, for presents to the Indians, and the expenses of such treaties.

In congress,
May 11, 1776.

Resolved, That the standing committee for Indian affairs be directed to take measures for carrying into execution the resolution of the 6th, for holding a treaty with the Indians in the different departments, as soon as practicable.

That the 20th of July be fixed on for holding a treaty at Pittsburg, with the Indians in the middle department; and that the standing committee be directed to inform the agent, and desire him to notify the Indians, and invite them to attend at the time and place mentioned; and also that the said committee inform the commissioners, and desire them to attend.

In congress,
May 27, 1776.

Agreeably to order, the Indians were admitted to an audience; after they withdrew,

Resolved, That the standing committee for Indian affairs, be directed to prepare a speech to be delivered to the Indians, and to procure such articles as they judge proper for a present.

In congress,
June 11, 1776.

Resolved, That the sum of one hundred and fifty dollars be paid the Indian interpreter for his services, and to defray his expenses.

The presents for the Indians being provided, they were called in, and the speech agreed to was delivered.

The presents being delivered, the Indian chief begged leave

to give a name to the president; the same being granted, an Indian affairs. Onondago chief arose, and saluted the president by the name of *Karanduaân*, or the Great Tree, by which name, he informed him, the president will be known among the Six Nations. After which the Indians took their leave and withdrew.

Resolved, That it be left to the discretion of the commissioners in the middle department, to postpone the holding the treaty with the Indians in their department, to such time as they think best; and that, if by continuing at Pittsburg in the mean while, they are of opinion they shall be able to bring the Indians into a friendly disposition, and to render the treaty more general, they be desired to continue there: In congress, Aug. 19, 1776.

That the invitation given by the said commissioners, to such of the Six Nations of Indians as live on the waters of the Ohio, to attend the said treaty, be approved:

That the said commissioners be instructed to make diligent inquiry into the murder lately committed by Indians in the neighborhood of Pittsburg, on one Crawford, and that as soon as they discover by whom the same was committed, they demand due punishment on the offender or offenders, which being granted, this congress will not consider the same as a national act:

That the said commissioners invite such of the Indian chiefs and warriors of their department as they think best, to visit congress at Philadelphia, after the conclusion of the treaty with them:

That the following extract from the speech of Logan, an Indian chief, be transmitted to the commissioners for the middle department, viz: "We still hear bad news. Conneodico, and some of us, are constantly threatened: and the Bearskin, a trader from Pennsylvania, amongst others, says, a great reward is offered to any person who will take or entice either of us to Pittsburg, where we are to be hanged up like dogs, by the Big Knife. This being true, how can we think of what is good? That it is true we have no doubt, and you may depend on it that the Bearskin told Metopsica every word of what I have mentioned." And that they be directed to do all in their power to remove every jealousy of the United States, or either of them, from the minds of the Indians. And as it may possibly happen, that the persons concerned in the Indian trade, in order to engross to themselves, or to the traders of their own state, the whole of the said Indian trade, may, by false suggestions, endeavor to poison the minds of the said Indians, and render them inimical to any other state, and to involve such state in an Indian war, that it be therefore recommended to the assemblies and conventions of the several states, from which trade is carried on with the Indians, that they take the most effectual measures to prevent the traders of their respective states from pursuing a practice so dangerous to the peace of the United States.

Resolved, That it be recommended to the inhabitants of the frontiers, and to the officers at all the posts there, to treat the Indians who behave peaceably and inoffensively, with kindness and civility, and not to suffer them to be ill used or insulted. In congress, Sept. 19, 1776.

Indian affairs.

As it may be a means of conciliating the friendship of the Canadian Indians, or at least of preventing hostilities from them, in some measure to assist the president of Dartmouth college, in New Hampshire, in maintaining their youth, who are now there under his tuition, and whom the revenues of the college are not, at this time, sufficient to support; that, for this purpose, five hundred dollars be paid to the reverend doctor Eleazer Wheelock, president of the said college.

In congress,
Oct. 20, 1777.

Congress taking into consideration general R. Howe's letter of the 4th of September, 1777, to the speaker and assembly of the state of Georgia, and another of the 28th of August, to the president of congress, in which he represents the danger of an Indian war being provoked, by the wantonness and indiscretion of several persons in that state,

Resolved, That it be earnestly recommended to the president and assembly of the state of Georgia, to use their utmost exertions to cultivate peace and harmony with the Indian nations: and to enable them to effect this salutary purpose, that they forthwith enact laws, inflicting severe penalties on such of their inhabitants as may endeavor to provoke a war, which may endanger the state of Georgia, and entail great injury and expense on the United States.

In congress,
Feb. 2, 1778.

The committee to whom was referred the letter from the commissioners for Indian affairs in the northern department, together with the papers enclosed, and the opinion of the board of war thereon, brought in a report; whereupon,

Resolved, That the commissioners be instructed to speak to the Indians, at the intended treaty at Johnston, in language becoming the representatives of free, sovereign, and independent states, and in such a tone as will convince them that we feel ourselves to be so; but whether it will be prudent to insist upon the Indians' taking an active part in behalf of these states, must depend upon the temper they shall appear to be in; that this particular, therefore, be submitted to the discretion of the commissioners.

Resolved, That the commissioners speak and act in such manner as they shall think most likely to obtain the friendship, or, at least, the neutrality of the Indians, and that congress will support the commissioners in any measures they shall conceive best calculated to answer these ends:

That the commissioners be authorized to purchase five or six hundred blankets, or to order that number to be sent to Johnston, from any of the public stores to the eastward, if to be had there, to be given as presents to the Indians.

In congress,
March 3,
1778.

The board of war, to whom was referred the letter of the 20th of February, from the committee at Camp, having made report, the same was taken into consideration: whereupon,

Resolved, That general Washington be empowered, if he think it prudent and proper, to employ in the service of the United States a body of Indians, not exceeding four hundred; and that it be left to him to pursue such measures as he judges best for procuring them, and to employ them, when procured, in such way as will annoy the enemy, without suffering them to injure those who are friends to the cause of America.

Resolved, That brigadier M'Intosh be directed to assemble, Indian affairs.
at fort Pitt, as many continental troops and militia as will In congress,
amount to fifteen hundred, and proceed without delay to de- July 25, 1778.
stroy such towns of the hostile tribes of Indians as he, in his
discretion, shall think will most effectually tend to chastise and
terrify the savages, and to check their ravages on the frontiers
of these states:

That it appearing most evidently that the late incursion at
Wyoming and the adjacent parts, has been made by the Sene-
kas and some other tribes of the Six Nations, aided by Tories
and other banditti, from the frontiers of New York, New Jer-
sey, and Pennsylvania, the expedition meditated against them
from the northward be forwarded with all possible despatch,
and that the board of war take the necessary steps for that pur-
pose.

A letter of September 24th, from Andrew Lewis and Thomas In congress,
Lewis, esquires, commissioners at fort Pitt, was read, together Oct. 6, 1778.
with their proceedings at a treaty with the chiefs of the Dela-
ware nation, and an agreement or confederation entered into
between them and the said chiefs, and other papers enclosed:

Ordered, That the same be referred to a committee of three.

Resolved, That twelve blank commissions be transmitted to In congress,
the commissioners of Indian affairs for the northern depart- April 3, 1779.
ment; and that they, or any two of them, be empowered to fill
them up with the names of faithful chiefs of the Oneidas and
Tuscaroras, giving them such ranks as the said commissioners
shall judge they merit; the names and ranks to be by the com-
missioners reported to the board of war.

Resolved, That the commissioners for Indian affairs in the In congress,
northern department, be directed to consult general Washing- May 17, 1779.
ton upon all treaties with the Indians, and to govern themselves
by such instructions as he shall give them, relative to any partial
or general treaty of peace to be concluded with them.

A letter of the 26th, from colonel Broadhead, at Pittsburg, In congress,
was read, informing that some of the inhabitants from Yoghia- Nov. 8, 1779.
gany and Ohio counties, had crossed the Ohio, and made small
improvements on the Indians' land, from the river Muskingum
to fort M'Intosh, and thirty miles up the branches of the Ohio
river; and that he had ordered the trespassers to be appreh-
ended, and the huts to be destroyed.

Ordered, That a letter be written to the governor of Virginia,
enclosing a copy of colonel Broadhead's letter, and requesting
his excellency to endeavor to prevent a repetition of the tres-
passes mentioned in it.

Congress took into consideration the report of the commit- In congress,
tee, consisting of Mr. Forbes, Mr. Sharpe, Mr. Morris, on a Nov. 27, 1779.
letter of the 17th of October last, from major general Schuyler;
and thereupon agreed to the following answer to the said letter:

“SIR: Notwithstanding the many injuries committed by the
savages, congress are disposed to peace: the conditions on
which they insist, are,

First, that it shall be supplicated on the part of the enemy;
secondly, that they shall surrender all the Americans in their

Indian affairs. hands; thirdly, that they shall expel all British agents and emissaries; fourthly, that they shall covenant to deliver up such as shall hereafter go among them; fifthly, that they shall covenant not to take up the hatchet again, under penalty of being driven from their country; and sixthly, that they shall give hostages for their strict adherence to the promises to be by them made."

In congress,
Feb: 21, 1780. The board of war, to whom was referred general Schuyler's letter of the 5th, brought in a report, which was read: whereupon,

Resolved, That the commissioners of Indian affairs in the northern department, be authorized and instructed to take such securities from the hostile tribes of Indians, to ensure the faithful performance of their engagements with the said commissioners, as seem most conducive to the end proposed, in lieu of hostages.

In congress,
July 31, 1781. A report from the board of war was read, enclosing accounts against the United States for the support and tuition of three Indian boys at Princeton: whereupon,

Ordered, That the same be referred to the board of treasury; and that the board devise ways and means for furnishing colonel George Morgan with the sum of one hundred and thirty-seven pounds, currency of New Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys, of the Delaware nation, now at Princeton college; for which sum colonel George Morgan is to be accountable.

Report of a committee of congress,
May 1, 1782.

[* Meaning a cession of land from the state of New York.]

The reasons that induced your committee to recommend the acceptance of this cession,* are,

1. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians and their tributaries have been, in due form, put under the protection of the crown of England, by the said Six Nations, as appendant to the late government of New York, so far as respects jurisdiction only.

2. That the citizens of the said colony of New York have borne the burden, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said government.

3. That the crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New York.

4. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognised and admitted the said Six Nations and their tributaries to be appendant to the government of New York.

5. That by congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the union.

In congress,
Oct. 11, 1782. On the report of a committee, consisting of Mr. Boudinot, Mr. Duane, and Mr. Williamson, to whom were referred the

letter of the 26th of September from the commander in chief, Indian affairs.
and the letter of the 21st of September from general Schuyler:

Resolved, That the commissioners of Indian affairs for the northern department, be instructed to avail themselves of the change of temper, which is represented to prevail in the tribes of Indians under their superintendence, and to devise and report to congress the best means of securing the said tribes against the future intrigues of the enemy.

The committee, consisting of Mr. Duane, Mr. Ramsay, and In congress,
Mr. Wharton, to whom was referred a letter of the 1st, from Nov. 2, 1782.
the secretary of war, report,

“That they have had a conference with the two deputies of the Catawba nation of Indians: that their mission respects certain tracts of lands reserved for their use, in the state of South Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent;” whereupon,

Resolved, That it be recommended to the legislature of the state of South Carolina, to take such measures for the satisfaction and security of the said tribe, as the said legislature shall, in their wisdom, think fit.

Resolved, That the secretary of war take the most effectual measures to inform the several Indian nations, on the frontiers In congress,
of the United States, that preliminary articles of peace have May 1, 1783.
been agreed on, and hostilities have ceased with Great Britain, and to communicate to them that the forts within the United States, and in possession of the British troops, will speedily be evacuated; intimating also, that the United States are disposed to enter into friendly treaty with the different tribes; and to inform the hostile Indian nations, that unless they immediately cease all hostilities against the citizens of these states, and accept of these friendly proffers of peace, congress will take the most decided measures to compel them thereto.

By the United States in congress assembled, a proclamation.

Whereas, by the ninth of the articles of confederation, it is, among other things, declared, that “the United States in congress assembled have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated:” and whereas it is essential to the welfare of the United States, as well as necessary for the maintenance of harmony and friendship with the Indians, not members of any of the states, that all cause of quarrel or complaint between them and the United States, or any of them, should be removed and prevented; therefore, the United States in congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular state, and from purchasing or receiving any gift or cession of such lands or claims, without the express authority and directions of the United States in congress assembled.

In congress,
September
22, 1783.

Indian affairs.

And it is moreover declared, that every such purchase or settlement, gift, or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement.

Done in congress, at Princeton, this twenty-second day of September, in the year of our Lord one thousand seven hundred and eighty-three, and of our sovereignty and independence the eighth.

In congress,
Oct. 15, 1783.

Resolved, That a convention be held with the Indians residing in the northern and middle departments, who have taken up arms against the United States, for the purposes of receiving them into the favor and protection of the United States, and of establishing boundary lines of property, for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds, and thereby extinguishing, as far as possible, all occasion for future animosities, disquiet, and contention.

And whereas the trade with the Indians ought to be regulated, and security be given by the traders for the punctual observance of such regulations, so that violence, fraud, and injustice, towards the Indians, may be guarded against and prevented, and the honor of the federal government and the public tranquillity thereby promoted:

Resolved, That a committee be appointed, with instructions to prepare and report an ordinance for regulating the Indian trade, with a clause therein strictly prohibiting all civil and military officers, particularly all commissioners and agents for Indian affairs, from trading with the Indians, or purchasing, or being directly or indirectly concerned in purchasing lands from Indians, except only by the express license and authority of the United States in congress assembled.

Resolved, That the preceding measures of congress relative to Indian affairs, shall not be construed to affect the territorial claims of any of the states, or their legislative rights within their respective limits.

Resolved, That it will be wise and necessary, as soon as circumstances shall permit, to erect a district of the western territory into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants; and, in the interim, that a committee be appointed to report a plan, consistent with the principles of the confederation, for connecting with the union, by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves, and, as citizens of a free, sovereign, and independent state, to be admitted to a representation in the union: provided always, that such constitution shall not be incompatible with the republican principles which are the basis of the constitutions of the respective states in the union.

Resolved, That general Schuyler be, and he is hereby, directed to expedite the return of the deputation from the late hostile tribes of Indians, with information to their constituents, that due notice shall be given them of the time and place where congress will hold a meeting, for settling a general treaty with the Indian nations, which meeting they may rest satisfied will be held as soon as the season and other necessary circumstances will permit. In the mean time, the Indian tribes may be assured of the protection of the United States, so long as they continue in the peaceable disposition which they now manifest, and which is highly pleasing to congress.

Indian affairs.

In congress,
Feb. 10, 1784.

Resolved, That the president immediately inform the gentlemen elected commissioners for holding a treaty with the Indians, of the said election, and that, as it is the wish of congress that the negotiations should commence as soon as possible, the commissioners are desired to meet at New York, on the tenth day of April next, to fix upon the times and places of holding the treaties with the different nations and tribes of Indians, and give them, respectively, the speediest information of the time and place determined on, inviting them to meet accordingly.

In congress,
March 5,
1784.

Resolved, That the commissioners appointed to negotiate with the Indians, shall each be allowed six and a half dollars per day, for the time they shall be employed in that business, in full for their services and expenses, exclusive of their expenses at the place or places where the treaties shall be held.

In congress,
March 19,
1784.

On the report of a committee, consisting of Mr. Jefferson, Mr. Howell, and Mr. Lee, to whom was referred an additional report on Indian affairs:

Resolved, That the superintendent of finance cause to be purchased a quantity of goods, to be applied in negotiating the treaty with the Indians, the amount not to exceed the sum of fifteen thousand dollars, including those on hand, according to an estimate, specifying kinds, quantities, and qualities, to be furnished by the commissioners for negotiating the treaty.

Resolved, That the commissioners be, and they hereby are, authorized and instructed to appoint one or more suitable person or persons, with such allowance as they may think reasonable, to receive the aforesaid goods, to take charge of their transportation, to such place or places as may be pointed out by the said commissioners, and to attend to the safe keeping and issuing, agreeably to such orders as he or they may receive from the said commissioners, all goods committed to his or their care, which orders are to be produced as vouchers on the settlement of the accounts. And that the superintendent of finance furnish to the order of the said commissioners the sums of money necessary for carrying this resolve into execution.

Resolved, That the said commissioners be, and they hereby are, authorized and directed to make and transmit to congress, from time to time, estimates of such additional quantities of goods, as may be found necessary in the course of their negotiations, in order that proper measures may be taken for procuring and forwarding the same.

Indian affairs.

In congress,
June 3, 1784.

Whereas it is necessary to expedite the holding treaties with the Indian nations, which it appears cannot be done but under the protection of an armed force; therefore,

Resolved, That the secretary in the war office be, and he is hereby, directed to order three hundred men, of the militia, directed to be raised by the act of this day, to be in readiness to march when and to what place or places the commissioners for negotiating with the Indians, or any two of them, shall direct: and that the commanding officer of the said troops give such protection to the commissioners as they, or any two of them, shall require; and that the said secretary give order to the different keepers of the public stores, to furnish to the order of the commissioners, or any two of them, such tents, marquees, and other articles, as the said commissioners shall think proper.

Resolved, That the superintendent of finance take order for purchasing and transmitting the articles necessary for the Indian treaties, according to a list hereunto annexed, to such places as the commissioners appointed to negotiate with the Indians, or any two of them, shall direct. That he furnish such additional articles, not exceeding the sum of four thousand dollars, as the said commissioners shall order; and that he contract with such persons as he may think proper, to furnish sixty thousand rations for the Indian treaties, at such places as the commissioners, or any two of them, shall direct, together with such things as shall be necessary for the expenses of the said commissioners during the negotiation.

Resolved, That the commissioners for negotiating with the Indians, or any two of them, being a majority of those present, be empowered to do the business of the commission, and to appoint a secretary, messengers, interpreters, storekeepers, and such artificers as they may find necessary, and to agree with them for their pay, for which they shall draw warrants on the treasury.

In congress,
March 15,
1785.

Resolved, That three commissioners, with the same pay as is allowed to the commissioners appointed for treating with the northern Indians, be appointed to treat with the Cherokees and all other Indians southward of them, within the limits of the United States, or who have been at war with them, for the purpose of making peace with them, receiving them into the favor and protection of the United States, and removing, as far as may be, all causes of future contention or quarrels.

That the commissioners be instructed, as a preliminary, to require that all prisoners, of whatever age or sex, among the Indians, shall be delivered up, and they are further instructed to demand the negroes and other property, belonging to the citizens of the United States, which have been captured during the war.

That they be instructed to inform the Indians of the great occurrences of the last war, and of the extent of country relinquished by the late treaty of peace with Great Britain.

That the commissioners, previous to their holding any treaty, shall give due notice of the time and place where it is to be held, to the supreme executives of Virginia, North Carolina,

South Carolina, and Georgia; in order that they may, each of them, appoint one or more persons to attend during the treaty, if they think proper. Indian affairs.

That the commissioners be instructed to encourage the Indians to give notice to congress, or some of their officers, of any designs that may be formed in any neighboring tribe, or by any person whatever, against the peace of the United States.

That the commissioners be authorized to apply to the supreme executive of Virginia, North Carolina, South Carolina, or Georgia, for one hundred and fifty men, or such part thereof as they may deem necessary, of their militia, for the purpose of protecting the commissioners whilst engaged in concluding the said treaties; and that they be authorized to draw on any of the said states for a sum not exceeding nine thousand dollars, to discharge the expense of holding the treaties, including the pay of the commissioners and the pay and subsistence of the guard for the commissioners; and a sum not exceeding four thousand dollars, to be expended in making presents to the Indians; and that the said states have credit for such advance out of the requisitions for the year 1786.

Resolved, That in order to give greater security to the frontier settlement, and establish a boundary line between the United States and the Pattawatima, Twightwees, Piankeshaw, and other western nations, a treaty be held with the said Indians at Post Vincent, on the Wabash river, on the 20th day of June, 1785, or at such other time or place as the commissioners may find more convenient. In congress,
March 18,
1785.

That 18,429 pounds weight of beef, 21,047 pounds of flour, and salt in proportion, in addition to the rations now in use at fort McIntosh, will be necessary for the said treaty; and that the commissioners of the treasury take order to furnish the same, by contract.

That the commissioners for holding the aforesaid treaty, purchase, and cause to be transported, such goods as they may judge necessary, in addition to the goods in store at fort McIntosh, to an amount not exceeding three thousand dollars, and that they be empowered to draw, out of the public magazines, if they think proper, such a quantity of powder as they may find necessary for the purposes of the treaty.

That the commissioners of the treaty take order to advance to the commissioners aforesaid, the sum of three thousand dollars, for which they are to account, in addition to the amount of the goods to be purchased as aforesaid.

That the troops at the western posts, or so many of them as may be required, be subject to the order of the aforesaid commissioners for holding the treaty, during the time of the said treaty.

Resolved, That the commissioners instructed to hold a treaty under the resolutions of the 18th of March last, with the western tribes of Indians, at Post St. Vincent, on the 20th day of June, for the purpose of obtaining from them a cession of lands, be, and they are hereby, authorized and directed to avail themselves of the disposition of the Indians, and the funds In congress,
June 6, 1785.

Indian affairs. committed to their charge, to make such cession as extensive and liberal as possible.

In congress,
June 15, 1785.

1. *Resolved*, That the commissioners instructed to hold a treaty, under the resolutions of the 18th March last, with the western tribes of Indians, for the purpose of obtaining from them a cession of lands, be, and they are hereby, authorized and directed to avail themselves of the disposition of the Indians, and the funds committed to their charge, to make such cession as extensive and liberal as possible.

2. That the board of treasury take order for the purchase of goods, in addition to those on hand at fort M'Intosh, and those ordered to be purchased by the resolutions of the 18th March last, for the purpose of carrying the said treaty fully into effect, to an amount not exceeding three thousand dollars.

3. That the board of treasury take order for the purchase of provisions and other stores, for the support of the commissioners and others necessarily attending the treaty, to an amount not exceeding two thousand dollars.

4. That the board of treasury take order to answer the draughts of the commissioners of the treaty, for the pay of the officers, messengers, interpreters, and artificers, in a sum not exceeding two thousand dollars.

5. That the board of treasury take order for contracting, upon the best terms they can, for the transportation of the said goods to the place at which the treaty may be held, or such other places as the commissioners may think proper; and also for the transportation of the troops and their baggage, which may be necessarily employed in attending the said treaty.

6. That the commissioners be, and they are hereby, authorized to make rules and regulations for the management of the treaty, and the government of all those who attend it.

7. That they endeavor to obtain from the inhabitants of Kaskaskies, St. Vincents, and others, a statement of their rights to lands within the said country, guarantied to them by congress, in their acceptance of the Virginia cession, with the origin and extent thereof, and report the same. That they also administer to the said inhabitants, the following oath of allegiance. *I, ———, do solemnly swear (or affirm) that I will be true and faithful to the United States of America; that I renounce all allegiance and dependence upon any foreign prince or potentate whatsoever; and that I will, as becomes a good citizen, as far as in me lies, protect and defend the said United States from all attacks and invasions from other powers.*

8. That they prohibit the settlement of all persons, not properly authorized for that purpose, upon the unappropriated lands of the United States, and that they cause to be circulated in the said country the following proclamation:

Whereas it hath been represented to the United States in congress assembled, that several disorderly persons have crossed the river Ohio, and settled upon their unappropriated lands; and whereas it is their intention, as soon as it shall be surveyed, to open offices for the sale of a considerable part thereof, in such proportions, and under such other regulations, as may suit

the convenience of all the citizens of the said states, and others ^{Indian affairs.} who may wish to become purchasers of the same; and as such conduct tends to defeat the object which they have in view, is in direct opposition to the ordinances and resolutions of congress, and highly disrespectful to the federal authority, they have therefore thought fit, and do hereby issue this their proclamation, strictly forbidding all such unwarrantable intrusions, and enjoining all those who have settled thereon, to depart, with their families and effects, without loss of time, as they shall answer the same at their peril.

That the secretary of war be, and he is hereby, directed to order the troops in the service of the United States to be in readiness to march at such time, and to such place or places, as the said commissioners, or any two of them, shall direct.

That the fourth of the instructions given on the 15th of October, 1783, to the commissioners for negotiating with the Indians, be, and it is hereby, repealed.

On the report of a committee, consisting of Mr. Hardy, Mr. Howell, Mr. J. Henry, Mr. King, and Mr. Grayson, to whom ^{In congress, June 23, 1785.} was referred a motion of Mr King:

Resolved, That the commissioners for negotiating a treaty with the western tribes of Indians, under the resolutions of the 18th of March last, and of the 15th of June instant, be, and they are hereby, directed to hold the said treaty on the western banks of the Ohio, at the rapids, or at the mouth, of the Great Miami.

That the secretary of war detach one company of infantry, from the troops in the service of the United States, to attend the said commissioners to, at, and from, the place where the treaty aforesaid shall be held, and to be subject to the orders of the said commissioners, and that so much of the act of the 15th instant, as directs the secretary of war to order the troops in the service of the United States to be in readiness to attend the said commissioners, and so much of the said act as requires the commissioners to obtain from the inhabitants of Kaskaskies, St. Vincents, and others, a statement of their rights to lands, and to administer an oath to the said inhabitants, be, and are hereby repealed.

Resolved, That it be, and hereby is, recommended to the commonwealth of Virginia, on the request of the said commissioners, to furnish such numbers of the militia of that state, not exceeding one hundred and fifty men, from the counties within the state most convenient to the place where the said treaty is to be held, as will give full protection to all persons attending the same: provided, the company of infantry aforesaid shall be found to be insufficient for that purpose.

On the report of a committee, consisting of Mr. Monroe, ^{In congress, July 12, 1786.} Mr. Johnson, Mr. King, Mr. Kean, and Mr. Pinckney, to whom were referred the treaties made with the Indians:

Whereas it is unnecessary to continue the commissions longer in force, which were granted for the purpose of treating with the Indians in the northern, middle, and southern departments, as the future connexion and intercourse with the several Indian

Indian affairs. nations may, at a less expense, be maintained by a proper organization of the Indian department; therefore,

Resolved, That the several commissions of the 17th May, and 22d September, 1785, be, and they are hereby, revoked.

In congress,
Aug. 7, 1786.

An ordinance for the regulation of Indian affairs.

Whereas the safety and tranquillity of the frontiers of the United States do, in some measure, depend on the maintaining a good correspondence between their citizens and the several nations of Indians, in amity with them: and whereas the United States in congress assembled, under the ninth of the articles of confederation and perpetual union, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states; provided, that the legislative right of any state, within its own limits, be not infringed or violated:

Indian department divided into two districts, &c.

Be it ordained by the United States in congress assembled, That from and after the passing of this ordinance, the Indian department be divided into two districts, viz: The southern, which shall comprehend within its limits all the nations in the territory of the United States, who reside southward of the river Ohio; and the northern, which shall comprehend all the other Indian nations within the said territory, and westward of Hudson river: provided, that all councils, treaties, communications, and official transactions, between the superintendent hereafter mentioned for the northern district, and the Indian nations, be held, transacted, and done, at the outpost occupied by the troops of the United States, in the said district. That a superintendent be appointed for each of the said districts, who shall continue in office for two years, unless sooner removed by congress, and shall reside within, or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said superintendents shall attend to the execution of such regulations as congress shall, from time to time, establish respecting Indian affairs. The superintendent for the northern district shall have authority to appoint two deputies, to reside in such places as shall best facilitate the regulations of the Indian trade, and to remove them for misbehavior. There shall be communications of all matters relative to the business of the Indian department, kept up between the said superintendents, who shall regularly correspond with the secretary of war, through whom all communications respecting the Indian department shall be made to congress; and the superintendents are hereby directed to obey all instructions which they shall, from time to time, receive from the said secretary of war. And whenever they shall have reason to suspect any tribe or tribes of Indians of hostile intentions, they shall communicate the same to the executive of the state or states whose territories are subject to the effect of such hostilities. All stores, provisions, or other property, which congress may think necessary for presents to the Indians, shall be in the custody and under the care of the said superintendents, who shall render an annual account of the expenditures of the same to the board of treasury.

A superintendent for each district, &c.

And be it further ordained, That none but citizens of the Indian affairs-
 United States shall be suffered to reside among the Indian nations, or be allowed to trade with any nation of Indians within the territory of the United States. That no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian, or Indian nation, within the territory of the United States, without a license for that purpose first obtained from the superintendent of the district, or one of the deputies, who are hereby directed to give such license to every person who shall produce, from the supreme executive of any state, a certificate, under the seal of the state, that he is of good character, and suitably qualified and provided for that employment; for which license he shall pay the sum of fifty dollars to the said superintendent, for the use of the United States. That no license to trade with the Indians shall be in force for a longer term than one year; nor shall permits or passports be granted to any other persons than citizens of the United States, to travel through the Indian nations, without their having previously made their business known to the superintendent of the district, and received his special approbation. That previous to any person or persons' obtaining a license to trade as aforesaid, he or they shall give bond, in three thousand dollars, to the superintendent of the district, for the use of the United States, for his or their strict adherence to, and observance of, such rules and regulations as congress may, from time to time, establish for the government of the Indian trade. All sums to be received by the said superintendents, either for licenses or fines, shall be annually accounted for, by them, with the board of treasury.

And be it further ordained, That the said superintendents, and the deputies, shall not be engaged either directly or indirectly, in trade with the Indians, on pain of forfeiting their offices: and each of the superintendents shall take the following oath, previous to his entering on the duties of his appointment:

"I, A B, do swear, that I will well and faithfully serve the United States in the office of superintendent of Indian affairs, for the _____ district; that I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in congress assembled, or the secretary of war; that I will not be concerned, either directly or indirectly, in trade with the Indians, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly, and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor, or affection." And the superintendent for the northern district shall administer to his deputies the following oath, before they proceed on the duties of their office, *"I, A B, do swear, that I will well and faithfully serve the United States, in the office of deputy superintendent of Indian affairs, in the northern district; that I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in congress assembled, the secretary of war, or the superintendent of the district aforesaid, and that in all things belonging to my said office, during my continuance*

Superintendents and deputies not to trade, &c.

Form of oath to be taken by superintendents

Form of oath to be taken by deputies of superintendent in northern district.

Indian affairs. *therein, I will faithfully, justly, and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor, or affection."* And the said superintendents, and

Bond and surety.

deputy superintendents, shall each of them give bond with surety to the board of treasury, in trust for the United States; the superintendents, each, in the sum of six thousand dollars, and the deputy superintendents, each, in the sum of three thousand dollars, for the faithful discharge of the duties of their office.

Recovery of fines and forfeitures, &c.

And it is further ordained, That all fines and forfeitures, which may be incurred by contravening this ordinance, shall be sued for and recovered before any court of record within the United States, the one moiety thereof to the use of him or them who may prosecute therefor, and the other moiety to the use of the United States. And the said superintendents shall have power, and hereby are authorized, by force, to restrain therefrom all persons who shall attempt an intercourse with the said Indians, without a license therefor obtained as aforesaid.

Superintendents, in certain cases, to act in conjunction with state authorities.

And be it further ordained, That in all cases where transactions with any nation or tribe of Indians, shall become necessary to the purposes of this ordinance, which cannot be done without interfering with the legislative rights of a state, the superintendent in whose district the same shall happen, shall act in conjunction with the authority of such state.

Done by the United States in congress assembled, this seventh day of August, A. D. one thousand seven hundred and eighty-six, &c.

In congress, Oct. 6, 1786.

Resolved, That the oaths required of the superintendents of Indian affairs, be taken before any one of the judges of the supreme court in any of the United States.

In congress, July 18, 1787.

Resolved, That congress approve the measures taken by the secretary of war, with respect to the Indian chiefs of the Cherokee, Choctaw, and Chickasaw tribes, on their late visit to the seat of congress, and that the expenses attending the same be allowed.

Resolved, That all communications to the United States in congress, from the Indian tribes, ought to be made through the superintendents of Indian affairs.

Resolved, That if any trader or other person shall, without the authority of the said superintendents, undertake to conduct any Indian or Indians to the seat of congress, he shall be responsible for all expenses which may attend the same: and further, that where the person so acting as a conductor, shall be a trader, his license to trade with the said Indians shall become forfeited, and the same shall, at no time thereafter, be renewed.

Resolved, That the superintendents of Indian affairs be instructed to make public the foregoing resolutions, and to govern themselves accordingly.

In congress, July 21, 1787.

Resolved, That the superintendent of Indian affairs for the northern department, and in case he be unable to attend, then colonel Josiah Harmer, immediately proceed to Post St. Vin-

ents, or some other place more convenient, in his opinion, for Indian affairs. holding a treaty with the Wabash Indians, the Shawanees, and other hostile tribes; that he inform those Indians that congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end, he is sent to invite them, in a friendly manner, to a treaty with the United States, to hear their complaints, to know the truth, and the causes of their quarrels with those frontier settlers; and having invited those Indians to the treaty, he shall make strict inquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States.

Resolved, That a general treaty be held with the tribes of In congress, Oct. 5, 1787. Indians within the limits of the United States, inhabiting the country northwest of the Ohio, and about lake Erie, as soon after the first of April next as conveniently may be, and at such place, and at such particular time, as the governor of the western territory shall appoint, for the purposes of knowing the causes of uneasiness among the said tribes, and hearing their complaints; of regulating trade, and amicably settling all affairs concerning lands and boundaries between them and the United States.

On motion of Mr. King, seconded by Mr. Kean,

Resolved, That twenty thousand dollars be, and hereby are, In congress, Oct. 12, 1787. appropriated, for the purpose of Indian treaties, whenever the same shall be hereafter judged necessary by a majority of the United States in congress assembled, and that the resolutions for holding a general treaty with the Indians, passed the fifth of the present month, be, and they are hereby, repealed.

Resolved, That the governor of the western territory be, and In congress, Oct. 22, 1787. he is hereby, empowered to hold a general treaty with the adjacent Indian tribes, in the ensuing spring, if, in his judgment, the public good requires it, and that he be authorized to draw for such sums of the money appropriated by the resolve of congress of the 12th instant, as may be necessary to effect this object, not exceeding, in the whole, the sum of 14,000 dollars.

Resolved, That the executive, or legislature, if they be in session, in the states of North Carolina, South Carolina, and Georgia, be, and they are hereby, authorized to appoint, each of them, one commissioner; who shall, in conjunction with the superintendent of Indian affairs for the southern department, or, in his absence, by themselves, negotiate a treaty for the establishing peace between the United States and the tribes of Indians in the southern department; and any two of the commissioners to be appointed as aforesaid, in conjunction with the superintendent, or in case of the absence of the superintendent, any two of the said commissioners agreeing, their decision shall be final and conclusive; and that the said commissioners shall each be allowed five dollars a day, for the time they shall be employed in that business, in full for their services and expenses, exclusive of their expenses at the place or places where the treaties shall be held.

That the sum of six thousand dollars, being a part of the sum

Indian affairs. appropriated by the resolution of the twelfth of the present month, for holding Indian treaties, in addition to the goods in the hands of the former commissioners for holding a treaty with the southern Indians, be applied to holding the said treaty, at such time and such places as shall be appointed by the superintendent of Indian affairs for the southern department, in conjunction with the executive of the state of North Carolina, for the treaty with the Cherokees, and with the executive of Georgia, for that with the Creek nation; or, in case of the absence of the superintendent, then the time and place to be appointed by the executive of each state, in manner aforesaid. The aforesaid sum to be in full for all charges, of whatsoever nature they may be, relative to the said treaty, including the pay of the commissioners and militia: and, that the states of North Carolina, South Carolina, and Georgia, be called on to furnish the aforesaid sum, in equal proportions, to be credited on requisitions of congress.

That the commissioners aforesaid be, and they hereby are, authorized, to apply to the states of North Carolina, South Carolina, and Georgia, for any number of men, not exceeding one hundred of their militia, for the purpose of guarding and protecting the stores and goods necessary for carrying on the said treaty.

Resolved, That if, under the authority given the 22d day of the present month, to the governor of the territory of the United States northwest of the river Ohio, he shall think it expedient to hold a treaty with the Indian tribes in the northern department, he shall apply to the commanding officer of the troops of the United States, for such a number of men as he may deem proper for guarding and protecting the stores and goods necessary for holding the said treaty; and the commanding officer of the troops of the United States shall cause the said number of men to be marched to such place, and at such time, as shall be directed by the governor.

In congress,
July 15, 1788.

Whereas it is represented to congress, by the delegates of the state of Georgia, that the principal parts of the frontiers of that state have been for several years past invaded, and kept in a state of alarm by the Creek Indians: that the fighting men of that nation, supposed to amount to not less than six thousand, have been so far instigated by refugees and fugitive traders, who had formerly escaped from these states and taken refuge among them, as to keep up constant and bloody incursions on the different parts of that frontier, and that the settlements of four of the exterior counties are almost entirely broken up:

Resolved, That the superintendent and commissioners for the southern department be instructed, if they shall find it necessary, to notify to the said Indians, that should they persist in refusing to enter into a treaty upon reasonable terms, the arms of the United States shall be called forth for the protection of that frontier.

Ordered, That the secretary of war report to congress a plan for carrying into effect the purposes specified in the preceding resolve, as nearly as may be, upon the principles of the resolution of the 21st of July last; for the protection of the frontiers of Pennsylvania and Virginia.

A Proclamation.

Whereas the United States in congress assembled, by their commissioners duly appointed and authorized, did, on the twenty-eighth day of November, one thousand seven hundred and eighty-five, at Hopewell, on the Keowee, conclude articles of a treaty with all the Cherokees, and among other things stipulated and engaged by article fourth, "that the boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America, is and shall be the following, viz: Beginning at the mouth of Duck river on the Tennessee; thence running northeast to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge, to a northeast line to be run, which shall strike the river Cumberland forty-five miles above Nashville; thence along the said line to the river; thence up the said river to the ford, where the Kentucky road crosses the river; thence to Campbell's line, near to Cumberland Gap; thence to the mouth of Claud's creek on Holston; thence to the Chimney-top mountain: thence to Camp creek, near the mouth of Big Limestone, on Nolichucky; thence a southerly course, six miles, to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest, over the top of the Oconee mountain, till it shall strike Tugalo river; thence a direct line to the top of the Currahee mountain; thence to the head of the south fork of the Oconee river." And by article fifth, that "if any citizen of the United States, or other person, not being an Indian, should attempt to settle on any of the lands westward or southward of the said boundary, which were allotted to the Indians for their hunting grounds, or having settled previously to concluding the said treaty, and not removing from the same within six months after the ratification of the said treaty, such person should forfeit the protection of the United States, and that the Indians might punish him, or not, as they please; provided, that the said fifth article should not extend to the people settled between the fork of French Broad and Holston rivers, whose particular situation should be transmitted to the United States in congress assembled, for their decision thereon, which the Indians agreed to abide by."* And whereas it has been represented to congress, that several disorderly persons settled on the frontiers of North Carolina, in the vicinity of Chota, have, in open violation of the said treaty, made intrusions upon the said Indian hunting grounds, and committed many unprovoked outrages upon the said Cherokees, who, by the said treaty, have put themselves under the protection of the United States, which proceedings are highly injurious and disrespectful to the authority of the union, and it being the firm determination of congress to protect the said Cherokees in their rights, according to the true intent and meaning of the said treaty; the United States in congress assembled have therefore thought fit to issue, and they do hereby issue, this their proclamation, strictly forbidding all

Indian affairs.

In congress,
Sep. 1, 1788.[See ante,
chap. 17, page
323.]

Indian affairs. such unwarrantable intrusions, and hostile proceedings against the said Cherokees; and enjoining all those who have settled upon the said hunting grounds of the said Cherokees, to depart, with their families and effects, without loss of time, as they shall answer their disobedience to the injunctions and prohibitions expressed in this resolution at their peril: provided, that this proclamation shall not be construed as requiring the removal of the people settled between the fork of French Broad and Holston rivers, referred to in the said treaty: provided also, that nothing contained in this proclamation shall be considered as affecting the territorial claims of the state of North-Carolina. Done, &c.

Resolved. That the secretary of war be, and he is hereby, directed to have a sufficient number of the troops in the service of the United States, in readiness to march from the Ohio, to the protection of the Cherokees, whenever congress shall direct the same; and that he take measures for obtaining information of the best routes for troops to march from the Ohio to Chota; and for dispersing among all the white inhabitants settled upon, or in the vicinity of, the hunting grounds secured to the Cherokees, by the treaty concluded between them and the United States, November 28, 1785, the proclamation of congress of this date.

Naval establishment.

In congress,
Nov. 10, 1775.

Origin, &c. of the Naval Establishment of the United States.

Resolved, That two battalions of marines be raised, consisting of one colonel, two lieutenant colonels, two majors, and other officers, as usual in other regiments; that they consist of an equal number of privates, with other battalions; that particular care be taken that no persons be appointed to offices, or enlisted into said battalions, but such as are good seamen, or so acquainted with maritime affairs, as to be able to serve to advantage by sea, when required: that they be enlisted and commissioned to serve for and during the present war between Great Britain and the colonies, unless dismissed by order of congress; that they be distinguished by the names of the first and second battalions of American marines.

In congress,
Nov. 25, 1775.

1. *Resolved,* That all such ships of war, frigates, sloops, cutters, and armed vessels, as are, or shall be, employed in the present cruel and unjust war against the united colonies, and shall fall into the hands of, or be taken by, the inhabitants thereof, be seized and forfeited to and for the purposes hereinafter mentioned.

2. *Resolved,* That all transport vessels in the same service, having on board any troops, arms, ammunition, clothing, provisions, or military or naval stores, of what kind soever, and all vessels to whomsoever belonging, that shall be employed in carrying provisions, or other necessaries, to the British army or armies, or navy, that now are, or shall hereafter be, within any of the united colonies, or any goods, wares, or merchandise, for the use of such fleet or army, shall be liable to seizure, and, with their cargoes, shall be confiscated.

3. That no master or commander of any vessel shall be entitled to cruise for, or make prize of, any vessel or cargo, before he shall have obtained a commission from the congress, or from such person or persons as shall be for that purpose appointed, in some one of the united colonies.

Naval establishment, &c.

4. That it be, and is hereby, recommended to the several legislatures in the united colonies, as soon as possible to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of determining concerning the captures to be made as aforesaid, and to provide that all trials, in such case, be had by a jury under such qualifications as to the respective legislatures shall seem expedient.

5. That all prosecutions shall be commenced in the court of that colony in which the captures shall be made; but if no such court be at that time erected in the said colony, or if the capture be made on open sea, then the prosecution shall be in the court of such colony as the captor may find most convenient: provided, that nothing contained in this resolution shall be construed, so as to enable the captor to remove his prize from any colony competent to determine concerning the seizure, after he shall have carried the vessel so seized, within any harbor of the same.

6. That in all cases an appeal shall be allowed to the congress, or such person or persons as they shall appoint for the trial of appeals; provided the appeal be demanded within five days after definitive sentence, and such appeal be lodged with the secretary of congress within forty days afterwards; and provided the party appealing shall give security to prosecute the said appeal to effect: and in case of the death of the secretary during the recess of congress, then the said appeal to be lodged in congress within twenty days after the meeting thereof.

7. That when any vessel or vessels shall be fitted out at the expense of any private person or persons, then the captures made shall be to the use of the owner or owners of the said vessel or vessels; that where the vessels employed in the capture shall be fitted out at the expense of any of the united colonies, then one-third of the prize taken shall be to the use of the captors, and the remaining two-thirds to the use of the said colony; and where the vessels so employed shall be fitted out at the continental charge, then one-third shall go to the captors, and the remaining two-thirds to the use of the united colonies: provided nevertheless, that if the capture be a vessel of war, then the captors shall be entitled to one-half of the value, and the remainder shall go to the colony or continent, as the case may be, the necessary charges of condemnation of all prizes being deducted before distribution made.

The congress resumed the consideration of the rules and orders for the navy of the united colonies, and, the same being debated by paragraphs, were agreed to.

In congress,
Nov. 28, 1775.

[Note. As the rules and regulations of the navy, ordained by congress prior to the adoption of the constitution in 1788, have been, in an improved form, enacted into a law of the United States, it is deemed unnecessary to insert them here. See the act of April 23, 1800; chap. 187, vol. 3.]

Naval esta-
blishment, &c.
In congress,
Dec. 5, 1775.

Resolved, That in cases of recaptures, the recaptors have and retain, in lieu of salvage, one-eighth part of the true value of the vessel and cargo, or either of them; if the same hath or have been in possession of the enemy twenty-four hours; one-fifth part, if more than twenty-four hours, and less than forty-eight hours; one-third part, if more than forty-eight, and less than ninety-six, hours; and one-half, if more than ninety-six hours, unless the vessel shall, after the capture, have been legally condemned as a prize by some court of admiralty, in which case the recaptors to have the whole: in all which cases, the share detained, or prize, to be divided between the owners of the ship making the recapture, the colony, or the continent, as the case may be, and the captors, agreeably to a former resolution.

In congress,
Dec. 11, 1775.

Resolved, That a committee be appointed to devise ways and means for furnishing these colonies with a naval armament, and report with all convenient speed.

In congress,
Dec. 15, 1775.

The committee appointed to devise ways and means for fitting out a naval armament, brought in their report, which, being read and debated, was agreed to, as follows:

That five ships of 32 guns, five of 28 guns, three of 24 guns, making in the whole thirteen, can be fitted for the sea, probably by the last of March next, viz: in New Hampshire one, in Massachusetts Bay two, in Connecticut one, in Rhode Island two, in New York two, in Pennsylvania four, and in Maryland one.

That the cost of these ships, so fitted, will not be more than 66,666 $\frac{2}{3}$ dollars each, on an average, allowing two complete suits of sails for each ship, equal in the whole to 866,666 $\frac{2}{3}$ dollars.

That the materials for fitting them may be all furnished in these colonies, except the articles of canvass and gunpowder; and that therefore it will be proper the congress direct the most speedy and effectual means of importing the said articles of canvass and powder; that of the former, 7,500 pieces will be wanted, and that of the latter, one hundred tons.

Resolved, That a committee be appointed with full powers to carry the said report into execution, with all possible expedition, (except what relates to canvass and powder,) at the expense of the united colonies.

In congress,
Dec. 22, 1775.

Resolved, That the committee for fitting out armed vessels, issue warrants to all officers employed in the fleet under the rank of third lieutenants.

Resolved, That the said committee be directed (as a secret committee) to give such instructions to the commander of the fleet, touching the operations of the ships under his command, as shall appear to the said committee most conducive to the defence of the united colonies, and to the distress of the enemy's naval forces and vessels, bringing supplies to their fleets and armies, and lay such instructions before the congress when called for.

In congress,
Jan. 6, 1776.

The committee to whom it was referred to consider how the share of prizes allotted to the captors, ought to be divided be-

tween the officers and men, brought in their report; which, being taken into consideration, was agreed to, as follows: Naval establishment, &c.
Distribution of prize money.

Resolved, That the commander in chief have one-twentieth part of the said allotted prize money, taken by any ship or ships, armed vessel or vessels, under his orders and command.

That the captain of any single ship or armed vessel, have two-twentieth parts for his share, but if more ships or armed vessels be in company, when a prize is taken, then the two-twentieth parts to be divided amongst all the said captains.

That the captains of marines, lieutenants of the ships or armed vessels, and masters thereof, share together, and have three-twentieth parts divided among them, equally, of all prizes taken when they are in company.

That the lieutenants of marines, surgeons, chaplains, purser, boatswains, gunners, carpenters, the master's mates, and the secretary of the fleet, share together, and have two-twentieth parts and one half of a twentieth part, divided among them equally, of all prizes taken when they are in company.

That the following petty warrant, and petty officers, viz: (allowing, for each ship, six midshipmen, for each brig, four midshipmen, and each sloop, two midshipmen, one captain's clerk, one surgeon's mate, one steward, one sailmaker, one cooper, one armorer, two boatswain's mates, two gunner's mates, two carpenter's mates, one cook, one cockswain, two sergeants of marines, for each ship, and one sergeant for each brig and sloop,) have three-twentieth parts divided among them, equally; and when a prize is taken by any ship or vessel, on board or in company of which the commander in chief is, then the commander in chief's cook or cockswain to be added to this allotment, and have their shares with these last mentioned.

That the remaining eight-twentieth parts and one half of the twentieth part, be divided among the rest of the ship or ships' companies, as it may happen; share and share alike.

That no officer or man have any share, but such as are actually on board their several vessels when any prize or prizes are taken, excepting only such as may have been ordered on board any other prizes before taken, or sent away by his or their commanding officers.

Resolved, That the direction of the fleet fitted out by order of congress, be left to the naval committee. In congress,
Jan. 25, 1776.

Resolved, That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these united colonies. In congress,
March 23,
1776.

The committee appointed to prepare the form of a commission, and instructions to commanders of private ships of war, brought in the same, which were read. In congress,
April 2, 1776.

The commission being agreed to, is as follows:

The delegates of the united colonies of New Hampshire, &c. to all to whom these presents shall come, greeting: Know ye, that we have granted, and by these presents do grant, license and authority to —, mariner, commander of the Form of commission for private armed vessels.

Naval establishment, &c.

called —, of the burden of — tons, or thereabouts, belonging to —, of —, in the colony of —, mounting — carriage guns, and navigated by — men, to fit out and set forth the said —, in a warlike manner, and by and with the said — and crew thereof, by force of arms to attack, seize, and take, the ships and other vessels, belonging to the inhabitants of Great Britain, or any of them, with their tackle, apparel, furniture, and lading, on the high seas, or between high and low water marks, and to bring the same to some convenient ports in the said colonies, in order that the courts, which are or shall be there appointed to hear and determine causes civil and maritime, may proceed in due form to condemn the said captures, if they be adjudged lawful prize; the said — having given bond, with sufficient sureties, that nothing be done by the said —, or any of the officers, mariners, or company thereof, contrary to, or inconsistent with, the usages and customs of nations, and the instructions, a copy of which is herewith delivered to him. And we will and require all our officers whatsoever, to give succor and assistance to the said — in the premises. This commission shall continue in force until the congress shall issue orders to the contrary. By order of congress.

Attest. —

—, *President.*

In congress,
April 3, 1776.

Commissions
for private
armed ves-
sels to be sent,
&c.

Resolved, That blank commissions for private ships of war, and letters of marque and reprisal, signed by the president, be sent to the general assemblies, conventions, and councils, or committees of safety, of the united colonies, to be by them filled up and delivered to the persons intending to fit out such private ships of war, for making captures of British vessels and cargoes, who shall apply for the same, and execute the bonds which shall be sent with the said commissions, which bonds shall be returned to the congress.

Applications
for commis-
sions in writ-
ing, &c.

Resolved, That every person intending to set forth and fit out a private ship or vessel of war, and applying for a commission or letter of marque and reprisal for that purpose, shall produce a writing subscribed by him, containing the name and tonnage or burden of the ship or vessel, the number of her guns, with their weight of metal, the name and place of residence of the owner or owners, the names of the commander and other officers, the number of the crew, and the quantity of provisions and warlike stores; which writing shall be delivered to the secretary of congress, or to the clerk of the house of representatives, convention, or council, or committee of safety, of the colony in which the ship or vessel shall be, to be transmitted to the said secretary, and shall be registered by him; and that the commander of the ship or vessel, before the commission or letters of marque and reprisal may be granted, shall, together with sureties, seal and deliver a bond, in the penalty of five thousand dollars, if the vessel be of one hundred tons or under, or ten thousand dollars, if of a greater burden, payable to the president of the congress, in trust, for the use of the united colonies, with condition in the form following, to wit: "The condition of this obligation is such, that if the above bounden —, who is commander of the — called —, belonging to —, of

Bond, &c.

—, in the colony of —, mounting — carriage guns, and navigated by — men, and who hath applied for a commission, and letters of marque and reprisal, to arm, equip, and set forth to sea, the said —, as a private ship of war, and to make captures of British vessels and cargoes, shall not exceed or transgress the powers and authorities which shall be contained in the said commission, but shall, in all things, observe and conduct himself and govern his crew, by and according to the same, and certain instructions therewith to be delivered, and such other instructions as may hereafter be given to him; and shall make reparation for all damages sustained by any misconduct or unwarrantable proceedings of himself, or the officers or crew of the said —, then this obligation shall be void, or else remain in force;” which bond shall be lodged with the said secretary of congress.

Naval establishment, &c.

Resolved, That the marine committee be empowered to affix the names to each particular ship, and determine the vessel which each captain is to take command of.

In congress, June 6, 1776.

Resolved, That the marine committee be directed to order the ships and armed vessels, belonging to the continent, out on such cruises as they shall think proper.

In congress, Aug. 5, 1776.

Resolved, That the marine committee be authorized and empowered to purchase materials in all such parts of America, as they may think proper, for building more-ships of war, and that the said committee report to congress a plan of the ships that should be built in addition to the present navy.

In congress, Aug. 23, 1776.

Resolved, That the rank of officers of marines be the same as officers of similar commissions in the land service:

In congress, Oct. 30, 1776.

That the commanders, officers, seamen, and marines, in the continental navy, be entitled to one half of merchantmen, transports, and store ships, by them taken, from and after the first day of November, 1776, to be divided amongst them in the shares and proportions fixed by former resolutions of congress:

Rank, &c. of officers, &c. of marines.

That the commanders, officers, seamen, and marines, in the continental navy, be entitled to the whole value of all ships and vessels of war belonging to the crown of Great Britain, by them made prize of, and all privateers authorized by his Britannic majesty to war against these states, to be divided as aforesaid.

Congress took into consideration the report of the committee relative to the navy: whereupon,

In congress, Nov. 13, 1776.

Resolved, That a bounty of twenty dollars be paid to the commanders, officers, and men, of such continental ships or vessels of war, as shall make prize of any British ships or vessels of war, for every cannon mounted on board each prize at the time of such capture, and eight dollars per head for every man then on board, and belonging to such prize:

Bounty for captures.

That the rank of the naval officers be, to the rank of officers in the land service, as follows:

Relative rank of naval and land officers.

Admiral,	as a	general,
Vice admiral,		lieutenant general,
Rear admiral,		major general,
Commodore,		brigadier general,

Naval establishment,
&c.

Captain of a ship of 40 guns and upwards, colonel,
 Captain of a ship of 20 to 40 guns, lieutenant colonel,
 Captain of a ship of 10 to 20 guns, major,
 Lieutenant in the navy, captain.

In congress,
July 16, 1777.

Resolved, That the pay and subsistence of surgeons in the navy, be equal to the pay and subsistence of the lieutenants of the vessels to which they shall respectively belong.

In congress,
June 9, 1779.

Resolved, That the management of all business relating to the marine of these United States, be vested in commissioners.

In congress,
July 15, 1779.

Resolved, That the marine committee be, and they hereby are, directed forthwith to cause the crews of vessels captured from the enemy, to be confined on board prison ships, and supplied and treated, in all respects, in the same manner as the crews of vessels belonging to these United States, and captured by the enemy, are supplied and treated.

In congress,
Oct. 28, 1779.

Congress took into consideration the report of the marine committee, respecting the navy department: whereupon,

Resolved, That a board of admiralty be established, to superintend the naval and marine affairs of these United States; to consist of three commissioners, not members of congress, and two members of congress, any three of whom to form a board for the despatch of business; to be subject, in all cases, to the control of congress:

That there shall not be more than one member of the said board, at any time, belonging to the same state:

That there shall be a secretary to the said board, to be appointed by congress:

That the board have power to appoint a clerk to assist them in the execution of the business of the department:

That the said board of admiralty be, and they are hereby, authorized, empowered, and directed, to form proper plans for increasing the naval force of the United States, and for the better regulating the same, and lay them before congress:

That they have the ordering and directing the destination of all ships and vessels of war; that they superintend and direct such navy boards as are now established, or may at any time hereafter be established by congress; cause fair entries to be made, and proper accounts kept, of all business transacted by them, examine the accounts of the several navy boards, and all agents and other persons who have transacted, or may transact, any business relative to the marine department, where such accounts have not been finally settled; report the same to congress, and make proper entries in their books, so that the whole matters may be comprehended in one view; keep an alphabetical and accurate register of the names of all officers of the navy in the service of the United States, with their rank, and the date of their commissions, which commissions shall be signed by the president of congress, and countersigned by the secretary to the said board of admiralty; publish, annually, a register of all appointments; obtain regular and exact returns of all warlike stores, clothing, provisions, and all other necessary articles belonging to the marine department; take the care and direction of all marine prisoners; execute all such matters as shall be di-

rected, and give their opinion on all such subjects as shall be referred to them by congress, or as they may think necessary for the better regulation and improvement of the navy of the United States; and, in general, to superintend and direct all the branches of the marine department: Naval establishment, &c.

That the said board shall sit in the place where congress shall be held, and no member of the board shall absent himself, without leave of congress, or the committee of the states, in the recess of congress:

That all the proceedings of the said board shall be inspected by congress, or a committee by them appointed for that purpose, as often as may be thought proper and convenient; and every member of congress may have free access to the records and papers of the said board, excepting such as are in their nature secret:

That all navy and marine officers, and others, attending upon, or connected with, the admiralty department, be, and they are hereby, required and enjoined, to observe the directions of the said board, in all such other matters as they may be directed, or may tend to facilitate the business of the department.

Resolved, That the salary of each of the three commissioners, who shall conduct the business of the board of admiralty, be fourteen thousand dollars per annum, and the salary of the secretary of the said board, be ten thousand dollars per annum, said salaries to be annually, or oftener, if congress shall judge it expedient, revised and altered, agreeably to the appreciation of the continental currency.

Resolved, That the marine committee be authorized, from time to time, to appoint advocates for the purpose of taking care of, and managing, the maritime causes in which the United States are, or may be, concerned. In congress, Nov. 16, 1779.

Resolved, That all matters heretofore referred to the marine committee, be transmitted to the board of admiralty. In congress, Dec. 8, 1779.

Resolved, That the marines of the navy of the United States, whilst doing garrison duty, be allowed the same subsistence moneys as are allowed to the officers and soldiers of the line of the army. In congress, Jan. 8, 1780.

The board of admiralty reported the form of a commission for the naval officers in the employ of the United States, which was agreed to, as follows: In congress, April 20, 1780.

The United States of America in congress assembled, to —, Greeting.

We, reposing especial trust and confidence in your valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be — in the navy of the United States, to take rank from the —; you are, therefore, carefully and diligently to discharge the duty of —, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers, marines, and seamen, under your command, to be obedient to your orders, as —. And you are to observe and follow such orders and directions, from time to time, as you shall receive from congress, a committee of the states, the board of admiralty, the commander in chief, for Form of commission for naval officers.

Naval establishment,
&c.

the time being, of the navy of the United States, or any other, your superior, officer, according to the rules and discipline of the navy and the usage of the sea. This commission to continue in force until revoked by congress, or a committee of the states.

Witness —, president of the congress of the United States of America, at —, the — day of —, in the year of our Lord —, and in the — year of our independence.

Entered in the admiralty office, and examined by the board.

Attest. —, secretary of the board of admiralty.

In congress,
Aug. 7, 1780.

A report from the board of admiralty was read: whereupon, *Resolved.* That any officer who, by virtue of his commission, or warrant, hath served or hereafter shall serve, on board any ship of war, of twenty guns and upwards, belonging to the navy of these states, and shall thereafter serve in the same rank on board any other vessel of inferior force, such officer shall receive the same pay as he was entitled to when serving in a ship of twenty guns and upwards; any resolution to the contrary notwithstanding.

In congress,
Feb. 7, 1781.

Resolved. That there be a superintendent of finance, a secretary of war, and a secretary of marine.

Resolved. That it shall be the duty of the secretary of marine, to examine into, and report to congress, the present state of the navy, a register of the officers, in and out of command, and the dates of their respective commissions; and an account of all the naval and other stores belonging to the department: to form estimates of all pay, equipments, and supplies, necessary for the navy; and, from time to time, to report such estimates to the superintendent of finance, that he may take measures for providing for the expenses, in such manner as may best suit the condition of the public treasury: to superintend and direct the execution of all resolutions of congress respecting naval preparations: to make out, seal, and countersign, all marine commissions, keep registers thereof, and publish, annually, a list of all appointments; to report to congress the officers and agents necessary to assist him in the business of his department; and, in general, to execute all the duties and powers specified in the act of congress constituting the board of admiralty.

In congress,
July 18, 1781.

Resolved. That the care of the marine prisoners, heretofore intrusted to the board of admiralty, be transferred to the commissary of prisoners, under the superintendence of the board of war

That the seal of the admiralty be deposited with the secretary of congress; and that he seal and countersign the like commissions as have heretofore been issued by the board of admiralty, by order of congress, until a secretary of marine shall be appointed.

In congress,
Aug. 29, 1781.

On a report of a committee, consisting of Mr. Bland, Mr. Varnum, Mr. Duane, to whom were referred sundry motions relative to the board of admiralty, the navy boards, and the mode of conducting the business of the navy:

Resolved. That, for the present, an agent of the marine be appointed, with authority to direct, fit out, equip, and employ, the

ships and vessels of war belonging to the United States, according to such instructions as he shall, from time to time, receive from congress: Naval establishment, &c.

That all prizes belonging to the United States, be sold under his direction, and the produce deposited by him in the hands of the superintendent of finance:

That all accounts and demands for pay, and for all disbursements and expenses, respecting the said marine, be transmitted to the said agent, for settlement and payment; and that he cause regular entries thereof to be made and kept:

That he shall be allowed a salary at the rate of fifteen hundred dollars per annum, in full of all charges and expenses whatsoever: that he shall also be allowed a clerk, who shall receive, for his services, a salary at the rate of five hundred dollars per annum:

That both the agent and clerk shall, before they enter into their respective offices, take an oath before the president of congress, well and faithfully to execute the trust reposed in them, according to the best of their skill and judgment; and shall enter into bond, with good and sufficient surety, for the due and faithful performance of his office, which shall be lodged in the office of the secretary of congress:

That as soon as the said agent shall enter into the execution of his office, the functions and appointments of the board of admiralty, the several navy boards, and all civil officers, appointed under them, shall cease and be determined:

And lastly, that the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, shall be delivered over to the said agent, and preserved by him.

Resolved, That until an agent of marine shall be appointed by congress, all the duties, powers, and authority, assigned to the said agent, be devolved upon, and executed by, the superintendent of finance: In congress, Sept. 7, 1781.

That as soon as the said superintendent shall take upon him the execution of the duties, powers, and authority, hereby devolved upon him, the functions and appointments of the board of admiralty, the several navy boards, agents, and all civil officers under them, shall cease and determine:

Resolved, That the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, be delivered over to the said superintendent of finance, and preserved by him.

On a report of a committee, consisting of Mr. Cornell, Mr. Randolph, and Mr. Carroll, to whom was referred a letter of the 17th of November last, from the superintendent of finance: In congress, Nov. 20, 1781.

Resolved, That the powers vested by the resolutions of the 8th of February, 1780, in the board of admiralty and navy board, respectively, in case of the loss of any ship or vessel of war, in the service of the United States, be vested in the secretary of marine; or until he be appointed, and enter upon the execution of his office, in the agent of marine; except, that neither the secretary nor agent of marine shall be authorized to sit in any court of inquiry.

Naval establishment, &c.

Resolved, That it shall be the duty of the secretary, or agent of marine, to transmit to the United States in congress assembled, the proceedings of courts martial, previous to the execution of any capital sentence which may be awarded.

Resolved, That the powers and duties hereby assigned to the secretary or agent of marine, be assigned to the superintendent of finance, to be exercised by him, until such secretary or agent of marine shall be appointed

In congress, July 24, 1782.

Resolved, That the power of negotiating the exchange of marine prisoners, be henceforth vested in the agent of marine, who is hereby authorized to appoint a commissary for marine prisoners, to be subject to his orders and instructions.

In congress, June 2, 1783.

On the report of a committee, consisting of Mr. Fitzsimons, Mr. Peters, and Mr. Holten, to whom was recommended their report, on a motion of Mr. Holten, respecting bonds given by commanders of private armed vessels:

Resolved, That the agent of marine, for the time being, be, and he is hereby, authorized and directed, whensoever complaints are exhibited of public abuses or private injuries committed by the captains or commanders of any privateers, or armed vessels, sailing under the authority of the United States, to cause such legal measures for obtaining redress, by means of the bonds given on taking out commissions for such privateers or armed vessels, for any abuses or injuries contrary to their instructions, or in violation of the maritime ordinances of the United States, or the laws and customs of nations, as to justice appertains; all prosecutions for private injuries, upon said bonds, to be at the risk and expense of the complainants, or the persons said to be aggrieved.

In congress, Aug. 5, 1783.

The agent of marine, to whom was referred a resolution of the house of delegates of the state of Virginia, of 26th of June, 1783, reported,

That although it is an object highly desirable to establish a respectable marine, yet the situation of the public treasury renders it not adviseable to purchase ships for the present, nor until the several states shall grant such funds for the construction of ships, docks, and naval arsenals, and for the support of the naval service, as shall enable the United States to establish their marine upon a permanent and respectable footing.

Resolved, That congress agree to the report.

In congress, Aug. 1, 1787.

Resolved, That the commissioner of marine accounts, in settling the accounts of the officers, seamen, and marines, of the late navy of the United States, govern himself by the principles established for the line of the army, by the act of congress of the 10th of April. 1780,* so far as the same relates to the allow-

In congress, April 10, 1780.

* *Resolved*, That when congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished, by congress or the states, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of congress, that all the troops serving in the continental army, shall be placed on an equal footing; provided, that no person shall have any benefit of this resolution, except

ance for depreciation; provided that no officer, seaman, or marine, be entitled to the benefit of this resolve, who was not in service, or liable to be called into service, on the 10th of April, 1780. Naval establishment, &c.

Half pay to the officers of the army, &c.

Resolved, That the resolution of the 15th day of May, 1778,* granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die, in the service; to commence from the time of such officer's death, and continue for the term of seven years; or, if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any; and that it be recommended to the legislatures of the respective states to which such officers belong, to make provision for paying the same, on account of the United States: * Half pay, &c.
In congress,
Aug. 24, 1780.

That the restricting clause in the resolution of May 15th, 1778, granting half pay to the officers for seven years, expressed in these words, viz: "and not hold any office of profit under these states, or any of them," be, and is hereby, repealed.

CHAPTER 37.

Origin, &c. of the Treasury Department.

Resolved, That a standing committee of five, be appointed for superintending the treasury. Treasury department.
In congress,
Feb. 17, 1776.

That it be the business of this committee,

To examine the accounts of the treasurers, and, from time to time, report to congress the state of the treasury.

To consider of ways and means, for supplying gold and silver for the support of the army in Canada.

To employ and instruct proper persons for liquidating the public accounts, with the different paymasters and commissaries in the continental service, and the conventions, committees of safety, and others, who have been, or shall be, intrusted with the public money; and, from time to time, to report the state of such accounts to congress.

To superintend the emission of bills of credit.

To obtain from the different assemblies and conventions of the united colonies, accounts of the number of inhabitants in

such as were engaged during the war, or for three years, and are now in service, or shall hereafter engage during the war.

* *Resolved* unanimously, That all military officers commissioned by congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, and not hold any office of profit under these states, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one half of the present pay of such officer; provided, that no general officer of the cavalry, artillery, or infantry, shall be entitled to receive more than the one half part of the pay of a colonel of such corps respectively; and provided that this resolution shall not extend to any officer in the service of the United States, unless he shall have taken an oath of allegiance to, and shall actually reside within some one of, the United States. In congress,
May 15, 1778.

Treasury de- each colony, according to the resolution of congress on that sub-
partment. subject.*

In congress,
Feb. 23, 1776.

Resolved, That the committee for superintending the treasury, be authorized to employ one or more clerks, for stating, keeping, and liquidating, the public accounts under their direction, and to provide books and a suitable office for that purpose.

That they have power to call upon the different committees of congress, assemblies, conventions, councils, or committees of safety, continental officers, and private persons, who have been, or shall be, intrusted with public money, for their accounts and vouchers; and for such other materials and information, as the said committee on the treasury shall judge to be useful, in stating, checking, and auditing, the public accounts.

In congress,
April 1, 1776.

The congress having, on the 17th of February last, appointed a standing committee for superintending the treasury, with power, among other things, to employ and instruct proper persons for liquidating the public accounts; and the said resolutions not being sufficiently explicit, with respect to the manner and place of settling those accounts, and it being a matter of great consequence that the public accounts should be regularly stated and kept, and justly liquidated and settled:

Resolved, therefore, That a treasury office of accounts be instituted and established, and that such office be kept in the city or place where congress shall, from time to time, be assembled and hold their sessions.

That the said office of accounts be under the direction and superintendence of the standing committee for the treasury.

That an auditor general, and a competent number of assistants and clerks, be appointed by congress, and employed for stating, arranging, and keeping, the public accounts.

That all accounts and claims against the united colonies, for services or supplies, where the rates or prices have not been ascertained by congress, shall be presented to the committee of claims, liquidated by them, and reported to and allowed by congress previous to their being passed at the treasury office; that all other accounts and claims, consisting of articles, the price or value of which shall have previously been fixed by contract, or otherwise ascertained by congress, shall be liquidated and settled at the treasury office, and reported for the allowance of congress, by the committee for superintending the treasury, and then passed, and entered at the treasury office.

That all contracts, securities, and obligations, for the use and benefit of the united colonies, shall be lodged and kept in the treasury office of accounts; and that all persons to whom public moneys have been, or shall be, advanced or paid, shall be charged

In congress,
Dec. 26, 1775.

* *Resolved*, That the proportion or quota of each respective colony, be determined according to the number of inhabitants of all ages, including negroes and mulattoes, in each colony.

That it be recommended to the several assemblies, conventions, or councils, or committees of safety, of the respective colonies, to ascertain, by the most impartial and effectual means in their power, the number of inhabitants in each respective colony, taking care, that the lists be authenticated by the oaths of the several persons who shall be intrusted with this service; and that the said assemblies, conventions, councils, or committees of safety, do, respectively, lay before this congress, a return of the number of inhabitants of their respective colonies, as soon as the same shall be procured.

with the same in the books of the said office, for which every Treasury department. warrant on the treasury, which shall issue after the said office shall be opened, shall, previous to its being paid, be entered at the treasury office, and the entry certified on the warrant by one of the committee on the treasury, the auditor general, or one of his assistants or clerks; provided, however, that all orders or warrants issued by committees appointed and authorized by congress, to draw on the treasurers for particular purposes, shall be paid and charged to the account of the said committee respectively, until they shall settle and have their accounts passed by congress, when the debits against them shall be discharged in the treasury office, by such credits as congress shall agree to and allow.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and thereupon came to the following resolutions: In congress, Sep. 26, 1773.

Resolved, That a house be provided, at the city or place where congress shall sit, wherein shall be held the several offices of the treasury.

That there be the following offices, to wit: the comptroller's, auditor's, treasurer's, and two chambers of accounts.

That each chamber of accounts consist of three commissioners, and two clerks, to be appointed by congress.

That in the treasurer's office there be a treasurer, annually appointed by congress, and one clerk, appointed by the treasurer.

That in the auditor's office there be an auditor, annually appointed by congress, and two clerks, appointed by the auditor.

That in the comptroller's office there be a comptroller, annually appointed by congress, and two clerks, appointed by the comptroller.

That the auditor, treasurer, and comptroller, shall not be appointed, unless by the votes of nine states, and they be accountable for the conduct of their clerks, respectively.

That the auditor shall receive all accounts brought against the United States, for money lent, expended, or advanced; goods sold or purchased; services performed, or work done; with the vouchers, and shall refer them to one of the chambers of accounts, endorsing them in the manner marked A.

That the commissioners of the chamber to whom an account shall be referred, shall deliver the same to their clerks, to be properly stated.

That the clerks shall state the accounts referred to them by the commissioners, number and arrange the vouchers, examine the castings, and make necessary copies.

That the clerks to whom an account shall be delivered, after they have completed the same, shall endorse it in the manner marked B.

That the commissioners to whom an account is referred as aforesaid, shall carefully examine the authenticity of the vouchers, rejecting such as shall not appear good, compare them with the articles to which they relate, and determine whether they support the charges; that they shall reduce such articles as are

Treasury de-
partment.

overcharged, and reject such as are improper, and shall endorse the accounts in the manner marked C, and transmit them, with the vouchers, to the auditor, and cause an entry to be made of the balances passed.

That the auditor shall receive the vouchers and accounts from the commissioners, to whom he referred them, and cause them to be examined by his clerk. He shall compare the several articles with the vouchers, and if the parties concerned shall appeal from the judgment of the commissioners, he shall call before him the commissioners and the party, and hear them, and then make determination, from whence no appeal shall lie, unless to congress. That after a careful examination of the account as aforesaid, he shall endorse it in the manner marked D, of which endorsement he shall send a duplicate, to be filed in the same chamber of accounts, and shall transmit the account and vouchers to the comptroller.

That the comptroller shall keep the treasury books, and seal, and file all the accounts, and vouchers on which the accounts, in the said books, are founded, and shall direct the manner of stating and keeping the public accounts. He shall draw bills, under the said seal, on the treasurer, for such sums as shall be due by the United States, on accounts audited, which, previous to the payment, shall be countersigned by the auditor, and also for such sums as may, from time to time, be ordered by resolutions of congress, in the form marked E. When moneys are due to the United States, on accounts audited, he shall notify the debtor, and, after hearing him, if he shall desire to be heard, fix a day for payment, according to the circumstance of the case, not exceeding ninety days, of which he shall give notice to the auditor in writing, in the form marked F.

That it shall be the duty of the treasurer to receive and keep the moneys of the United States, and to issue them on bills drawn by the comptroller as aforesaid, filing duplicates thereof with the auditor, day by day, as he shall make payment; that, on receipt of moneys, he shall give a receipt therefor, and transmit the same to the comptroller; and that he shall draw out and settle his accounts quarterly, giving the same in to the auditor for examination by one of the chambers of accounts, to be from thence transmitted, through the auditor, to the comptroller, who shall compare the same with the treasury books, ascertain the balance, and return a copy of the same to congress.

That the comptroller shall receive from the treasurer all receipts by him signed, and after making due entry thereof, by charging the treasurer, and crediting the proper accounts, he shall endorse the same, in the manner marked G, and deliver them to the party who made payment; that he shall, every quarter of a year, cause a list of the balances on the treasury books to be made out by his clerks, and lay it before congress. That where any person hath received public moneys, which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled account with them, he shall issue a summons in the form marked H, in which a reasonable time shall be given for the appearance of the party, according to the

distance of his place of residence from the treasury, of which he shall notify the auditor. Treasury department.

That in case the party summoned to account, shall not appear, nor make good essoign, the auditor, on proof made of service, in due time, or other sufficient notice, shall make out a requisition in the form marked I, which he shall send to the comptroller's office, where the same shall be sealed, and then it shall be sent to the executive authority of the state in which the party shall reside:

That it be recommended to the several states to enact laws for the taking of such persons, and also to seize the property of persons, who, being indebted to the United States, shall neglect or refuse to pay the same; notice whereof shall be given by the auditor to the executive authority of the respective states, in the form marked K, under the treasury seal:

That the several officers of the treasury do, before they take upon them the execution of their offices, respectively, before the president of congress for the time being, make and subscribe the following oath, viz:

"I, A B, —, in the treasury of the United States, solemnly and sincerely swear, promise, and declare, in the presence of Almighty God, that I will diligently and faithfully, according to the best of my skill and understanding, in all things do my duty as a —, as aforesaid, without fear, favor, affection, or partiality."

Forms referred to.

A. Account between the United States and —, with the vouchers referred to —, commissioners of accounts, the — day of —, in the year —.

A B, auditor.

B. The within account hath been stated, the castings examined, and the vouchers arranged, by

C D, }
E F, } *clerks of accounts.*

C. The within account, stated by — and —, clerks of accounts, between the United States and —, hath been examined and settled, and a balance of — found to be due to —, by.

G H, }
I K, } *commissioners of accounts.*
L M, }

D. Audited the accounts between the United States and —, stated by — and —, clerks of accounts, and examined by — and —, commissioners of accounts, for a balance of —, due to —. Done the — day of —, in the year —.

A B, auditor.

E. To the treasurer of the United States, greeting:

[L. s.] You are required to pay the sum of —, to —, or his order, according to (say either account audited, &c. &c. or a resolution of congress, &c.) whereof entry is made the — day of —, in the year —.

N O, comptroller.

F. Day is given to —, until the — day of — next,

Treasury de- for the sum of —, by his assent. Given the — day of —,
partment. in the year —.

N O, *comptroller.*

G. Entered in the treasury books, the — day of —, in
the year —.

N O, *comptroller.*

H. To —, greeting: You are required, on or before the
— day of — next, to appear before the auditor, in the trea-
sury office of the United States, at —, then and there to
adjust and settle your accounts; whereof take notice. Given
the — day of —, in the year —.

N O. *comptroller.*

I. To —, greeting: The United States having summon-
ed — to account, the which he hath neglected to do, it is their
request that you do cause to be taken and sent the said —
before them, on the — day of — next, before the auditor in
their treasury, at —, then and there to account; that justice
may, in this behalf, be done. Given the — day of —.

Witness,

A B, *auditor.*

K. The United States to —, greeting:

[L. s.] Whereas — hath been before us in our treasury,
found to be indebted in the sum of —, which sum was by his
assent to be paid before the — day of —, in the year —,
but is not yet paid, or in any manner satisfied: These, there-
fore, are thereof to notify you, to the end that you, according to
the powers and authorities unto you given, may, of the estate of
the said —, cause to be made the sum aforesaid, with the
costs and charges which may accrue: and of your proceedings
in the premises you are desired to certify us in our said treasury,
with all convenient speed. Given the — day of —, &c.

Witness,

A B, *auditor.*

That in the blanks of the forms abovewritten, no figures be
used, either for dates or sums; but that the same be distinctly
and plainly set in words at length, and without erasures or in-
terlineations.

Resolved. That a committee of three be appointed to prepare
a seal for the treasury, and for the navy.

In congress,
Feb. 11, 1779.

Resolved. That a secretary of the treasury be appointed, with
the salary of two thousand dollars per annum.

In congress,
July 30, 1779.

Ordinance for establishing a board of treasury, and the proper officers for managing
the finances of these United States.

The principal officers of the board shall consist of three com-
missioners, not members of congress, and two members of con-
gress, any three of whom to form a board for the despatch of
business. The commissioners shall be annually appointed by
congress, and continue in office until a new election. No mem-
ber of congress shall continue to serve as a member of the said
board longer than six months, by virtue of one appointment, nor
shall there be more than one member of the said board, at any
time, belonging to the same state. The board to have a seal of
office, a secretary, a clerk, and messenger: the secretary to be

annually appointed by congress, the clerk and messenger by the Treasury department.
board.

That there be the following offices: the auditor general's, the treasurer's, two chambers of accounts, and six auditors for settling claims and accounts arising in the army.

That in the auditor's office there be an auditor general and assistant, annually appointed by congress, and two clerks, appointed by the auditor general.

That in the treasurer's office there be one treasurer, annually appointed by congress, and one clerk, appointed by the treasurer.

That each chamber of accounts shall consist of three commissioners and two clerks.

That the board of treasury be authorized to discharge the auditors of the army, or any of them, whenever they shall find it expedient.

That the commissioners and clerks of the chamber of accounts, and auditors for the army, be annually elected by congress; and that the auditor general, treasurer, and auditors for the army, be, respectively, accountable for the conduct of their clerks.

That apartments be provided, for the accommodation of the several offices of the treasury, in the city or place where congress shall hold their sessions.

That the duties of the several offices, be as follow:

The commissioners or board of treasury, to have general superintendence of the finances of the United States, and of all officers entrusted with the receipt and expenditure, or application, of the public money, bills of exchange, or loan office certificates: to inspect the treasury: to lay before congress estimates of the public expenses, and necessary supplies: and to call on public officers for information: to carry into effect all acts and resolutions of congress for emitting bills of credit and of exchange, loan office certificates, or other securities, and establishing lotteries: to deposite, in the proper offices, such bills, certificates, and securities, when emitted; and all moneys arising from loans, taxes, and lotteries: to see that the public accounts are regularly stated in the auditor's office, and all public debtors brought to account, frauds detected, and defaulters punished: to sue and prosecute for all debts, wrongs, and injuries, touching the finances or property vested in congress: to instruct in their duty all officers concerned in the finances or accounts, and to suspend any of them for negligence or misdemeanor, till the pleasure of congress can be known: to register and preserve all contracts and securities appertaining to the United States: to grant, under their seal of office, "a quietus" to accountants on a final settlement: where objections are discovered against the report of the commissioners or auditors, to rectify their respective errors, and instruct them, where they are in doubt: to determine, on appeals by an accountant from the decision of any of the auditors or commissioners, on any charge or voucher, which they may respectively reject: to examine into the merits of all requisitions for the advance of money for public services, and report

Treasury de-
partment.

thereon to congress: to grant warrants under their seal on the treasurer, for balances of accounts, and partial payments, and for such advances as congress shall direct to be made for the public service; which being entered in the auditor's office, and certified to be passed by him, shall be paid. And, generally, to perform all such duties as shall be assigned them by congress.

The auditor general. All accounts and claims against the United States (except such as are proper to be adjusted in the field by the auditors of the army) shall be exhibited to him, and the nature or title, and the amount of the claim or account being registered, the same shall be referred by him to one of the chambers of accounts for settlement; and being accordingly there adjusted, shall be reported to him; he is then, with his assistant, to examine the nature of the charges and vouchers, and to reject such as appear to him to be improper, allowing an appeal from his determination to the board of treasury, when demanded by the accountant. After examination, and previous to their being entered in the books of the treasury, he is to present the accounts to the board of treasury for their final determination; he shall direct the method, not only of stating the public books of accounts of the treasury (which are to exhibit a comprehensive view of the finances and expenditures of the United States) but of all other books of accounts of public offices connected with the treasury, and the manner of their respective returns and reports; and through him all orders and instructions to the chambers of accounts, and auditors of the army, are to be communicated. All warrants on the treasury or loan offices, for issuing public money, are to be entered in the auditor's office, and certified to be passed by him, before they shall be paid, and he is forthwith to charge the amount of such warrants to the department, or person who is accountable. In case of his absence by sickness, or with leave of the treasury board, all the duties hereby assigned to him shall be executed by the assistant auditor general, who shall also be the principal accountant in keeping and stating the public books at the treasury.

The treasurer is to receive and keep the moneys of the United States, and issue them on bills drawn by the president of congress, or board of treasury. On receiving money, he shall give a receipt, and on every payment take one to serve as his voucher; he is to render his accounts quarterly to the auditor general, for examination by one of the chambers of accounts, and being reported to and approved by the auditor, and presented by him to the board of treasury, and no objections appearing to them, a copy shall be transmitted to congress. All loan officers shall make monthly returns to him, as well as to the board of treasury, of the moneys in their hands arising from loans, taxes, or other means; on which returns he shall charge such officers in his books; when a warrant is drawn on him, and he finds it convenient that it should be paid out of the money in any loan office, he shall endorse on the warrant an order to the loan officer, requiring him to discharge it accordingly; but before it is transmitted, he shall produce the endorsements to the auditor general, who shall register and certify it

to have been passed by him, and the loan officer is authorized and directed to pay it; and both the auditor general and the treasurer are to credit the loan officer with the sum which he is required to pay by such warrant and order. Treasury department.

The chambers of accounts, on the reference of the auditor general, shall carefully examine claims and accounts against the United States; compare the charges with the allowance by congress, and the vouchers to support them; reduce such articles as are overcharged, and reject such as are groundless or unjust, as well as the vouchers which shall appear to them incompetent; they shall have power to examine witnesses, being first sworn or affirmed by them, or one of them, and to call for any books or papers in the public offices, or in the custody of any public officer; when they reduce or reject a charge, or set aside a voucher, they shall allow the accountant or claimant an appeal to the auditor general, if demanded.

The auditors of the army shall, respectively, reside in the main army, or detachment of the army, for which they shall be appointed by the board of treasury, and not be absent without leave of the commander in chief or commanding officer. It shall be his duty to call to account all regimental officers indebted to the public; to receive the pay rolls and abstracts of the army, from the paymaster general or his deputies, who shall previously examine and certify the sum due; to settle all other accounts of the army, excepting those in the departments of the quartermaster, paymaster, directors, clothier, barrackmaster, or commissaries of provisions, prisoners, or military stores; but when any articles in any of those departments are mixed with charges within the immediate duty of the auditor, he shall settle the whole account notwithstanding; he shall also adjust all other accounts which he shall be instructed by the board of treasury to do. He shall present the accounts settled by him, and the abstracts, with certificates of what is due, to the commander in chief, or commander of a detachment, having a military chest, who shall thereupon, unless he have reasons to the contrary, issue warrants on the paymaster or deputy paymaster general, in discharge thereof. He shall make report of all his settlements and transactions, to the auditor general, at such times, and in such forms, as shall be directed by the auditor general. In all other respects he shall execute his duty as prescribed by the act of congress, dated the 6th day of February, 1778,* and such instructions as he shall, from time to time, receive from the board of treasury.

The board of treasury report,

That, after maturely reflecting upon the ordinance for establishing a board of treasury, it appears evident to them, that congress intended the auditor general and his assistant should examine the accounts and vouchers reported upon by the chambers of accounts, as a check; which, in the opinion of the board, is of too much importance to be dispensed with, and, in order that the intention of congress may be fully complied with, the board beg leave to observe, that the assistant auditor general should not be confined to the posting of the books, as the ordi-

* The act here referred to, relates merely to modes of accountability, &c. not affecting the general organization of the treasury department.]

In congress, Dec. 17, 1779.

Treasury de-
partment.

hance directs, but that this duty be performed hereafter by a clerk properly qualified: whereupon,

Resolved, That the duty of keeping and stating the public books at the treasury, be assignable, as often as necessary, to the first clerk in the auditor general's office, that the assistant auditor general may be the better enabled to attend to other parts of his duty.

In congress,
June 24, 1780.

The committee to whom was referred the letter from the chambers of accounts, respecting certain directions given to them by the board of treasury, report,

That, by the ordinance for establishing a board of treasury, and the proper officers for managing the finances of the United States, passed the 30th day of July, 1779, the board of treasury are intrusted with the general superintendence of the finances of these United States, and are required to see that all public debtors are brought to account, frauds detected, and defaulters punished; they are likewise empowered to instruct in their duty all officers concerned in the finances and accounts, and to suspend any of them for negligence or misdemeanor, until the pleasure of congress is known: where objections shall be discovered against the reports of the commissioners or auditors, the board of treasury are to correct their errors, and where the commissioners or auditors may be in doubt, to instruct them: and it is provided, that all orders and instructions to the chambers of accounts and auditors of the army, shall be communicated through the auditor general.

From this review of the ordinance, the committee observe,

That the board of treasury are made immediately responsible for the settlement of the public accounts, and that they are investel with a general superintending power over the chambers of accounts: that it is necessary to the execution of this high trust, that reasonable hours of office be assigned by the chambers, and publicly notified, that the board of treasury, as well as the public accountants, may know when to have recourse to them for the despatch of public business: that the board of treasury being expressly required to call public debtors to account, and to detect frauds, authority to direct the settlement of one account in preference to another, is necessarily implied; and it is the duty of the chambers to inform the board of treasury, whenever required, of their progress in the settlement of any of the public accounts.

It is also the opinion of the committee,

That the said chambers are bound to observe such general instructions for correcting errors, removing doubts, and facilitating the settlement of the public accounts, as shall be given to them by the board of treasury, conforming themselves, as far as possible, to fixed and established rules, for administering justice, equally and impartially, between accountants and the public.

Resolved, That congress agree to the said report.

In congress,
Feb. 7, 1781.

Resolved, That there be a superintendent of finance, a secretary of war, and a secretary of marine:

That it shall be the duty of the superintendent of finance, to examine into the state of the public debts, the public expendi-

tures, and the public revenue; to digest and report plans for improving and regulating the finances, and for establishing order and economy in the expenditure of the public money; to direct the execution of all plans which shall be adopted by congress respecting revenue and expenditure; to superintend and control the settlement of all public accounts; to direct and control all persons employed in procuring supplies for the public service, and in the expenditure of public money; to obtain accounts of all the issues of the specific supplies furnished by the several states; to compel the payment of all moneys due to the United States; and, in his official character, or in such manner as the laws of the respective states shall direct, to prosecute, in behalf of the United States, for all delinquencies respecting the public revenue and expenditures: to report to congress the officers which shall be necessary for assisting him in the various branches of his department.

Treasury department.

The following paragraph from the letter from R. Morris, lately elected superintendent of finance, was considered, viz.

In congress,
March 20,
1781.

"I am to inform congress, that the preparatory steps I had taken towards procuring myself relaxation from business, with least injury to the interests of my family, were by engaging in certain commercial establishments with persons in whom I had perfect confidence, as to their integrity, honor, and abilities. These establishments I am bound, in honor, and by contracts, to support, to the extent agreed on; if, therefore, it be in the idea of congress, that the office of superintendent of finance is incompatible with commercial concerns and connexions, the point is settled; for I cannot, on any consideration, consent to violate engagements, or depart from those principles of honor which it is my pride to be governed by. If, on the contrary, congress have elected me to this office, under the expectation that my mercantile connexions and engagements were to continue, an express declaration of their sentiments should appear on their minutes, that no doubt may arise, or reflections be cast, on this score hereafter."

Resolved, That the United States in congress assembled, do not require Mr. Morris to dissolve the commercial connexions referred to in the said paragraph.

That the oath of office to be taken by the superintendent of finance, be as follows: *I —, do swear, or affirm, that I will truly and impartially execute the office of superintendent of the finances of the United States of America, to which I am appointed; and will, in all respects, discharge the trust reposed in me, by the said appointment, with fidelity, justice, and integrity, to the best of my skill and understanding.*

In congress,
April 27,
1781.

Resolved, That the disposition and management of that part of the money, granted by his most christian majesty to these United States, which is to be employed in America, be committed to the superintendent of finance, that it may be applied to the purposes for which it was granted, namely, a vigorous prosecution of the present campaign.

In congress,
June 4, 1781.

That the said superintendent of finance be, and he is hereby, vested with full powers to dispose of the specific supplies re-

Treasury department.
 * These acts are in the nature of taxes and not necessary to illustrate the organization of the treasury department.
 In congress, June 12, 1781.
 In congress, Sept. 11, 1781.

quired from the several states by the act of the 4th November last, as well as what yet remain to be furnished, agreeably to the requisition of the 25th February, 1780.* in such manner as he, with the advice of the commander in chief, shall judge will best promote the public interest, and answer the purposes of the present campaign.

Resolved, That letters to and from the superintendent of finance be free from postage.

An ordinance for regulating the treasury, &c. was read a third time, and passed, in the following form:

An ordinance for regulating the treasury, and adjusting the public accounts.

Be it ordained by the United States in congress assembled, That from and after the 20th day of September, 1781, the functions and appointments of the commissioners of the treasury, chambers of accounts, auditor general, auditors, and extra commissioners of accounts, their assistants, under officers and clerks, shall cease and determine; that, for the more effectual execution of the business of the treasury, and the settlement of the public accounts, the following officers shall be appointed in aid of the superintendent of finance, his assistant, secretary, and clerks, namely, a comptroller, a treasurer, a register, auditors, and clerks. The comptroller shall be appointed by congress, with general authority to inspect and superintend the settlement of public accounts, and all subordinate officers concerned therein; it shall be his immediate duty to see that the public accounts are expeditiously and properly adjusted, and accurately and safely kept. And, that it may be done with the greater facility, he shall direct a general form, in which all the public accounts shall be stated and rendered. He shall take care that the balances of public moneys are punctually deposited in the hands of the treasurer. The comptroller shall commit every account to such clerk, for examination, as he shall judge most proper for that purpose, naming, also, the auditor to whom the clerk shall transmit it. When an account is audited in the manner herein-after described, it shall be reported to the comptroller, and any person who shall think himself aggrieved by the judgment of the auditor, shall have a privilege of appealing, within fourteen days, to the comptroller. In all such appeals, the comptroller shall openly and publicly hear the parties, and his decision shall be conclusive. The account, being finally adjusted, shall be transmitted by the comptroller to the register, to be entered on record; and a note of the balance shall be certified by the comptroller to the superintendent of finance, to make out the proper warrant for payment.

The treasurer shall be appointed by congress. It shall be his duty to receive and keep all moneys of the United States, and issue them on warrants drawn by the president of congress, or the superintendent of finance. On receiving money he shall give a receipt, and on every payment take one, to serve as his voucher. He shall render his accounts quarterly to the comptroller, for examination and settlement, and transmit a copy, when audited, to the superintendent.

The register shall be appointed by congress. He shall keep all the public accounts, both of receipts and expenditures, and every warrant on the treasury, or others, shall be entered and countersigned by the register before it shall be paid. He shall have the appointment of the clerk or clerks necessary to assist him in his office. Treasury department.

The auditors, the number of whom shall be fixed by the superintendent of finance, shall be appointed by congress. After an account shall be examined by the clerk, in the manner herein after directed, it shall be delivered to the auditor, who shall hear the party and the clerk, and determine upon the objections, and being satisfied that the account is properly adjusted, shall pass it as audited, and transmit it to the comptroller.

The clerks, the number of whom shall also be regulated by the superintendent of finance, shall be appointed by the comptroller; it shall be their duty, respectively, to examine all accounts which shall be committed to them by the comptroller, to correct all errors, and to note in writing what may appear exceptionable, either as to the propriety of the charge, or the validity of the vouchers; and transmit the accounts, with his remarks, to the auditor; and the party, for himself, and the clerk, on behalf of the public, shall be heard before the auditor.

That the several officers before mentioned shall, respectively, take an oath, to be administered by the president of congress, or one of the judges of the supreme or superior court, within any of the United States, for the faithful execution of the trust reposed in them, respectively.

Resolved, That the salary of the comptroller be eighteen hundred and fifty dollars per annum.

That the salary of the treasurer be fifteen hundred dollars per annum.

That the salary of the register be twelve hundred dollars per annum.

That the salary of each auditor be at the rate of one thousand dollars per annum.

That the salary of each clerk be at the rate of five hundred dollars per annum.

Resolved, That the superintendent of finance be, and hereby is, authorized to appoint a secretary in his office, with a salary of one thousand dollars per annum.

Resolved, That the superintendent of finance be, and hereby is, authorized to correspond with the several foreign ministers of these United States, as often as there shall be occasion, upon subjects relating to his department. In congress,
Oct. 23, 1781.

Resolved, That the superintendent of finance be, and hereby is, authorized and directed, to take under his care and management, all loans or other moneys obtained in Europe or elsewhere, for the use of the United States, subject to the appropriation of congress. In congress,
Nov. 27, 1781.

An ordinance for putting the department of finance into commission.

In congress,
May 28, 1784.

Be it ordained by the United States in congress assembled, That a board, consisting of three commissioners, to be appoint-

Treasury de-
partment.

ed by congress, be instituted, to superintend the treasury and manage the finances of the United States, which shall be styled, The Board of Treasury.

That the said commissioners, or any two of them, shall have authority to exercise all the powers vested in the superintendent of finance, by the act of congress of the seventh day of February, one thousand seven hundred and eighty-one, or by any subsequent acts.

That the said board shall have authority to provide a convenient office, and employ as many clerks therein as they shall find necessary, reporting their names and appointments, from time to time, to congress, or to the committee of the states, in the recess of congress.

That the said commissioners and clerks, previous to entering on the duties of their several offices, shall take and subscribe the oath of fidelity to the United States, and also an oath to the due execution of the duties of their respective offices; certificates of which several oaths shall be filed with the secretary of the United States in congress assembled.

That all the books and papers pertaining to the office of finance, shall be lodged in the office of the said board of treasury.

That on the tenth day of November next, or sooner, if the superintendent of finance, agreeably to his expectation, shall quit the office, the said board, being formed, shall proceed to business.

That each of the said commissioners shall be allowed an annual salary of two thousand five hundred dollars.

That each clerk employed in the said office shall receive such salary as the said board shall allow, not exceeding five hundred dollars per annum; the said salaries to commence at the time that the said officers shall enter on the duties of their office.

That no person to be appointed, by virtue of this ordinance, a commissioner of the treasury of the United States, shall be permitted to be engaged, either directly or indirectly, in any trade or commerce whatsoever, on pain of forfeiting his office as a commissioner.

That the said commission shall continue in force for three years, unless sooner revoked by the United States in congress assembled.

Done, &c.

In congress,
June 20, 1785.

Resolved, That three commissioners be appointed to inquire into the receipts and expenditures of public moneys, during the administration of the late superintendent of finance, and to examine and adjust the accounts of the United States with that department, during his administration, and to report a state thereof to congress.

In congress,
March 27,
1786.

Resolved, That the office of an assistant to the board of treasury be, and hereby is, abolished, and that the secretary of the said board of treasury hereafter be allowed and paid a salary, at the rate of eighteen hundred and fifty dollars per annum.

Act referred to at page 124, vol. 2.

The board of treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to, as follows: Concerning bills of credit, &c.

Whereas these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which, their honor and safety, as well as justice, is highly concerned to support and establish; and whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds, which, in due time, without distressing the people, shall make adequate provision for the same: and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation: therefore, In congress, Jan. 2, 1779.

Resolved, That these United States be called on, to pay in their respective quotas of fifteen millions of dollars, for the year 1779, and of six millions of dollars annually, for eighteen years from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31st day of December, 1778, inclusive:

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid:

That any of the bills emitted by order of congress, prior to the year 1780, and no others, be received in payment of the said quotas:

That the bills received on the said quotas, except those for the year 1779, be applied, first, for the payment of the interest, and secondly, for the principal of loans made by these United States, prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued, but burned and destroyed, as congress shall direct.

And whereas many counterfeits have appeared in circulation, of various denominations, of the emissions of May 20, 1777, and April 11, 1778, and counterfeits of those emissions have lately been issued by our enemies at New York, and are found to be spreading and increasing fast in various parts of these United States, whereby individuals are defrauded, prices enhanced, and the credit of the paper currency greatly injured; and it is become necessary, for the security of individuals and safety of the public, that those two emissions should cease to be a circulating medium, and should be called in and exchanged, or otherwise provided for as soon as may be with convenience to the present holders; therefore,

Resolved, That the following bills be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778;

Concerning
bills of credit,
&c.

That they be brought in for that purpose, in the manner hereafter provided, by the first day of June next, and not afterwards redeemable:

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next:

That they be received, until the first day of June next, into the continental loan offices, either on loan or to be exchanged, at the election of the owners, for other bills of like tenor, to be provided for that purpose:

That the bills lodged in said offices, to be so exchanged, be there registered, and indented certificates thereof be given to the owners by the respective commissioners of the said offices:

That the commissioners of the loan offices make returns to the treasury board, immediately after the first day of June next, of the amount of the bills received in their respective offices, to be exchanged as aforesaid, and that proper bills to exchange the same be furnished and ready to be delivered out at the said offices, within sixty days from and after the said first day of June:

That the first mentioned bills, as they are brought into the treasuries and loan offices, be immediately crossed and struck through with a circular punch, one inch in diameter, to be afterwards examined and burned as congress shall direct.

Ordered, That the board of treasury prepare a circular letter to the states, to accompany the foregoing resolutions.

Origin, &c. of the Mint of the United States.

Mint.

In congress,
Feb. 21, 1782.

On the report of a committee of the states, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Wolcott, Mr. Floyd, Mr. Clark, Mr. Clymer, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Middleton, and Mr. Telfair, to whom was referred a letter of the 15th of January, from the superintendent of finance, touching the establishment of a mint:

Resolved, That congress approve of the establishment of a mint, and that the superintendent of finance be, and hereby is, directed to prepare and report to congress a plan for establishing and conducting the same.

In congress,

Aug. 8, 1786.

On a report of the board of treasury:

Resolved, That the standard of the United States of America, for gold and silver, shall be eleven parts fine and one part alloy:

That the money unit of the United States being, by the resolve of congress of the 6th July, 1785,* a dollar, shall contain, of fine silver, three hundred and seventy-five grains and sixty-four hundredths of a grain.

That the money of account, to correspond with the division of coins, agreeably to the above resolve, proceed in a decimal ratio, agreeably to the forms and manner following, viz:

In congress,
July 6, 1785.

* *Resolved*, That the money unit of the United States of America, be one dollar. *Resolved*, That the smallest coin be of copper, of which 200 shall pass for one dollar.

Resolved, That the several pieces shall increase in a decimal ratio.

Mills. The lowest money of account, of which one thousand shall be equal to the federal dollar, or money unit,	0,001
Cents. The highest copper piece, of which one hundred shall be equal to the dollar,	0,010
Dimes. The lowest silver coin, ten of which shall be equal to the dollar,	0,100
Dollar. The highest silver coin,	1,000

That betwixt the dollar and the lowest copper coin, as fixed by the resolve of congress, of the 6th July, 1785, there shall be three silver coins, and one copper coin.

That the silver coins shall be as follow: one coin, containing one hundred and eighty-seven grains and eighty-two hundredths of a grain of fine silver, to be called a half dollar: one coin, containing seventy-five grains and one hundred and twenty-eight thousandths of a grain of fine silver, to be called a double dime: and one coin, containing thirty-seven grains and five hundred and sixty-four thousandths of a grain of fine silver, to be called a dime.

That the two copper coins shall be as follow: one, equal to the one hundredth part of the federal dollar, to be called a cent: and one, equal to the two hundredth part of the federal dollar, to be called a half cent.

That two pounds and a quarter avoirdupois weight of copper, shall constitute one hundred cents.

That there shall be two gold coins: one, containing two hundred and forty-six grains, and two hundred and sixty-eight thousandths of a grain of fine gold, equal to ten dollars, to be stamped with the impression of the American eagle, and to be called an eagle: one, containing one hundred and twenty-three grains and one hundred and thirty-four thousandths of a grain of fine gold, equal to five dollars, to be stamped in like manner, and to be called a half eagle.

That the mint price of a pound troy weight of uncoined silver, eleven parts fine and one part alloy, shall be nine dollars nine dimes and two cents.

That the mint price of a pound troy weight of uncoined gold, eleven parts fine and one part alloy, shall be two hundred and nine dollars seven dimes and seven cents.

Ordered, That the board of treasury report the draft of an ordinance for the establishment of a mint.

Congress resumed the consideration of the ordinance for the establishment of a mint, and, the same being read a third time, was passed, as follows: In congress,
Oct. 16, 1786.

An ordinance for the establishment of the Mint of the United States of America, and for regulating the value and alloy of coin.

It is hereby ordained by the United States in congress assembled, That a mint be established for the coinage of gold, silver, and copper money, agreeably to the resolves of congress of the 8th August last, under the direction of the following officers, viz:

An assay master, whose duty it shall be to receive gold and silver in bullion, or foreign coin, to assay the same, and to give his certificates for the value thereof, at the following rates:

Mint.

For every pound troy weight of uncoined gold, or foreign gold coin, eleven parts fine and one part alloy, two hundred and nine dollars seven dimes and seven cents, money of the United States, as established by the resolves of congress of the 8th of August last, and so in proportion to the fine gold contained in any coined or uncoined gold whatsoever.

For every pound troy weight of uncoined silver, or foreign silver coin, eleven parts fine and one part alloy, thirteen dollars seven dimes seven cents and seven mills, money of the United States, established as aforesaid; and so in proportion to the fine silver contained in any coined or uncoined silver whatsoever.

A master coiner, whose duty it shall be to receive, from time to time, of the assay master, the bullion necessary for coinage; to report to congress devices and proofs of the proposed pieces of coin, and to procure proper workmen to execute the business of coinage, reporting, from time to time, to the commissioners of the board of treasury of the United States, for approbation and allowance, the occupation, number, and pay, of the persons so employed.

A paymaster, who shall be the treasurer of the United States, for the time being, whose duty it shall be to receive and take charge of the coin made under the direction of the master coiner, and to receipt for the same; to receive and duly enter the certificates for uncoined gold or silver, issued by the assay master, and to pay ninety-five hundredths of the amount thereof, in gold or silver, and five hundredths in the copper, coin of the United States.

And it is hereby further ordained, That the certificates to be given by the assay master, to persons who shall lodge gold or silver in the mint, for coinage, shall be on fine bank paper, and expressed in the manner and form following, to wit:

Mint of the United States.

I acknowledge to have received of A B, for coinage (here insert the weight) of (insert the species) bullion, for the amount of which, pay to —, or bearer, the sum of —, at ten days' sight, agreeably to the custom of the mint.

C D, assay master.

To E F, paymaster of the mint of the United States of America.

And it is hereby further ordained, That the officers above-mentioned shall settle their accounts monthly, agreeably to such forms and vouchers as shall be prescribed by the comptroller of the treasury.

And it is hereby further ordained, That the officers shall enter into bonds, to the United States in congress assembled, for the faithful execution of the trust respectively reposed in them, in the manner and amount following, viz:

The assay master, in the sum of ten thousand dollars, and two sureties, each in the sum of five thousand dollars.

The master coiner, in the sum of ten thousand dollars, and two sureties, each in the sum of five thousand dollars.

And that the officers mentioned in this ordinance, as well as every other person employed in the mint, shall take and sub-

scribe the oath of office, established by the resolve of the 14th *March*, 1786.

And it is hereby further ordained, That it shall be the duty of the comptroller of the treasury, to report, monthly, to the commissioners of the treasury of the United States, a statement of the mint accounts, adjusted agreeably to the usual forms; and if, on such statement, or other information, it shall appear that there has been any neglect, mismanagement, or abuse of trust, in any of the officers mentioned in the within ordinance, it shall be the duty of the commissioners of the board of treasury to suspend such officer or officers, and to report thereon specially to congress.

And it is hereby further ordained, That the copper coin struck under the authority of the United States in congress assembled, shall be receivable in all taxes, or payments due to the United States, in the proportion of five dollars for every hundred dollars so paid; but that no other copper coin whatsoever, shall be receivable in any taxes or payments whatsoever, to the United States.

And whereas the great quantities of base copper coin, daily imported into, or manufactured within, the several states, is become so highly injurious to the interest and commerce of the same, as to require the immediate interposition of the powers vested by the confederation in the United States in congress assembled, of regulating the value of copper, the coin so current as aforesaid,

It is hereby ordained, That no foreign copper coin whatsoever, shall, after the first day of September, 1787, be current within the United States of America: and that no copper coin, struck under the authority of a particular state, shall pass at a greater value than one federal dollar for two pounds and one-quarter of a pound, avoirdupois weight, of such copper coin. Done, &c.

CHAPTER 38.

Origin of the General Post Office of the United States.

Agreeably to order, the congress resumed the consideration of the report of the committee for establishing a post; and the same being debated, was agreed to, as follows:

General post office.
In congress,
July 26, 1775.

That a postmaster general be appointed for the united colonies, who shall hold his office at Philadelphia, and shall be allowed a salary of one thousand dollars per annum for himself, and three hundred and forty dollars per annum for a secretary and comptroller, with power to appoint such and so many deputies, as to him may seem proper and necessary:

That a line of posts be appointed under the direction of the postmaster general, from Falmouth, in New England, to Savannah, in Georgia, with as many cross posts as he shall think fit.

That the allowance to the deputies, in lieu of salary and all contingent expenses, shall be twenty per centum on the sums they collect and pay into the general post office annually, when the whole is under, or not exceeding, one thousand dollars, and ten per centum for all sums above one thousand dollars a year.

General post
office.

That the several deputies account quarterly with the general post office, and the postmaster general annually with the continental treasurers, when he shall pay into the receipt of the said treasurers the profits of the post office; and if the necessary expense of this establishment should exceed the produce of it, the deficiency shall be made good by the united colonies, and paid to the postmaster general by the continental treasurers.

On motion made, resolved, That it be recommended to the postmaster general to establish a weekly post to South Carolina.

That it be left to the postmaster general to appoint a secretary and comptroller.

The congress then proceeded to the election of a postmaster general for one year, and until another is appointed by a future congress, when Benjamin Franklin, esq. was unanimously chosen.

In congress,
July 8, 1776. *Resolved*, That the postmasters, while in office, be excused from all military duty.

In congress,
Aug. 8, 1776. *Resolved*, That the postriders be exempted from military duty.

In congress,
May 12, 1777. *Resolved*, That all postmasters, postriders, and persons immediately concerned in conducting the business of the post office, ought to be exempted from all military duties; and that it be recommended to the legislatures of the different states, to exempt such persons accordingly.

In congress,
Oct. 17, 1777. *Resolved*, That the postmaster general be authorized, during the present exigence, to appoint two additional surveyors of the post office, and that all the surveyors be allowed six dollars a day each, in full consideration of travelling expenses and all other allowances:

That the tour of the whole be as follows: one from Casco Bay to Philadelphia, or, during the enemy's being in possession of that city, to Lancaster; one from Philadelphia, or Lancaster, to Edentown, in North Carolina; and the third from Edentown to Savannah, in Georgia:

That an inspector of dead letters be appointed, with a salary of one hundred dollars a year; to examine all dead letters at the expiration of each quarter, to communicate to congress such as contain inimical schemes or intelligence; to preserve carefully all money, loan office certificates, lottery tickets, notes of hand, and other valuable papers, enclosed in any of them, and be accountable for them; and to keep a book containing an exact account of such papers, &c. so found, the date of the letters, from whence, and by whom written, and to whom directed; that he be under oath, faithfully and impartially to discharge the duties of his office; that he be enjoined to take no copy of any letter whatever, and not to divulge their contents to any but congress, or those whom they may appoint for the purpose.

In congress,
May 5, 1780.

That all masters of packets and other vessels in continental service be, and they are hereby, required to lodge whatever letters they bring from abroad in the post office nearest to the port where they shall arrive, and immediately after their arrival.

The ordinance for regulating the post office was read a third time, and passed, as follows: In congress,
Oct. 18, 1782.

An ordinance for regulating the post office of the United States of America.

Whereas the communication of intelligence with regularity and despatch, from one part to another of these United States, is essentially requisite to the safety, as well as the commercial interest thereof; and the United States in congress assembled, being, by the articles of confederation, vested with the sole and exclusive right and power of establishing and regulating post-offices throughout all these United States; and whereas it is become necessary to revise the several regulations heretofore made, relating to the post office, and reduce them to one act:

Be it, therefore, ordained by the United States in congress assembled, and it is hereby ordained, by the authority of the same, That a continued communication of posts throughout these United States, shall be established and maintained by, and under the direction of, the postmaster general of these United States, to extend to and from the state of New Hampshire, and the state of Georgia, inclusive, and to and from such other parts of these United States, as, from time to time, he shall judge necessary, or congress shall direct. Continued
communica-
tion of posts,
&c.

And be it further ordained by the authority aforesaid, That the postmaster general for the time being, shall, from time to time, superintend and direct the post office, in all its various departments and services, throughout the extent aforesaid, agreeably to the rules and regulations contained in this ordinance; and shall have full power and authority to appoint a clerk, or assistant to himself, and such and so many deputy postmasters as he shall think proper, for whose fidelity he shall be accountable; each of whom shall reside at such place as the postmaster general shall judge best suited to maintain a due and regular transportation and exchange of mails. And the said postmaster general shall be, and hereby is, authorized to allow, from time to time, to his said deputies, respectively, such commissions on the moneys, to arise from postage in their respective departments, as he shall think their respective services may merit, so as that the said commissions shall not, in the whole, exceed twenty per cent.* And shall, by himself, or his said deputies, respectively, thereunto regularly authorized by him, from time to time, appoint the necessary postriders, messengers, and expresses, with such salaries and allowances as he or his said deputies, respectively, shall think meet. Powers and
duties of the
postmaster ge-
neral, &c.

And be it further ordained by the authority aforesaid, That the postmaster general, his clerk or assistant, his deputies, and post, and express riders, and messengers or either of them, shall not, knowingly or willingly, open, detain, delay, secrete, embezzle, or destroy, or cause, procure, permit, or suffer to be opened, detained, delayed, secreted, embezzled, or destroyed, any letter or letters, packet or packets, or other despatch or despatches, which shall come into his power, hands, or custody, by reason of his employment in, or relating to, the post office, except by the consent of the person or persons, by or to whom [* See supple-
mentary ordi-
nance, post.
page 656.]

General post office.

the same shall be delivered or directed, or by an express warrant, under the hand of the president of the congress of these United States, or, in time of war, of the commander in chief of the armies of these United States, or of the commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states, for that purpose, or except in such other cases wherein he shall be authorized so to do by this ordinance: (provided always, that no letter, franked by any person authorized by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states.) And that the postmaster general, his assistant, deputies, post and express riders, and messengers, and each and every of them, shall, without delay, take and subscribe the following oath, to wit: "*I, A B, do solemnly and sincerely swear, declare, or affirm, (as the case may require,) that I will well and faithfully do, execute, perform, and fulfil, every duty required of me, and abstain from every act and thing forbidden by a certain ordinance, passed by the United States of America in congress assembled, on the 18th day of October, 1782, entitled "An ordinance for regulating the post office of the United States of America."*"

Postmaster general, &c. to take an oath.

Forfeitures, &c. for breach of oath, &c.

And be it further ordained by the authority aforesaid, That if the postmaster general shall be guilty of a breach of the said oath or affirmation, or any part thereof, and be thereof convict, he shall forfeit and pay one thousand dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the treasurer of the United States for the time being: and if any postmaster, postrider, or other person employed in the post office department, shall be guilty of a breach of the said oath or affirmation, or any part thereof, and be thereof convict, each one so offending shall forfeit and pay three hundred dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the postmaster general for the time being: all which forfeitures, when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expenses of the post office; and every person employed in the post office department, who shall be guilty of a breach of the said oath or affirmation, shall, besides paying the abovementioned forfeitures, be rendered incapable, ever hereafter, of holding any office or place of trust or profit under these United States: provided always, that the foregoing oath shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner hereinafter directed, unless the same shall be thought necessary by the postmaster general, or his deputy, who shall have appointed him; which oath shall, without delay, be made by the postmaster general, before the president of the congress of these United States; and by each of the said clerk or assistant, deputies, and postriders, (except as is above provided with respect to special expresses and messengers,) before the postmaster general, or before any civil magistrate nominated by him for that purpose; all which persons

Before whom oaths are to be made, &c.

are hereby respectively authorized to administer the said oath; General post office. and shall respectively make and sign certificates thereof: the certificate to be signed by the president, to be lodged in the office of the secretary of the congress of these United States, and the other certificates respectively to be returned into the office of the postmaster general; there to be kept as evidence of the several qualifications therein respectively certified.

And be it further ordained by the authority aforesaid, That Regulations concerning the conveyance of letters, &c. the postmaster general of these United States for the time being, and his deputy and deputies, thereunto by him sufficiently authorized, and his and their agents, postriders, expresses, and messengers, respectively, and no other person whatsoever, shall have the receiving, taking up, ordering, despatching, sending, post or with speed, carrying, and delivering of any letters, packets, or other despatches, from any place within these United States, for hire, reward, or other profit or advantage, for receiving, carrying, or delivering, such letters or packets respectively; and any other person or persons presuming so to do, Unauthorized persons not to convey letters, &c. shall forfeit and pay, for every such offence, twenty dollars, to be sued for and recovered in an action of debt, with costs of suit, by the postmaster general or his deputy, in the state in which the offence shall be committed; and such sums as shall be thus recovered and received, shall be accounted for by the postmaster general, and applied towards defraying the necessary expenses of the post office: provided nevertheless, that nothing herein contained shall be construed to extend to any messenger purposely sent on any private affair, and carrying letters or packets relating to such affair only; or to persons sent officially on public service: and provided also, that nothing herein contained shall in any manner affect any private cross post rider that may be employed by any of the citizens of these United States, with the consent of the postmaster general, or his deputy, until a public rider can be established on such cross road.

And be it further ordained by the authority aforesaid, That if any person, not being a post or express rider, in the service of the general post office, shall carry any letters, packets, or other despatches, from one place to another, within these United States, on any of the post roads, to any place within these United States, for hire or reward, except in cases as is hereinbefore excepted, or shall not, when bringing letters from beyond sea, Letters from beyond sea, &c. for hire or reward, deliver the same at the post office, if any there be, at the place of his or her arrival, he or she shall, in each of the before mentioned cases, forfeit and pay, for every such offence, twenty dollars; to be recovered by the postmaster general, or any of his deputies, in an action of debt, in the state wherein the offence shall have been committed, with costs of suit; and applied towards the expenses of the post office, and be accounted for accordingly: and if such offence shall have been committed by any person holding a civil or military commission under these United States, he shall, on conviction thereof, forfeit his commission. And for every letter, packet, or other despatch, Allowance for letters deposited from beyond sea. from beyond sea, which any person shall so deliver at the post office, he shall receive of the postmaster, at the post office, for the delivery of the same, one-ninetieth of a dollar.

General post office.

And be it further ordained by the authority aforesaid, That the postmaster general shall cause the mail to be carried with all care and despatch, at least once in every week, to and from each of the stated post offices, and his deputies shall keep and transmit to him, regular, particular, just, and quarterly accounts, of the incomes and expenditures of their respective offices; and from those and such other materials, as shall be necessary for the purpose, the postmaster general shall form and keep regular and just accounts of the incomes and expenditures of the general post office, which he shall annually deliver to the comptroller of accounts of these United States, attended with the quarterly accounts of each office, and vouchers for his examination and passing.

Weekly transportation of the mail.

▲ list of remaining letters to be published.

And be it further ordained by the authority aforesaid, That the postmaster general's deputies, respectively, shall regularly publish, at the expiration of each quarter, (if it can conveniently be done,) in one of the most convenient public newspapers, for three successive weeks, a list of all letters at that time remaining in their offices; and at the expiration of the subsequent quarter, shall send such of the letters so published, as then remain, as dead letters, to the general post office; where they shall be opened and inspected by the postmaster general, who shall carefully preserve them, with the papers therein respectively contained, and shall insert in a book to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the enclosures contained therein; and, at the expiration of each quarter, the postmaster general shall cause to be published, in one of the newspapers of the state in which the owners of such valuable papers are supposed to reside, (if a newspaper is printed in such state,) else in the most convenient paper, an advertisement, informing that such papers are in his possession, and shall deliver such letter and enclosures to the person or persons to whom the same shall be directed, or his, her, or their, order, at the post office, he, she, or they, first paying the postage for the same, at the rates from time to time established by these United States in congress assembled, and the necessary expense of such publications as aforesaid; and in case of neglect to take up such letters, the necessary expense shall be charged to the United States.

Remaining letters to be returned to the general post office, &c.

See the supplemental ordinance, post. page 656.

Postmaster general, &c. may hire expresses, &c.

And be it further ordained by the authority aforesaid, That the postmaster general and his deputies, respectively, shall, and they are hereby, authorized, whenever the danger of robberies of the mail shall, in their respective judgments, render the same necessary, to hire occasional expresses for carrying the public despatches, and such private letters as, from time to time, shall be in the post offices: who shall not be confined to fixed days, nor to travel the usual post roads, but shall, in those respects, be subject to the order and direction of the postmaster general and his deputies, respectively. And to the end that the expense of several expresses destined to the same place, at the same time, may be avoided, be it further ordained by the authority aforesaid, that all extraordinary expresses in the public

service, shall, if a post-office be established at the place from which they shall severally take their departure, be hired by the postmaster general, or his deputy, and set out from, and return to, such post office, with the letters, packets, and despatches, to be carried by them, respectively. General post office.

And be it further ordained by the authority aforesaid, That the postage of all letters, packets, and despatches, to and from the different post offices within these United States, shall be at the following rates, in pennyweights and grains of silver, estimating each pennyweight, as at present, at five-ninetieths of a dollar, to wit:

For any distance not exceeding sixty miles, one pennyweight eight grains; upwards of sixty, and not exceeding one hundred, two pennyweight; upwards of one hundred, and not exceeding two hundred, two pennyweight sixteen grains, and so on, sixteen grains advance for every hundred miles; and for all single letters to or from Europe, by packet or despatch vessels, four pennyweight; the above rates to be doubled for double letters, trebled for treble letters, and a packet weighing an ounce, to be charged equal to four single letters, and in that proportion if of a greater weight: and to the foregoing rates shall be added a sum, not exceeding four-ninetieths of a dollar, upon every letter, packet, or despatch, which shall come into the post office from beyond sea, by any other conveyance than packets or despatch vessels; and every letter, packet, and despatch, except dead letters, may and shall be retained in the office where the same shall have arrived, which shall be nearest to the place of direction, until the postage thereon shall be paid. Rates of postage, &c.

And be it ordained by the authority aforesaid, That it shall and may be lawful for the postmaster general, or any of his deputies, to license every postrider to carry any newspapers to and from any place or places within these United States, at such moderate rates as the postmaster general shall establish, he rendering the postriders accountable to the postmaster general, or the respective deputy postmasters by whom they shall severally be employed, for such proportion of the moneys arising therefrom, as the postmaster general shall think proper, to be by him credited to these United States in his general account. Postriders may be licensed to carry newspapers, &c.

And be it further ordained by the authority aforesaid, That in case the income of the post office shall, in any year, exceed the expenses thereof, the postmaster general shall pay to the treasurer of the United States the surplus, until the sums of money heretofore advanced, or which shall be hereafter advanced by the United States, for the support of the general post office, with interest thereon, at six per cent. per annum, shall be repaid, after which, such surplus shall be appropriated and applied to the establishment of new post offices and the support of packets, to render the post office department as extensively useful as may be: and if the necessary expenses of that establishment shall exceed the profits arising from the post office, such excess, when properly ascertained, shall be paid, on warrants of the superintendent of finance, by the treasurer of the United States, to the postmaster general, in quarterly payments, to enable him effectually to support the post office. Appropriation of surplus income of the post office, &c.

General post office.
Salaries.

And be it further ordained by the authority aforesaid, That the salary of the postmaster general shall be fifteen hundred dollars per annum; and that of his clerk or assistant, one thousand dollars per annum.

Letters, &c. to members of congress, &c. free.

And be it further ordained by the authority aforesaid, That letters, packets, and despatches, to and from the members and secretary of congress, while actually attending congress, to and from the commander in chief of the armies of these United States, or commander of a separate army, to and from the heads of the departments of finance, of war, and of foreign affairs, of these United States, *on public service*, shall pass and be carried free of postage.

Letters to officers of the line, free.

And be it further ordained, That single letters, directed to any officers of the line, in actual service, shall be free of postage.

Former ordinances repealed.

And be it further ordained by the authority aforesaid, That all former and other acts, ordinances, and resolutions, of these United States in congress assembled, heretofore made, relating to the post office, be, and the same, and each, and every of them, is, and are hereby, repealed and made void. Done, &c. &c.

In congress, Oct. 28, 1782.

The supplemental ordinance for regulating the post office, was read a third time, and passed, as follows:

A supplemental ordinance for regulating the post office of the United States of America.

Whereas, since the passing the ordinance for regulating the post office of the United States of America, it hath been represented that the allowance thereby made, of commissions to a deputy postmaster, on the money only arising from the postage of letters, would, in many instances, be inadequate to the service; and that the provision that all the dead letters should be registered and preserved, will occasion great and useless trouble and expense; and no provision is made therein for the deputy postmaster with the main army: in order, therefore, to remedy the defects of the beforementioned ordinance:

Be it ordained by the United States in congress assembled, and it is hereby ordained by the authority of the same, That it shall and may be lawful for the postmaster general, for the time being, to allow to his respective deputies, such commissions as he shall think their respective services may merit, not exceeding twenty per centum on the postage of all letters, making the same allowance for free letters as if they paid postage;* and that instead of registering and preserving all dead letters, from time to time remaining in the general post office, it shall be sufficient, and the postmaster general is only required, to preserve such of them, the contents and enclosures of which may be valuable.†

[* See ante, page 651.]

[† See ante, page 654.]

And be it further ordained by the authority aforesaid, That the act of the United States in congress assembled, respecting the postmaster at head quarters of the army, passed on the 11th day of March, 1782,‡ be, and the same is hereby, revived and declared to be in full force.

[‡ The act relates only to pay and rations.]

And be it further ordained by the authority aforesaid, That it shall and may be lawful for the postmaster general for the

time being, to allow and pay to any informer, one moiety of the penalties which may be recovered upon his information, for offences against the fourth and fifth clauses of the beforementioned ordinance for regulating the post office of the United States of America. General post office.
Done, &c.

An ordinance for amending an ordinance, for regulating the post office of the United States of America.

Whereas it hath been represented to congress, since passing the ordinance for regulating the post office of the United States of America, that sundry alterations therein, and additions thereto, are necessary; In congress, Dec. 24, 1782.

Be it ordained by the United States in congress assembled, and it is hereby ordained by authority of the same, That the privilege of franking letters be, and the same is hereby, extended to the inspector general, the adjutant general, the director of the hospitals, the quartermaster general, the commissary of prisoners, and the paymaster general, of the army of the United States; and that the same privilege be, and the same is hereby, extended to the officers at the heads of the like departments, in any separate army; all letters to and from whom, on public business, shall pass free of postage; and in order to prevent the multiplicity of franks becoming too burdensome to the public:

Be it ordained, and it is hereby ordained by the authority aforesaid, That the allowance, not exceeding twenty per cent. on what would be the postage of free letters, if they were charged, be discontinued, and that the public be charged with no further commissions on free letters, though they contain enclosures, than the officers of the post office would be entitled to on the postage of the same number of single letters coming the same distance.

And be it ordained by the authority aforesaid, That the clause in the ordinance of the 18th of October last, which directs the postmaster general and his deputies to furnish extraordinary expresses, be, and the same is hereby, repealed.

Done, &c.

Resolved, That all letters to and from the heads of departments, on public service, are free, and ought not to be detained for want of the words *on public service*, endorsed. In congress, Feb. 28, 1783.

Resolved, That the postmaster general be, and he is hereby, directed to give orders to his deputy, at the place where congress is sitting, to furnish an extra post or posts, whenever required by the president. In congress, Dec. 24, 1783.

Resolved, That the postmaster general make inquiry, and report the best terms upon which contracts may be entered into, for the transportation of the several mails in the stage carriages, on the different roads, where such stage carriages are, or may be, established. In congress, June 30, 1785.

In pursuance of the order of the 30th of June, the postmaster general reported the terms on which contracts will be entered into, for the transportation of the mails in stage carriages. In congress, July 12, 1785.

Resolved, That the postmaster general be, and he is hereby, authorized and instructed, under the direction of the board of In congress, Sept. 7, 1785.

General post office.

treasury, to enter into contracts, under good and sufficient security, for the conveyance of the different mails, by the stage carriages, from Portsmouth, in the state of New Hampshire, to the town of Savannah, in the state of Georgia; and from the city of New York to the city of Albany, in the state of New York, according to the accustomed route.

In congress, June 21, 1786.

Resolved, That the postmaster general be informed, in answer to his letter of the 19th, that congress approve his conduct, in directing the deputy postmasters not to receive the paper money of any state for postage of letters.

In congress, Sept. 20, 1786.

Resolved, That the postmaster general be, and he is hereby, directed to issue instructions to the postmasters in the several states, to receive no other money in payment for postage, than specie.

Resolved, That the postmaster general be, and he is hereby, empowered, in all cases where he may conceive it necessary, to demand, or authorize the demanding, the postage at the time the letters are put into the post office.

CHAPTER 39.

Brief notice of appointment of delegates to the convention that framed the constitution of the United States, &c.

Brief notice of the appointment of delegates to the convention, which met at Philadelphia in May, 1787, to frame a new constitution, and of the acts of ratification thereof.

New Hampshire.

To the convention for framing a new constitution, the state of New Hampshire appointed, on the 27th of June, 1787, four commissioners, namely: John Langdon, John Pickering, Nicholas Gilman, and Benjamin West, who, or any two of whom, were authorized and empowered, as deputies from that state, to meet, at Philadelphia, said convention, or any other place to which the convention might be adjourned, there to confer with such deputies as might be appointed by the other states, for similar purposes, and with them to discuss and decide upon the most effectual means to remedy the defects of the federal union, and to procure and secure the enlarged purposes which it was intended to effect, and to report such an act to the United States in congress, as, when agreed to by them, and duly confirmed by the several states, would effectually provide for the same.

Massachusetts.

Massachusetts, on the 9th of April, 1787, appointed five delegates, namely: Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong, who, or any three of whom, were empowered to act agreeably to the resolution of congress, of the 21st of February, 1787,* recommending the convention; &c.

[* See ante, page 58.]

Connecticut.

Connecticut, at a general assembly held on the second Thursday of May, 1787, appointed William Samuel Johnson, Roger Sherman, and Oliver Ellsworth, delegates to attend the convention; and they, or, in case of sickness or accident, one or more of them, as should actually attend the said convention, were authorized to discuss upon such alterations and provisions, agreeably to the general principles of republican government, as

they should think proper, to render the federal constitution adequate to the exigencies of government and the preservation of the union.

Appointment
of delegates to
the federal
convention,
&c
New York.

New York, on the 6th of March, 1787, appointed Robert Yates, John Lansing, junior, and Alexander Hamilton, delegates to meet in convention, for the sole and express purpose of revising the articles of confederation, and reporting to congress, and to the several legislatures, such alterations and provisions therein, as should, when agreed to in congress, and confirmed by the several states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.

New Jersey, on the 23d of November, 1786, appointed David Brearley, William Churchill Houston, William Patterson, and John Neilson, to meet in convention; and they, or any three of them, were empowered to take into consideration the state of the union, as to trade and other important objects, and to devise such other provision as should appear to be necessary, to render the constitution of the federal government adequate to the exigencies thereof; &c.

To the above named delegates, the state of New Jersey added, on the 8th of May, 1787, William Livingston and Abraham Clark, for like purposes; and Jonathan Dayton was also added to the same deputation, on the 5th of June, 1787.

Pennsylvania, on the 30th of December, 1786, appointed Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson, and Gouverneur Morris, to meet in convention; and they, or any four of them, were constituted and appointed deputies from that state, with powers to meet such deputies as might be appointed and authorized by the other states, to assemble in the said convention, and to join with them in devising, deliberating on, and discussing, all such alterations and further provisions, as might be necessary to render the federal constitution fully adequate to the exigencies of the union; &c.

By a supplementary act of the 28th of March, 1787, Benjamin Franklin was added to the deputation for Pennsylvania.

Delaware, on the third of February, 1787, appointed George Reed, Gunning Bedford, jun. John Dickinson, Richard Bassett, and Jacob Broom, to meet in convention; and they, or any three of them, were constituted and appointed deputies from that state, with powers to meet such deputies as might be appointed and authorized by the other states, to assemble in the said convention, and to join with them in devising, deliberating on, and discussing, such alterations and further provisions as might be necessary to render the federal constitution adequate to the exigencies of the union; &c.

Maryland, on the 26th of May, 1787, appointed James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin, to meet in convention; and they, or such of them as should attend the convention, were authorized to meet such deputies as might be appointed and authorized by any other of the United States, for the purpose of

Appointment
of delegates to
the federal
convention,
&c.

Virginia.

revising the federal system, and to join with them in considering such alterations and further provisions as might be necessary to render the federal constitution adequate to the exigencies of the union; &c.

Virginia, at a general assembly, begun and held on the 16th of October, 1786, appointed George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, jun. George Mason, and George Wythe, to meet in convention; and they, or any three of them, were authorized as deputies from that commonwealth, to meet such deputies as might be appointed and authorized by other states, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and farther provisions as might be necessary to render the federal constitution adequate to the exigencies of the union; &c.

Patrick Henry having declined his appointment as deputy, James M'Clurg was nominated to supply his place.

North Carolina.

North Carolina, in January, 1787, elected Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Willie Jones, to meet in convention; and they, or any three of them, were authorized as deputies from that state, to meet at Philadelphia, then and there to meet and confer with such deputies as might be appointed by the other states, for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of the federal union, and to procure the enlarged purposes which it was intended to effect; &c.

Richard Caswell having resigned, William Blount was appointed a deputy in his place. Willie Jones having also declined his appointment, was supplied by Hugh Williamson.

South Carolina.

South Carolina, in virtue of an act passed on the 8th of March, 1787, appointed John Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, and Pierce Butler, to meet in convention; and they, or not less than two of them, were empowered to meet such deputies or commissioners as might be appointed and authorized by other of the United States, to assemble in convention at the city of Philadelphia, and to join with such deputies or commissioners in devising and discussing all such alterations, clauses, articles, and provisions, as might be thought necessary to render the federal constitution entirely adequate to the actual situation and future good government of the confederated states; &c.

Georgia.

Georgia, on the 10th of February, 1787, appointed William Few, Abraham Baldwin, William Pierce, George Walton, William Houstoun, and Nathaniel Pendleton, to meet in convention; and they, or any two or more of them, were authorized as deputies from that state, to meet such deputies as might be appointed and authorized by other states, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union; &c.

Ratifications

Conventions, legally authorized, and chosen by the people,

in the several states, having taken the constitution into consideration, agreeably to the resolution of congress, of the 28th of September, 1787,* it was approved by the conventions of eleven of the states, respectively, as follow: of the constitution.
[* Ante, page 60.]

December 7, 1787. Delaware, "approved, assented to, ratified, and confirmed, the said constitution, fully, freely, and entirely." Delaware.

December 12, 1787. Pennsylvania, "assented and ratified." Pennsylvania.

December 18, 1787. New Jersey, "agreed to, ratified, and confirmed the constitution, and every part thereof." New Jersey.

January 2, 1788. Georgia, "assented, ratified, and adopted, fully and entirely." Georgia.

January 9, 1788. Connecticut, "assented to, ratified, and adopted, the constitution." Connecticut.

February 6, 1788. Massachusetts, "assented and ratified." Massachusetts.

April 28, 1788. Maryland, "assented to, and ratified, the constitution." Maryland.

May 23, 1788. South Carolina, "assented and ratified." S. Carolina.

June 21, 1788. New Hampshire, "assented and ratified." N. Hampshire.

June 26, 1788. Virginia, "assented to, and ratified the constitution, announcing to all whom it might concern, that it was binding upon the people" of that state Virginia.

July 26, 1788. New York, "assented and ratified." New York.

The state of North Carolina, in convention, August 1, 1788, "Resolved, That a declaration of rights, &c. ought to be laid before congress, and the convention of the states, that should or might be called for the purpose of amending the said constitution, for their consideration, previous to the ratification of the constitution aforesaid, on the part of the state of North Carolina." But, on the 21st day of November, 1789, it was, by a convention in that state, "Resolved, That this convention, in behalf of the freemen, citizens, and inhabitants, of North Carolina, do adopt and ratify the said constitution and form of government." North Carolina.

Rhode Island and Providence Plantations was not represented in the general convention, which met at Philadelphia to frame a constitution; and that state did not "assent and ratify" until the 29th of May, 1790, when it became a member of the union. Rhode Island.

The following is a copy of the act of ratification of the constitution by the state of Vermont:

In convention of the delegates of the people of the state of Vermont.

Whereas by an act of the commissioners of the state of New York, done at New York, the seventh day of October, in the fifteenth year of the independence of the United States of America, one thousand seven hundred and ninety, every impediment, as well on the part of the state of New York, as on the part of the state of Vermont, to the admission of the state of Vermont into the union of the United States of America, is removed; in full faith and assurance that the same will stand approved and ratified by congress. Vermont.

This convention, having impartially deliberated upon the con-

Ratifications
of the consti-
tution.

stitution of the United States of America, as now established, submitted to us by an act of the general assembly of the state of Vermont, passed October 27th, one thousand seven hundred and ninety, do, in virtue of the power and authority to us given for that purpose, fully and entirely approve of, assent to, and ratify, the said constitution; and declare that, immediately from and after this state shall be admitted by the congress into the union, and to a full participation of the benefits of the government now enjoyed by the states in the union, the same shall be binding on us, and the people of the state of Vermont, forever. Done at Bennington, in the county of Bennington, the 10th day of January, in the 15th year of the independence of the United States of America, one thousand seven hundred and ninety-one. In testimony whereof, we have hereunto subscribed our names,

THOMAS CHITTENDEN, *president.*

Signed by one hundred and five members: dissented four.

Attest.

ROS. HOPKINS, *sec. of convention.*

State of Vermont,

Secretary's Office, Bennington, Jan. 21, 1791.

The preceding is a true copy of the original act of the convention of the state of Vermont, done at Bennington, the tenth day of January, one thousand seven hundred and ninety-one.

Attest.

ROS. HOPKINS, *secretary of state.*

[*Note.* Vermont was admitted into the union, having petitioned congress for that purpose, by act of February 18, 1791; chap. 81, page 193, vol. 2.]

CHAPTER 40.

In congress,
May 7, 1787.

An ordinance for settling the accounts between the United States and individual states.

Five commis-
sioners, &c.

Be it ordained by the United States in congress assembled, That five commissioners be appointed by the board of treasury, whose duty it shall be to go to the several states, in the districts hereafter mentioned, for which they may be, respectively, appointed, for the purpose of stating the accounts of the states, within those districts, against the United States.

Districts.

That the states of New Hampshire, Massachusetts, Connecticut, and Rhode Island, form one district. That the states of New York and New Jersey, form one district. That the states of Pennsylvania, Delaware, and Maryland, form one district. That the states of Virginia and North Carolina, form one district. And that the states of South Carolina and Georgia, form one district.

Duty of the
commission-
ers, &c.

That it shall be the duty of the said commissioners, respectively, to receive of the states for which they are appointed, all their accounts and vouchers for payments made on account of bounties, pay, and depreciation of pay, to the late army of the United States: and for advances to the militia, called out under the authority of the United States, and actually in their service, and to give descriptive acknowledgments thereof to the states from which they may be received; which accounts and vouchers

shall be immediately forwarded to the commissioner of army accounts, whose duty it shall be to examine and pass such as are authorized by the resolves of congress, and supported by proper vouchers; and to state such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims.

Duty of the commissioners, &c.

That it shall further be the duty of the said commissioners, to receive, in like manner, the accounts and vouchers for moneys paid, and supplies furnished, on the requisitions of congress, made previously to October, 1781, and to forward the same to the office of the comptroller of the treasury.

That it shall also be the duty of the said commissioners, to receive and examine all the claims of the states to which they are appointed, against the United States, for advances or disbursements by them made, for the use of the late commissary, quartermaster, clothing, marine, and hospital departments, or under any other description whatsoever, to pass upon all such as are authorized by the resolves of congress, and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted or supported, together with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

And be it further ordained by the authority aforesaid, That on all the accounts aforesaid, interest shall be allowed at the rate of six per cent. per annum, agreeably to the resolves of congress.

And whereas it is essential to the welfare of the confederacy, that the accounts of the several states should be speedily adjusted; that this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective states, for the use of the union, although the same be not sanctioned by the resolves of congress, or supported by regular vouchers.

Speedy adjustment of accounts, &c.

Be it, therefore, ordained, That the several states be, and they are hereby, limited to the space of six months for exhibiting to the proper commissioner, their claims against the United States, of whatever nature the same may be: and that such states as may neglect to exhibit the same within that period of time, after the commissioner has notified to the supreme executive thereof, that he is ready to proceed on the business of his commission, shall be precluded from any future allowance; but shall, nevertheless, stand chargeable with all advances of money or other articles, which may have been made to them, respectively, by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

Six months allowed for exhibiting claims, &c.

And be it further ordained, That the said commissioners of districts shall, within twelve months after they enter on the duties of their several appointments, repair to the place where the United States in congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the comptroller of the treasury, on which their commission shall terminate.

Commissioners to repair with accounts, &c.

Board of com-
missioners,
&c.

Be it further ordained, That a board, consisting of three commissioners, be appointed by the United States in congress assembled, whose duty it shall be to receive from the comptroller of the treasury, and from the commissioner of army accounts, all the accounts and claims of the several states deposited in their respective offices, and to examine such of the said accounts as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different states: provided, that such revision of the accounts abovementioned, shall not in anywise affect the validity of the vouchers admitted by the commissioners of the respective districts.

Discretionary
powers vested
in the board,
&c.

And be it further ordained, That wherever it shall appear to the said board of commissioners, that advances or disbursements, payments or supplies, of the description aforesaid, have been made by any of the states, subsequent to the 18th of April, 1775, for articles or services, for the use of the United States, that the said commissioners be, and they are hereby, vested with full power and authority to make such allowance for the same as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of congress, or supported by regular vouchers, so as to enable the said commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof, agreeably to such quota as congress shall hereafter determine.

Determina-
tion of the
board, final,
&c.

And be it further ordained, That the determination of a majority of the aforesaid board of commissioners, on the claims submitted to them, shall be final and conclusive; and that their commission shall continue in force for one year and a half from the time of their entering on the duties of their office, unless sooner revoked by congress.

Pay, &c.

And be it further ordained, That the pay of the commissioners of districts, shall be at the rate of twelve hundred fifty dollars per annum; and that of their clerks, at the rate not exceeding four hundred and fifty dollars per annum, each.

Persons em-
ployed, to take
an oath, &c.

And be it further ordained, That every person employed, or to be employed, in pursuance of this ordinance, shall, previous to entering on the duties of his office, take and subscribe an oath, *faithfully and impartially to perform the duties of the office to which he is appointed*; certificates of which shall be deposited with the secretary of congress.*

[* See chap. 6,
page 32, vol.
2.]

Cessions of
lighthouses,
&c.

Light houses, Beacons, Buoy, and public Piers.

In consequence of the invitations held out by the act of August 7, 1789, (chap. 9, page 34, vol. 2.) and other similar acts of congress, various cessions of lighthouses, beacons, buoys, and public piers, and lots of land for lighthouses, &c. have, from time to time, been made by the states, respectively, vesting the property, jurisdiction, and sometimes both, or right of oc-

cupancy, in the government of the United States. The following is a list of the establishment of lighthouses in March, 1815. To the list are subjoined brief memoranda of the principal, if not of all, the sessions, &c. which have taken place in this respect. The particulars have been procured from the records in the custody of the commissioner of the revenue, in the department of the treasury:

List of Lighthouses.

In New Hampshire, at Portsmouth.

Massachusetts,

Boston,
Nantucket,
Thacher's Island,
Baker's Island,
Plumb Island,
Cape Cod,
Cape Poge,
Portland,
Plymouth,
Seguin,
Wigwam Point,
White Head,
Franklin Island,
Wood Island,
Passamaquoddy,
Chatham,
Boon Island,
Scituate,
Gay Head,
Clark's Point.

Rhode Island, &c.

Newport,
Watch Hill Point,
Point Judith.

Connecticut,

New London,
Falkner's Island,
Lynde's Point,
Five Mile Point,
Fayerweather Island.

New York,

Sandy Hook,
Eaton's Neck,
Sand's Point,
Montauk,
Little Gull Island.

Delaware,
Virginia,

Cape Henlopen.
Cape Henry,
Old Point Comfort,
Smith's Point,
New Point Comfort.
Bald Head, (Cape Fear,)

North Carolina.

Cape Hatteras,
Shell Castle,
Cape Look Out.

South Carolina,

Charleston,
Georgetown.

Lighthouses,
&c.Georgia,
Louisiana,Tybee,
St. Simon's Island.
Bayou St. John.

Memoranda of Cessions.

By New Hampshire.

1791. February 14. One and three-quarters acres of a neck of land in Newcastle, on Great Island, at the entrance of Piscataqua river, commonly called Fort Point: for a lighthouse, &c.

By Massachusetts.

1790. June 10. Lighthouse, lands, and tenements, on Light House Island, in the harbor of Boston.

Two lighthouses, lands, &c. on Thacher's Island, in the county of Essex.

Two lighthouses, lands, &c. on the north end of Plumb Island, county of Essex.

Lighthouse, land, &c. on Portland Head, county of Cumberland.

Interest of the commonwealth in the lighthouse, land, &c. on the Gurnet Head, west of Plymouth.

Lighthouse, land, &c. on Sandy Point, county of Nantucket.

Four buoys: one at the mouth of Merrimack river, (on Hum Sands:) another on Sunken Rocks; another on Gangway Rock, and the fourth on Half Tide Rock.

A beacon, on the spit of sand near the lighthouse, in the harbor of Boston.

1794. February 19. Jurisdiction and property of ten acres, most convenient for a lighthouse, part of the island of Seguin, near the mouth of Kennebec river.

Note. The remaining part of Seguin island, containing about ten acres more, was ceded to the United States on the 8th of March, 1797.

1796. June 18. Jurisdiction, &c. of tracts of land, for lighthouses, on Baker's Island and Cape Cod, not exceeding ten acres for each lighthouse.

1799. February 22. Jurisdiction over a tract of land not exceeding four acres, on that part of Martha's Vineyard called Gay Head: for the purpose of a lighthouse.

1800. June 12. Jurisdiction of a tract, not exceeding seven acres, on Wigwam Point, in the town of Gloucester: for a lighthouse.

June 16. One hundred and thirty-four rods of land, at the end of Clark's Point, in the town of New Bedford: for a lighthouse.

1801. March 7. Four acres on that part of Martha's Vineyard, called Cape Poge: for a lighthouse.

1803. June 18. Ten acres on White Head Island, at the entrance of Penobscot Bay: for a lighthouse.

By Massachusetts.

1806. June 24. About twelve acres for lighthouses, at or near the entrance of Chatham harbor, on Cape Cod.

Not exceeding twelve acres on Franklin island, near the Lighthouses, mouth of George's river. &c.

1807. February 25. One hundred acres, ceded and granted, on West Quaddy Head, to be occupied by the keeper of the lighthouse there.

1811. February 21. Jurisdiction of tracts of land, not to exceed six acres, for a lighthouse at the entrance of the harbor of Scituate.

February 26. Boon Island, near the harbor of York, in Maine: for a lighthouse.

By Rhode Island.

1793. May. Lighthouse in Jamestown, in the island of Canonicut.

And, subsequently, five acres on Point Judith, in South Kingston.

1806. May. Jurisdiction over about four and a half acres sixteen rods, on Watch Hill Point, in the town of Westerly.

By Connecticut.

1790. May. Lighthouse at New London, and certain rocks and ledges off against the harbor of New London, called Race Rock, Black Ledge, and Goshen Reef, together with the buoys.

1802. May. About 116 rods of land on Lynde's Point, in Saybrook, for a lighthouse.

1804. May. About one acre of ground at East Haven, in the county of New Haven.

1807. May. Fayerweather island, in the harbor of Fairfield, containing about eight acres.

By New York.

1792. Montauk Point, (called Turtle Hill,) in Suffolk county.

1798. April 6. Jurisdiction of ten acres on Eaton's Neck, near Huntington Bay.

Parcels of land on Staten and other islands, to be judged of by commissioners.

1803. March 26. Great Gull and Little Gull islands, in Suffolk county.

1808. April 1. Five acres on Sand's or Watch Point, in the town of North Hempstead, Queen's county.

New York also made a cession (April 4, 1811) with respect to a piece of land for a lighthouse, in Buffalo, Niagara county.

By New Jersey.

1790. November 16. A lot of about four acres, at the point of Sandy Hook, in Monmouth county.

1804. March 1. Consented to the purchase of a lot on the north point of Sandy Hook, for the purpose of erecting a beacon.

By Pennsylvania.

1789. September 28. The lighthouse at Cape Henlopen, and all the beacons, buoys, and public piers, lands, tenements, and jurisdiction. Mud Island, in the river Delaware, not included, nor wharves, &c. thereon.

1812. March 13. The occupancy of about two acres of land, near Presque Isle, for a lighthouse.

By Delaware.

Lighthouses,
&c.

1803. January 11. The sites of piers, &c. in the river Delaware, off Newcastle.

By Virginia.

1789. November 13. Two acres in the county of Princess Anne, the head land of Cape Henry. Reservation of fishing rights, and haling of seines.

1798. January 2. Two acres on Old Point Comfort, in the county of Elizabeth City. Reservation of right of haling seines.

1802. January 15. Land necessary for a lighthouse on New Point Comfort, in Matthews county; and on Smith's Point, in Northumberland county.

By North Carolina.

1790. December 14. One acre of land on Occacock Island; and ten acres on Cape Fear Island.

1794. July 17. Beacon Island, in the harbor of Occacock, and four acres at the head land of Cape Hatteras.

1795. February 7. Land necessary for a lighted beacon on Shell Castle Island. In a deed from J. G. Blount and John Wallace, bearing date November 29th, 1797, for a lot on Shell Castle Island, it is stipulated that no goods should be stored, no tavern be kept, no spirits be retailed, no merchandise be carried on, and that no person should reside on, or make it a stand to pilot or lighter vessels.

1804. December 17. Exclusive jurisdiction of four acres, lying near the pitch of Cape Look Out, in Carteret county.

By South Carolina.

1795. December 12. A spot on North Island, for a lighthouse for the harbor of Georgetown. Seven acres were given for the purpose by Paul Trapier.

By Georgia.

1802. June 17. The (disputed) interest of the state to the south point of Cumberland Island, for a lighthouse.

1804. December 10. Four acres on the southern extremity of St. Simon's island, in the county of Glynn, (for the port of Brunswick,) and six acres on the southern extremity of Cumberland Island, in the county of Camden, for lighthouses.

1808. May 23. Jurisdiction over five acres of land on the southern extremity of Sapelo Island, for a lighthouse.

[*Note.* Where the property of the lighthouses, lands, &c. has been in the state ceding, it has been, in general, conveyed to the United States: in most cases, however, the states have reserved a concurrent jurisdiction as to serving and executing civil and criminal process within the limits of the respective grants; and, in some instances, there is a provision in the acts of cession, that if the government of the United States should, hereafter, make compensation for any such gifts, &c. a like compensation should accrue to the state ceding.]

CHAPTER 41.

Military Establishment.

Military estab-
lishment.In congress,
Oct. 3, 1787.

On a report of the secretary of war, to whom was referred his letter of the 26th of September, congress came to the following resolutions:

Whereas the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year: Military establishment.

Resolved, That the interests of the United States require that a corps of seven hundred troops should be stationed on the frontiers, to protect the settlers on the public lands from the depredations of the Indians; to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon. A corps of 700 troops to be stationed on the frontiers.

Resolved, That in order to save the great expense of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country, acquired by the troops on the frontiers, it is highly expedient to retain as many of them as shall voluntarily re-engage in the service. Troops on the frontiers to be re-engaged.

Resolved, That seven hundred noncommissioned officers and privates be raised, for the term of three years, unless sooner discharged, and that the same be furnished in the proportions herein specified, by the states which raised the troops, agreeably to the requisitions of congress, of April, 1785:*

* On the report of a committee, consisting of Mr. Monroe, Mr. Johnson, Mr. R. Livingston, Mr. King, Mr. Beatty, Mr. J. Henry, and Mr. Bedford, In congress, April 12, 1785.

Resolved, That the noncommissioned officers and privates, to be raised by the resolution of the seventh day of the present month, April, be furnished by the states hereinafter mentioned, in the following proportions:

Connecticut,	165
New York,	165
New Jersey,	110
Pennsylvania,	260
	—700

That the following commissioned officers be furnished by the said states, for the said troops, in the following proportions:

One lieutenant colonel from Pennsylvania.

Two majors, one from Connecticut, and one from New York, each to command a company.

Eight captains, ten lieutenants, one to act as adjutant, one as quartermaster, and one as paymaster. Ten ensigns, one surgeon, and four mates, to be furnished by the said states, in proportion to the number of privates which they respectively furnish.

That the pay of the lieutenant colonel be fifty dollars per month.

That of the major,	45	dollars	per month,
captain,	35		ditto,
lieutenant,	26		ditto,
ensign,	20		ditto,
sergeant,	6		ditto,
corporal,	5		ditto,
drum,	5		ditto,
fife,	5		ditto,
private,	4		ditto,
surgeon,	45		ditto,
mate,	30		ditto.

That the lieutenants acting as adjutant, quartermaster, and paymaster, shall receive, in consideration of the said extra duty, each, ten dollars per month.

That each officer and soldier shall receive one month's pay after they are embodied, before their march.

That the secretary of war be directed to form the said troops, when raised, into one regiment, consisting of eight companies of infantry and two of artillery, to appoint their places of rendezvous, direct their subsequent operations, and make all other inferior necessary arrangements, not herein particularly mentioned, subject to the order of congress, and of the committee of the states, in the recess of congress; and that the commissioners of the treasury be instructed to furnish, on his warrant, the sums necessary for carrying the same into effect.

That the said troops, when embodied, on their march, on duty, or in garrison, shall be subject to all the rules and regulations formed for the government of the late army, or such other rules as congress, or a committee of the states, may form.

That the secretary of war ascertain the necessary clothing and rations proper for the troops, and report the same to congress.

Military establishment.

Connecticut, one hundred and sixty-five,
New York, one hundred and sixty-five,
New Jersey, one hundred and ten,
Pennsylvania, two hundred and sixty.

That the commissioned officers for the said troops, be furnished by the said states, agreeably to the present proportions.

That the organization of the said troops, together with the two companies of artillery raised by virtue of the resolves of congress, of the 20th of October, 1786,* be according to the present establishment; to wit: one regiment of infantry of eight companies, each company four sergeants, four corporals, two musicians, and sixty privates; and one battalion of artillery, of four companies, each company four sergeants, four corporals, two musicians, and sixty privates.

That the secretary of war make the necessary arrangements, from time to time, to replace the men on the frontiers, whose engagements shall expire.

That the said troops shall be governed by such rules and articles of war, as are, or shall be, established by congress, or a committee of the states.

[† Ante, page 669.] That the pay and allowances of the said troops, be the same as directed by the resolve of congress of April 12, 1785. †

That the board of treasury make the necessary provisions of clothing and rations, from time to time, at such places as the secretary of war shall judge necessary.

CHAPTER 42.

Courts for the trial of piracies, &c. Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas.

In congress, April 5, 1781.

Whereas, by the ninth article of the confederation and perpetual union of the thirteen United States of America, it is agreed, that the United States in congress assembled, shall have the sole and exclusive right and power (inter alia) of appointing courts for the trial of piracies and felonies committed on the high seas: And whereas it is expedient that such courts should be speedily erected, and it is reasonable that the same mode of trial should be adopted for offenders of this kind on the high seas, as is used for offenders of the like sort upon the land,

Piracy, &c. to be inquired of and tried by jury, &c.

Be it, therefore, ordained, and it is hereby ordained, by the United States of America in congress assembled, and by the authority of the same, That all and every person and persons, who heretofore have committed, or who hereafter shall commit, any piracy or felony upon the high seas, or who shall be charged as accessaries to the same, either before or after the fact, may and shall be inquired of, tried, and judged, by grand and petit juries, according to the course of the common law, in like

That the commissioners of the treasury contract for the supply of rations, at such places, and in such quantities, as the secretary of war shall judge necessary.

* The resolves referred to, relate to the forming, for three years, a legionary corps of 2,000 noncommissioned officers and privates, infantry and artillery, to repel the incursions of the Indians, &c.

manner as if the piracy or felony were committed upon the land, and within some county, district, or precinct, in one of these United States, the justices of the supreme or superior court of judicature, and judge of the court of admiralty of the several and respective states, or any two or more of them, are hereby constituted and appointed judges for hearing and trying such offenders.

Courts for the trial of piracies, &c.

And be it further ordained, That if any person or persons, shall be indicted for any piracy or felony done, or hereafter to be done, upon the high seas, or as accessaries before or after the fact, either on the land or upon the seas, by a grand jury for any county, district, or precinct, within any of these United States, before the justices of the supreme or superior court and judge of the admiralty, or any two of them, that then such order, process, judgment, and execution, shall be used, had, done, and made, to and against every such person and persons, so being indicted, as against robbers, murderers, or other felons, for robbery, murder, or other felony, done upon the land within such county, district, or precinct, as, by the laws of the said state, is accustomed; and the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men of the said county, district, or precinct; and such as shall be convicted of any such offence or offences, by verdict, confession, or otherwise, in the said court, shall have and suffer such pains of death, losses of lands, goods, and chattels, or other punishment, and by the same authority, as if they had been convicted and attainted of any robbery, felony, or other the said offences done upon the land; and shall be utterly excluded the benefit of clergy, where the same is taken away or not admitted for such like offences committed within the body of a county, or on land, where such trial shall be had.

Judgment and execution as against robbers, &c.

And be it further ordained, That if there shall be more than one judge of the admiralty in any of the United States, that then, and in such case, the supreme executive power of such state, may and shall commissionate one of them, exclusively, to join in performing the duties required by this ordinance.

Where more than one judge of admiralty, &c.

And be it further ordained, That all losses and forfeitures of lands, goods, and chattels, incurred upon any such conviction and attainder, shall go and belong to the state in which the said conviction and attainder shall be had.

An ordinance to amend an ordinance, entitled "An ordinance for establishing courts for the trial of piracies and felonies committed on the high seas."

Amendatory ordinance.

Be it ordained by the United States in congress assembled, and by the authority of the same, That the justices of the supreme or superior court of judicature, and the judge of the admiralty, or any two or more of them, including the judge of the admiralty in the several and respective states; or, in case there shall be several judges of the admiralty in a state, the justices of the supreme or superior court of judicature, and a judge of the admiralty, to be commissioned for that purpose by the executive power of such state, or any two of them, including a judge of the admiralty, are hereby constituted and appointed a court for hearing and trying all offenders, who, in

In congress, March 4, 1783.

Who shall constitute a court, &c.

Courts for the trial of piracies, &c.

and by an ordinance, entitled "An ordinance for establishing courts for the trial of piracies and felonies committed on the high seas," passed the fifth day of April, one thousand seven hundred and eighty-one, are triable before the justices of the supreme or superior court of judicature and judge of the court of admiralty of the several and respective states, or any two or more of them; provided, that nothing herein contained shall extend to prosecutions already commenced, which shall be determined in the same manner as if this ordinance had never been made. Done, &c.

CHAPTER 43.

Bank of North America.

An ordinance to incorporate the subscribers to the Bank of North America.

In congress, Dec. 31, 1781.

Whereas congress, on the twenty-sixth day of May last, did, from a conviction of the support which the finances of the United States would receive from the establishment of a national bank, approve a plan for such an institution, submitted to their consideration by Robert Morris, esquire; and now lodged among the archives of congress, and did engage to promote the same by the most effectual means: and whereas, the subscription thereto is now filled from an expectation of a charter of incorporation from congress, the directors and president are chosen, and application hath been made to congress by the said president and directors, for an act of incorporation: and whereas the exigencies of the United States, render it indispensably necessary that such an act be immediately passed:

Subscribers a corporation, &c.

Be it, therefore, ordained, and it is hereby ordained by the United States in congress assembled, That those who are, and those who shall become, subscribers to the said bank, be, and forever after shall be, a corporation and body politic, to all intents and purposes, by the name and style of *The President, Directors, and Company, of the Bank of North America.*

Capabilities of the corporation, &c.

And be it further ordained, That the said corporation are hereby declared and made able, and capable in law, to have, purchase, receive, possess, enjoy, and retain, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what kind, nature, or quality soever, to the amount of ten millions of Spanish silver milled dollars, and no more; and also to sell, grant, demise, alien, or dispose of the same lands, rents, tenements, hereditaments, goods, chattels, and effects.

And be it further ordained, That the said corporation be, and shall be forever hereafter, able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever; and to do and execute all and singular other matters and things, that to them shall or may appertain to do.

Officers of the corporation, &c.

And be it further ordained, That for the well governing of the said corporation, and the ordering of their affairs, they shall have such officers as they shall hereafter direct, or appoint: provided nevertheless, that twelve directors, one of whom shall be the president of the corporation, be of the number of their officers.

And be it further ordained, That Thomas Willing be the present president, and that the said Thomas Willing, and Thomas Fitzsimons, John Maxwell Nesbit, James Wilson, Henry Hill, Samuel Osgood, Cadwallader Morris, Andrew Caldwell, Samuel Inglis, Samuel Meredith, William Bingham, Timothy Matlack, be the present directors of the said corporation; and shall so continue until another president and other directors shall be chosen, according to the laws and regulations of the said corporation.

Bank of North America.

President and directors.

And be it further ordained, That the president and directors of the said corporation, shall be capable of exercising such power for the well governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose, as shall be described, fixed, and determined, by the laws, regulations, and ordinances of the said corporation.

Power, &c. of the president and directors.

And be it further ordained, That the said corporation may make, ordain, establish, and put in execution, such laws, ordinances, and regulations, as shall seem necessary and convenient to the government of the said corporation.

Corporation may establish regulations.

Provided always, That nothing herein before contained, shall be construed to authorize the said corporation to exercise any powers in any of the United States, repugnant to the laws or constitution of such state.

Nothing herein repugnant to state laws.

And be it further ordained, That the said corporation shall have full power and authority, to make, have, and use, a common seal, with such device and inscription as they shall think proper, and the same to break, alter, and renew, at their pleasure.

Corporation empowered to use a common seal.

And be it further ordained, That this ordinance shall be construed and taken most favorably and beneficially for the said corporation.

Ordinance to be construed favorably to corporation.

Done by the United States in congress assembled, &c. &c.

Resolved, That it be recommended to the legislature of each state, to pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation, agreeably to the true intent and meaning thereof, and according to the recommendations contained in the resolutions of the 26th day of May last.*

Recommendation to the states to pass laws, &c.

[* Viz: not to establish any other bank during the war, and to pass laws to punish counterfeiters, embezzlement, &c.]

CHAPTER 44.

An act concerning the erection of the district of Kentucky into an independent state.

Whereas it is represented to this present general assembly, that the act of last session, entitled "An act concerning the erection of the district of Kentucky into an independent state," which contains terms materially different from those of the act of October session, one thousand seven hundred and eighty-five, are found incompatible with the real views of this commonwealth, as well as injurious to the good people of the said district:

Act of the general assembly of Virginia, concerning Kentucky. Passed Dec. 18, 1789.

Be it enacted by the general assembly, That in the month of May next, on the respective court days of the counties within

Representatives to con-

pose a convention, to be elected in the Kentucky district.

Qualification of the electors.

Qualification of the representatives.

Elections to be continued for five days.

Duty of the sheriffs conducting them.

Penalty on them for neglect.

The convention to determine on the expediency of erecting the said district into an independent state, on certain conditions.

Boundary between the proposed state and the commonwealth.

The proposed state to pay part of the debt of the United States, and of the commonwealth.

Rights to lands derived from the commonwealth, to be secured.

the said district, and at the respective places of holding courts therein, representatives, to continue in appointment for one year, and to compose a convention with the powers, and for the purposes, hereinafter mentioned, shall be elected, by the free male inhabitants of each county above the age of twenty-one years, in like manner as delegates to the general assembly have been elected within said district, in the proportions following: in the county of Jefferson, shall be elected five representatives; in the county of Nelson, five representatives; in the county of Mercer, five representatives; in the county of Lincoln, five representatives; in the county of Madison, five representatives; in the county of Fayette, five representatives; in the county of Woodford, five representatives; in the county of Bourbon, five representatives, and in the county of Mason, five representatives: provided, that no free male inhabitant above the age of twenty-one years, shall vote in any other county, except that in which he resides, and that no person shall be capable of being elected, unless he has been a resident within the said district at least one year.

2. That full opportunity may be given to the good people, of exercising their right of suffrage on an occasion so interesting to them, each of the officers holding such elections, shall continue the same from day to day, passing over Sunday, for five days, including the first day, and shall cause this act to be read on each day, immediately preceding the opening of the election, at the door of the courthouse, or other convenient place. Each of the said officers shall deliver to each person duly elected a representative, a certificate of his election, and shall transmit a general return to the clerk of the supreme court, to be by him laid before the convention.

3. For every neglect of any of the duties hereby enjoined on such officer, he shall forfeit one hundred pounds, to be recovered by action of debt, by any person suing for the same.

4. The said convention shall be held at Danville, on the twenty-sixth day of July next, and shall and may proceed, after choosing a president and other proper officers, and settling the proper rules of proceeding, to consider and determine, whether it be expedient for, and the will of the good people of, the said district, that the same be erected into an independent state, on the terms and conditions following:

5. *First.* That the boundary between the proposed state and Virginia, shall remain the same as at present separates the district from the residue of this commonwealth.

6. *Second.* That the proposed state shall take upon itself a just proportion of the debt of the United States, and the payment of all the certificates granted on account of the several expeditions carried on from the Kentucky district against the Indians, since the first day of January, one thousand seven hundred and eighty-five.

7. *Third.* That all private rights and interests of lands within the said district, derived from the laws of Virginia, prior to such separation, shall remain valid and secure, under the laws of the proposed state, and shall be determined by the laws now existing in this state.

8. *Fourth.* That the lands within the proposed state, of non-resident proprietors, shall not, in any case, be taxed higher than the lands of residents, at any time prior to the admission of the proposed state to a vote by its delegates in congress, where such nonresidents reside out of the United States; nor at any time, either before or after such admission, where such nonresidents reside within this commonwealth, within which this stipulation shall be reciprocal; or where such nonresidents reside within any other of the United States, which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land, within either the proposed state, or this commonwealth, belonging to nonresidents, citizens of the other, subject such nonresidents to forfeiture or other penalty, within the term of six years after the admission of the said state into the federal union.

How lands of nonresident proprietors are to be taxed.

When forfeited for neglect of cultivation.

9. *Fifth.* That no grant of land, or land warrant to be issued by the proposed state, shall interfere with any warrant heretofore issued from the land office of Virginia, which shall be located on land within said district, now liable thereto, on or before the first day of September, one thousand seven hundred and ninety-one.

Grants of land by the commonwealth and the proposed state, not to interfere.

10. *Sixth.* That the unlocated lands within the said district, which stand appropriated to individuals, or description of individuals, by the laws of this commonwealth, for military or other services, shall be exempt from the disposition of the proposed state, and shall remain subject to be disposed of by the commonwealth of Virginia, according to such appropriation, until the first day of May, one thousand seven hundred and ninety-two, and no longer; thereafter the residue of all lands remaining within the limits of the said district, shall be subject to the disposition of the proposed state.

Unlocated lands appropriated to individuals for military services, to be disposed of by the commonwealth.

11. *Seventh.* That the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States, and the respective jurisdictions of this commonwealth, and of the proposed state, on the river as aforesaid, shall be concurrent only with the states which may possess the opposite shores of the said river.

Navigation of the Ohio to be free and common.

12. *Eighth.* That in case any complaint or dispute shall at any time arise between the commonwealth of Virginia and the said district, after it shall be an independent state, concerning the meaning or execution of the foregoing articles, the same shall be determined by six commissioners, of whom two shall be chosen by each of the parties, and the remainder by the commissioners so first appointed.*

Commissioners to settle disputes which may arise respecting the foregoing articles.

* See pages 676, 677, post.]

13. *Provided, however,* That five members assembled, shall be a sufficient number to adjourn from day to day, and to issue writs for supplying vacancies which may happen from deaths, resignations, or refusals to act; a majority of the whole shall be a sufficient number to choose a president, settle the proper rules of proceeding, authorize any number to summon a convention during a recess, and to act in all other instances, where

What number of members necessary to proceed to business, and to determine the question concerning the erection

of the said district into an independent state.

a greater number is not expressly required. Two-thirds of the whole shall be a sufficient number to determine on the expediency of forming the said district into an independent state, on the aforesaid terms and conditions, provided, that a majority of the whole number to be elected concur therein.

When the authority of the commonwealth over the said district shall cease.

14. And be it further enacted, That if the said convention shall approve of the erection of the said district into an independent state, on the foregoing terms and conditions, they shall and may proceed to fix a day, posterior to the first day of November, one thousand seven hundred and ninety-one, on which the authority of this commonwealth, and of its laws, under the exceptions aforesaid, shall cease and determine forever, over the proposed state, and the said articles become a solemn compact, mutually binding on the parties, and unalterable by either, without the consent of the other.

The assent of the general government to be obtained. [See act of 4th Feb. 1791; chap. 78, page 191, vol. 2.]

15. *Provided, however,* That prior to the first day of November, one thousand seven hundred and ninety-one, the general government of the United States shall assent to the erection of the said district into an independent state, shall release this commonwealth from all its federal obligations, arising from the said district, as being part thereof, and shall agree that the proposed state shall immediately after the day to be fixed as aforesaid, posterior to the first day of November, one thousand seven hundred and ninety-one, or at some convenient time future thereto, be admitted into the federal union.

The convention to provide for the establishment of a constitution of government for the proposed state.

16. And, to the end, that no period of anarchy may happen to the good people of the proposed state, it is to be understood, that the said convention shall have authority to take the necessary provisional measures for the election and meeting of a convention, at some time prior to the day fixed for the determination of the authority of this commonwealth, and of its laws over said district, and posterior to the first day of November, one thousand seven hundred and ninety-one, aforesaid, with full power and authority to frame and establish a fundamental constitution of government for the proposed state, and to declare what laws shall be in force therein, until the same shall be abrogated or altered by the legislative authority, acting under the constitution so to be framed and established.

Privileges of the electors, and of the representatives.

17. And be it further enacted, That the electors, in going to, continuing at, and returning from an election of members to the said convention, shall be entitled to the same privileges from arrest as are by law allowed at an election of members to the general assembly, and each person returned to serve as a member in said convention, shall be entitled to the same privileges from arrest, in going to, during his attendance on, and returning from, said convention, as are by law allowed to the members of the general assembly.

The executive to transmit this act to the commonwealth's representatives in congress.

18. This act shall be transmitted, by the executive, to the representatives of this commonwealth in congress, who are hereby instructed to use their endeavors to obtain from congress a speedy act to the effect above specified.

[“ The commissioners for ascertaining and adjusting the boundary line between the states of Virginia and Kentucky, appointed pursuant to the act of separa-

tion between the two states, to wit: Archibald Stuart, general Joseph Martin, and Creed Taylor, esquires, on the part of the former, and John Coburn, Robert Johnson, and Buckner Thruston, esquires, on the part of the latter, having this day met at the forks of Great Sandy river, according to appointment, and taken into consideration the said act of separation, have, and by these presents do, unanimously, agree and declare, that the boundary line between the said states is and shall be, and remain, as followeth, to wit: to begin at the point where the Carolina, now Tennessee line, crosses the top of the Cumberland mountain, near Cumberland Gap; thence northeastwardly, along the top or highest part of the said Cumberland mountain, keeping between the head waters of Cumberland and Kentucky rivers, on the west side thereof, and the head waters of Powell and Guest's rivers, and the pound fork of Sandy, on the east side thereof, continuing along the said top or highest part of said mountain, crossing the road leading over the same, at the Little Paint Gap, where by some it is called the Hollow Mountain, to where it terminates at the west fork of Sandy, commonly called Russel's Fork; thence with a line to be run north, forty-five degrees east, till it intersects the other great principal branch of Sandy, commonly called the northeastwardly branch; thence down the said northeastwardly branch, to its junction with the main west branch, and down Main Sandy, to its confluence with the Ohio." *Act of the commonwealth of Virginia, passed the 13th of January, 1800.*]

Boundary line between Virginia and Kentucky.

CHAPTER 45.

Concerning the seat of the General Government. Flag of the United States. Device for a great seal. Device for copper coinage.

Resolved, That buildings for the use of congress be erected on or near the banks of the Delaware, provided a suitable district can be procured on or near the banks of the said river, for a federal town; and that the right of soil, and an exclusive, or such other jurisdiction, as congress may direct, shall be vested in the United States.

In congress, Oct. 7, 1783. Seat of the general government.

Resolved, That the place on the Delaware, for erecting buildings for the use of congress, be near the falls.

Resolved, That a committee of five be appointed to repair to the falls of Delaware, to view the situation of the country in its neighborhood, and report a proper district for carrying into effect the preceding resolution.

Whereas there is reason to expect that the providing buildings for the alternate residence of congress in two places, will be productive of the most salutary effects, by securing the mutual confidence and affections of the states,

In congress, Oct. 21, 1783.

Resolved, That buildings be likewise erected for the use of congress, at or near the lower falls of Potowmac, or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as congress may direct, shall be vested in the United States: and that, until the buildings to be erected on the banks of the Delaware and Potowmac, shall be prepared for the reception of congress, their residence shall be alternately, at equal periods of not more than one year, and not less than six months, in Trenton and Annapolis; and the president is hereby authorized and directed to adjourn congress, on the twelfth day of November next, to meet at Annapolis on the twenty-sixth day of the same month, for the despatch of public business.

Resolved, That a committee be appointed to repair to the lower falls of Potowmac, to view the situation of the country in the

In congress, Oct. 30, 1783.

Seat of the
general go-
vernment.

vicinity of the same, and report a proper district for carrying into effect the resolution of the 21st of October; and that the committee appointed on the 7th of October, to report the most suitable place for erecting buildings for the accommodation of congress, near the falls of the Delaware, be directed to report as soon as may be.

That the president transmit to the executives of New Jersey, Pennsylvania, Maryland, and Virginia, copies of the acts of congress, of the 7th instant, respecting buildings to be erected for a federal town, on the banks of the Delaware; and of the acts of the 21st instant, respecting buildings to be erected on the banks of Potowmac, for a second federal town, and the adjournment of congress to Annapolis; and that copies be also transmitted to the several other states in the union.

In congress,
Dec. 23, 1784.

Be it ordained by the United States in congress assembled, That the resolutions of the 20th instant,* respecting the erecting buildings for the use of congress, be carried into effect without delay; that, for this purpose, three commissioners be appointed, with full power to lay out a district not less than two, nor exceeding three, miles square, on the banks of either side of the Delaware, not more than eight miles above or below the lower falls thereof, for a federal town; that they be authorized to purchase the soil, or such part of it as they may judge necessary, to be paid at proper instalments; to enter into contracts for erecting and completing, in an elegant manner, a federal house for the accommodation of congress, and for the executive offices thereof; a house for the use of the president of congress, and suitable buildings for the residence of the secretary of foreign affairs, secretary of war, secretary of congress, secretary of the marine, and officers of the treasury; that the said commissioners be empowered to draw on the treasury of the United States, for a sum not exceeding one hundred thousand dollars, for the purpose aforesaid; that in choosing a situation for the buildings, due regard be had to the accommodation of the states; with lots for houses, for the use of their delegates respectively; that on the twenty-fourth day of December instant, congress stand adjourned to meet at the city of New York, on the eleventh day of January following, for the despatch of public business; and that the sessions of congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception.† Done, &c.

[† See act of
July 16, 1790;
chap. 55, page
113, vol. 2.]

In congress,
June 14, 1777.

Flag.

In congress,
June 20, 1782.

Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white, in a blue field, representing a new constellation.

On the report of the secretary, to whom were referred the several reports on the device for a great seal, to take order:

In congress,
Dec. 20, 1784.

* On motion of Mr. Howell, seconded by Mr. Jay,
Resolved, That it is expedient the congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

Resolved, (by nine states) That a sum not exceeding one hundred thousand dollars be appropriated, for the payment of the expense of erecting such buildings; provided always, that hotels or dwelling houses for the members of congress representing the different states, shall not be understood as included in the above appropriation.

Resolved, That it is inexpedient for congress, at this time, to erect public buildings for their accommodation at more than one place.

The device for an armorial achievement, and reverse, of the Device for a great seal for the United States in congress assembled, is as follows: great seal.

ARMS: Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed, proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll inscribed with this motto: "E pluribus Unum."

For the CREST: Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars forming a constellation, argent, on an azure field.

REVERSE: "A pyramid unfinished. In the zenith an eye in a triangle, surrounded with a glory, proper. Over the eye these words: "Annuit cœptis." On the base of the pyramid the numerical letters, MDCCLXXVI. And underneath, the following motto: "Novus ordo seclorum."

On the report of a committee, consisting of Mr. Pierce, Mr. Kean, and Mr. Holten, to whom was referred a letter of the 11th May, from the board of treasury: In congress, July 6, 1787.

Resolved, That the board of treasury direct the contractor for the copper coinage, to stamp on one side of each piece the following device, viz: Thirteen circles linked together, a small circle in the middle, with the words "United States" round it; and in the centre, the words "We are one;" on the other side of the same piece the following devices, viz: A dial, with the hours expressed on the face of it, a meridian sun above, on one side of which is to be the word "Fugio," and on the other the year in figures "1787:" below the dial, the words "Mind your business."

Device for copper coinage. [Note. On the 21st of April, 1777, congress authorized the board of treasury to contract for 300 tons of copper coin of the federal standard, &c.]

CHAPTER 46.

Statement of the number of Navy Yards, &c. belonging to, and occupied for the use of, the United States: procured from original documents in the custody of the department of the navy. Up to March, 1815.

There are six navy yards belonging to, and occupied for the use of, the United States, viz: Navy yards, &c.

No. 1, at Portsmouth, New Hampshire.

No. 2, at Charlestown, Massachusetts.

No. 3, at New York.

No. 4, at Philadelphia.

No. 5, at Washington, District of Columbia.

No. 6, at Gosport, Virginia.

No. 1. The navy yard at Portsmouth, New Hampshire, is situated on an island, on the east side of Piscataqua river, within the jurisdiction of Massachusetts, contains fifty-eight acres, and cost 5,500 dollars.

No. 2. The navy yard at Charlestown, Massachusetts, is situated on the north side of Charles river, on a point of land east of the town of Charlestown, contains thirty-four acres, exclusive of extensive flats, and cost 39,214 dollars, including commissions and charges.

Navy yards,
&c.

No. 3. The navy yard at New York is situated on Long Island, opposite to the city of New York, on the Wallabout Bay, contains forty acres, including the Mill Pond, and cost 40,000 dollars.

No. 4. The navy yard at Philadelphia is situated on the west side of the river Delaware, within the district of Southwark, adjoining the city of Philadelphia, in the state of Pennsylvania, contains eleven acres, to low water mark, and cost 37,000 dollars.

No. 5. The navy yard at Washington, in the District of Columbia, is situated on the Eastern Branch of the river Potowmac, contains thirty-seven acres, and cost \$4,000.

No. 6. The navy yard at Gosport is situated on the south branch of Elizabeth river, adjoining the town of Portsmouth, in the state of Virginia, contains sixteen acres, and cost \$12,000.

There is, moreover, held, under the navy department, in behalf of the United States, the following property:

Grover's Island, situated in Crooked river, county of Camden, state of Georgia. Estimated to contain from three hundred to three hundred and fifty acres. Purchased on the 19th of December, 1799, for 7,500 dollars.

Blackbeard Island, situated in the county of M'Intosh, in the state of Georgia. Estimated to contain about 1,600 acres. The purchase was made on the 24th of May, 1800, (including houses, out houses, &c.) for 15,000 dollars.

There are, besides, seventy-eight lots of ground, "situated in the precincts of the city of New Orleans, and its dependencies, stated to belong to the United States, estimated to be worth (if sold on a liberal credit,) about \$69,000 dollars," which it has been proposed to convert to naval uses, &c.

Two stores, about forty feet square, with the wharves and lots on which they stand, at Sacket's Harbor, in the state of New York, have been also purchased for the United States, for the better accommodation and security of the public property. One cost 2,500 dollars; the other cost 1,575 dollars.

Lots, &c. held
for military
purposes.

The following is an abstract of lots of land, and of jurisdictional and other rights, either purchased from individuals by, or ceded by the states mentioned to the United States, for military purposes, &c. and held under the department of war, from the deeds, &c. recorded in the office of which, the abstract has been made. The different purchases, &c. are placed in chronological order, and the date prefixed to each is the date of the deed, or other instrument, verifying the title. How far the property of the United States may have been changed, by sale or otherwise, since the stated times of conveyance to them, &c. could not be ascertained, with sufficient accuracy, from the documents which are of record in the department of war.

1776. July 5. Ninety-six acres of land, called Billingsport, in New Jersey.

1794. April 15. Eight lots of ground in the town of Pittsburg, Pennsylvania, marked in the general plan of the said town, Nos. 55, 56, 57, 58, 91, 92, 93, and 94.

1795. June 22. One acre and a half in Springfield, Hampshire county, Massachusetts, lying on Mill river.

December 12. South Carolina enacted a law to allow

the United States to purchase the fee simple of 2,000 acres, in any part of the state, for the purpose of erecting arsenals and magazines. The land and persons employed thereon to be liable to the government of South Carolina. Lots, &c. held for military purposes.

1798. June 25. Massachusetts ceded Castle Island, in the harbor of Boston; and gave consent to purchase Governor's Island, in the same harbor, and a tract of land, not exceeding six hundred and forty acres, in the town of Springfield, Hampshire county; for the sole purpose of erecting forts, magazines, arsenals, dockyards, &c. 1798.

September 19. One acre and one hundred and thirty-six rods, in Springfield, county of Hampshire, Massachusetts; together with the privileges of the stream of Mill river, &c.

1800. January 1. Lots No. 15 and No. 16. in the town of Smithville, county of New Brunswick, North Carolina. 1800.

June 1. Four acres and fifty rods of land, in the county of Berkeley, Virginia, near Keepryste furnace.

June 20. Two hundred and twenty-one acres of land, in Berkeley county, on the bank of the Potowmac river, being part of a tract called the Furnace Tract, &c. (except four acres and forty-two rods, sold to Frederick Sligh, as described in the deed.) with the right of digging ore from Friend's Ore Bank, &c.

October 30. Ten acres of land on Brenton's Point, Newport county, Rhode Island, with reservation of a driftway, and the right of collecting sea weed. The United States to maintain a fence, &c.

1801. January 13. Twenty-seven acres and one hundred and eight perches, in the borough of Carlisle, county of Cumberland, Pennsylvania, numbered in the general plan of the outlots of said borough, No. 92. 1801.

August 24. Two tracts of land in the town of Springfield, Massachusetts; one containing thirty acres and a half and fourteen rods, the other thirty rods, of land, with a right of way, or passage.

1802. November 13. Two hundred and fifty acres of land, (by resurvey 523 acres,) in Fairfield district, South Carolina.

1803. November 7. One hundred arpens of land, in the county of Knox, in the Indiana territory. 1803.

December 26. The state of Kentucky ceded exclusive jurisdiction over five acres and six square poles of land, in the town of Newport, county of Campbell, for the purpose of erecting an arsenal, &c. with reservation of a right to reclaim persons taking refuge there from the laws of the state, &c.

1804. December 8. The state of North Carolina ceded jurisdiction over such points, head lands, or islands, deemed necessary for the defence of any river, or harbor, which might be purchased from individuals; on condition that fortifications, &c. be erected within three years from the time of purchase, &c. The quantity of ground, in each case, not to exceed five acres. 1804.

1805. January 17. A lot of land, in the county of New London, Connecticut, containing about eleven acres and one quarter; the site of Fort Trumbull; together with a pass way, &c. 1805.

Lots, &c. held
for military
purposes.
1805.

Sanctioned by the legislature of Connecticut. The land exempt from taxes to the state.

1805. December 19. South Carolina granted all the right, title, and claim of the state, to all the lands reserved for fort Moultrie, on Sullivan's Island, not exceeding five acres, with all the forts, fortifications, &c. thereon: canal, &c. the high lands, and part of the marsh, belonging to fort Johnson, not exceeding twenty acres: the land on which fort Pinckney is built, and three acres around it: a portion of the sand bank on the southeastern-most point of Charleston, not exceeding two acres: not exceeding four acres for a battery, or fort, &c. on Blythe's Point, at the mouth of Sumpit river: Mustard Island, in Beaufort river, opposite Parris's Island: not exceeding seven acres of land on St. Helena Island, for a principal fort: the whole on condition that the United States should, within three years, repair forts, &c. the United States to compensate individuals for property; the lands, &c. to be free from taxes to the state.

1806.

1806. February 11. Inlot No. 34, in the town of Newport, Kentucky.

February 14. Inlot No. 3, in the town of Newport, Kentucky.

April 20. A tract of land on the Missouri, at a place called and known by the name of Bell Fontaine; containing five acres; with certain (temporary) privileges of cantonment for troops, together with permission to take fuel.

1807.

1807 March 20. New York ceded jurisdiction, &c. of lands on Staten Island, Long Island, and (by a supplementary act) elsewhere, for purposes of defence of the city and port of New York. Also. land at Bluff Point, on Staten Island, for fortifications.

May 13. Six acres of land, about seven leagues from New Orleans, Louisiana, adjoining, on one side, to Lawrence Dupre, and, on the other, to Thomas Poree, &c.

June 18. New Hampshire ceded one acre and a half of land in Newcastle.

October 16. A tract of land in Springfield, county of Hampshire, Massachusetts, on the north side of Mill river, containing one hundred and thirty-nine perches.

November 16. A water lot, in the city of New York, for fortifications.

November 17. Two water lots in the city of New York, for fortifications.

A lot of two acres and one rod, in the city of New York, for an arsenal, or deposite for military stores, &c.

December 17. North Carolina ceded five acres of land, in the county of Carteret, adjoining Old Topsail Inlet. A fort to be erected thereon within three years; and allowed further time for finishing the fort at or near Cape Fear river.

1808.

1808. February 29. Five acres of land, flats, &c. at Spring Point, Cape Elizabeth, Cumberland county, Massachusetts.

The southwestern part of Howes', alias House Island, near the entrance of the harbor of Portland, Cumberland county, Massachusetts, containing twelve acres, more or less. Jurisdiction ceded by Massachusetts, the 12th of March, 1808.

1808. March 12. Massachusetts ceded a piece of land called **Battery Pasture**, in Kittery, York county, containing one acre and one hundred and thirty-nine rods, for fortifications

Lots, &c. held for military purposes. 1808.

April 15 Three acres and one hundred and twenty-seven perches of land, part of Warburton Manor, in Prince George's county, Maryland. The United States not to encroach on the fishing stations, &c.

April 25. Ten acres of land, part of the tract called Hood's, on the margin of James river, in Prince George's county, Virginia; with a reservation of thirty feet square, in the centre of the land, which was afterwards purchased by the United States.

May 2. A messuage and tenement, &c. in Detroit, territory of Michigan.

May 16. Wharf lot, No. 15, at New Deptford, known by the name of Five Fathom Hole, on Savannah river, Georgia; with reservation of a passage way, &c.

June 21. A piece of land in Georgetown, Lincoln county, Massachusetts, containing about two acres, with the privilege of a well.

June 30. A piece of land in Edgecombe, Lincoln county, Massachusetts.

The governor of New York conveyed Ellis's, or Oyster Island, under an act of the legislature of that state, the United States having paid ten thousand dollars therefor. Purchased for purposes of safety and defence.*

* February, 1800, New York ceded jurisdiction of Bedloe's, Oyster, and Governor's Islands.]

July 16. Four acres and three-quarters of an acre on the north side of Severn river, in Anne Arundel county, Maryland.

August 5. The lazaretto on State Island, in Pennsylvania, with about six acres three-quarters of an acre and twenty-five perches, with the wharves, passages, ways, &c.

August 9. A piece of land in the town of Salisbury, Essex county, Massachusetts, containing about one acre of beach, or upland, and all the rocks and flats in the courses described.

August 20. A piece of land at Portsmouth, Rockingham county, New Hampshire, for the erection of a gunhouse.

September 2. One hundred and twenty seven rods of ground in Springfield, Hampshire county, Massachusetts.

September 21. A piece of land on Ferry Point, in the county of Norfolk, Virginia.

September 22. A point of land on the eastern side of St. George's river, in the town of St. George, Lincoln county, Massachusetts, containing two acres and a half, and twenty rods; with reservation of a passage way, &c.

September 28. A lot of land in New Bedford, Bristol county, Massachusetts, by Accushnet river, containing two acres and one third of an acre; with a privilege of a driftway, &c.

October 15. A piece of land lying upon Back street, in the first parish in Gloucester, Essex county, Massachusetts, containing about 2,800 square feet.

November 14. Windmill Point, in Annapolis, Maryland, containing about seven acres.

Lots, &c. held
for military
purposes.
1808.

November 15. The right of erecting, and forever keeping, a circular battery, of about eighty feet, on the farm belonging to Elisha Brown, on Brenton's Neck, in Newport, Rhode Island.

December 12. A piece of ground in the city of Annapolis, Maryland.

December 20. A lot of land in Salem, Essex county, Massachusetts.

1809.

1809. January 2. Part of lots No. 16, No. 17, No. 18, and No. 19, parcel of ten acres called Trustees' Gardens; Savannah, Georgia.

January 5. A lot of land in Marblehead, Essex county, Massachusetts; so long as a gunhouse shall stand thereon.

January 10. Two parcels of ground in Springfield, containing, together, about one hundred and seventeen rods.

March 2. A piece of land in Springfield, Hampshire county, Massachusetts, on both sides of Mill river, containing about seven acres and ninety-five rods.

April 1. A parcel of land in Castine, Hancock county, Massachusetts, containing about three acres, including the beach.

April 17. A piece of land in Springfield, on both sides of Mill river, county of Hampshire, Massachusetts, containing about fifteen acres.

April 27. A parcel of land on the east side of New Haven harbor, Connecticut, known by the name of King's Island.

May 3. Black Rock, in East Haven, on the east side of New Haven harbor, and a strip of land containing a quarter of an acre.

June 2. A piece of land in Eastport, Moose Island, Washington county, Massachusetts, containing about three acres.

June 10. Five acres of land in Springfield, Hampshire county, Massachusetts, on both sides of Mill river.

August 21. A right of way across the land owned by Samuel Forbes, lying between Green Island and Black Rock, in East Haven, county of New Haven, Connecticut, with the privilege of building, and keeping in repair, a bridge, &c.

August 30. A lot of land in the borough of Wilmington, Delaware, containing about one acre.

September 1. A lot of land in Beverly, Essex county, Massachusetts, for a gunhouse.

November 16. A piece of land in Machias, Washington county, Massachusetts, containing eighty-four rods and three-fourths of a rod.

November 16. Another piece of land in Machias, Washington county, Massachusetts, containing two hundred and twenty-four square rods, and ten links.

December 13. A parcel of land in Springfield, near the Upper Water Shops of the United States, containing sixty rods, or three-sixteenths of an acre.

December 21. A lot of ground in Stonington, Connecticut, containing six square rods.

1810.

1810. January 24. A part of lot No. 4, parcel of a tract of ten acres of land, known by the name of the Trustees' Gardens; for a fort, &c. Savannah, Georgia.

January 30. Part of lot No. 3, parcel of ten acres, known by the name of the Trustees' Gardens; Savannah, Georgia.

March 1. Five and three-quarters acres of land, lying in the county of Adams, territory of Mississippi, on the north side of Catherine's creek.

Lots, &c. held
for military
purposes.
1810.

May 1. Six acres and one hundred and eighteen square perches of land on the west side of Old Topsail Inlet, North Carolina.

May 16. A lot of land in the port of Sag Harbor, township of Southampton, county of Suffolk, New York.

May 17. A lot of land in the port of Sag Harbor, township of Southampton, Suffolk county, New York.

1811. January 26. A piece of land in Springfield, Hampshire, Massachusetts, estimated to contain six acres and seventy-nine rods, with a reservation of wood and timber, the right of mowing and pasturing, &c.

May 17. Part of an undivided moiety of a wharf lot, No. 3, part of a tract of land known by the name of Trustees' Gardens; Savannah, Georgia.

November 11. A piece of land in or near Sag Harbor, Suffolk county, New York.

November 15. A lot of ground in the city of Detroit, estimated to contain 60,000 square feet of ground.

1812. January 22. The exterior line of the public lands at West Point, Orange county, New York, (in dispute between the United States and Thomas North,) was settled by commissioners.

April 21. A lot of land (fort Winyaw) at the mouth of Sampit creek, or Georgetown river, being seven acres.

May 9. Another parcel of land in Springfield, Massachusetts, being part of the Training Field, estimated to contain about eighteen acres and one hundred and two rods, with reservations of some small pieces of ground described in the deed.

May 13. A parcel of land in Springfield, Hampshire county, Massachusetts.

Another tract of land in Springfield, Hampshire county, Massachusetts, containing about seventy-two rods, &c.

May 14. Sixteen or seventeen rods of land, in Springfield, Hampshire county, Massachusetts.

May 16. A piece of land in Springfield, Hampshire county, Massachusetts.

May 18. A farm in Greenbush, on the east side of the Hudson, New York, containing two hundred and sixty-one acres and three-tenths of an acre. [Date of agreement.]

These appear
to be one and
the same tract
of land.

May 22. A farm, or piece of land, in Greenbush, New York, containing two hundred and sixty-one acres and three-tenths of an acre. [Date of deed.]

May 23. A parcel of land in Pittsfield, county of Berkshire, Massachusetts, containing one acre.

May 28. A parcel of land in Springfield, Hampshire county, Massachusetts, being part of the Training Field, with a store standing thereon.

May 30. A piece of land in Springfield, Hampshire county, Massachusetts.

June 4. A tract of land of about half an acre, in Spring-

Lots, &c. held for military purposes. field, Hampshire county, Massachusetts, near the arsenal, with a dwelling house, &c.

1812.

June 23. Five acres of land in the township of Bergen, in the county of Bergen, New Jersey.

July 22. A piece of ground and dock, in the eighth ward of the city of New York, with the improvements.

August 24. A lot of land, (No. 96.) in Burlington, Chittenden county, Vermont, containing five acres.

September 3. Two lots, Nos. 97 and 83, five acres each, in Burlington, Chittenden county, Vermont.

September 5. Certain lots in the town of Greenbush, New York.

September 16. A lot of ground in the town of Greenbush.

A piece of land in Groton, Connecticut, in and about fort Griswold, containing about one acre and seventy-four rods.

October 16. A piece of land, called Hotel Lot, in the town of Whitehall, Washington county, New York, for a term of years.

November 6. New York ceded the use and jurisdiction of a parcel of land covered with water, in the town of New Utrecht, county of Kings, on the easterly side of the Narrows, at the entrance into New York bay, containing thirty acres two rods and thirty perches.

1813.

1813. February 15. A piece of land in Burlington, Chittenden county, Vermont, containing one hundred and three acres.

A certificate from the clerk of the house of representatives of the state of Delaware, bearing date 27th May, 1813, certifies to an act by which Delaware cedes to the United States jurisdiction over the Pea Patch Island for military purposes.

July 14. A parcel of land in Gibbonsville, in the town of Watervliet, Albany county, New York, containing one acre and fourteen perches. And another parcel in the same place, containing eleven acres three rods and fourteen perches of land, with reservation of certain rights.

See page 685, ante.

September 4. A farm, or piece of land, in the town of Greenbush, New York, containing two hundred and sixty-one acres and three-tenths of an acre, with some exceptions, &c.

1814.

1814. March 1. Some pieces of land on the canal in Rome, Oneida county, New York.

April 23. A lot of land in Baltimore county, Maryland, part of a tract called Upton Court, containing about two acres and three-quarters of an acre.

April 29. Thirty acres of land in Pitt township, Allegany county, Pennsylvania, near the borough of Pittsburg.

[* See sec. 8, chap. 117, vol. 2.]

The following property was purchased for the purpose of carrying on the business of the Mint.* Deeds recorded in the office of the Department of State.

1792. July 18. A messuage, or tenement, distil house, and two contiguous lots of ground, in the city of Philadelphia; one of the lots being on the east side of Seventh street from the river Delaware; the other lot being on the north side of a certain alley or lane, fourteen feet wide, leading from Sixth street into Seventh street.

1794. October 14. A message, or tenement, and lot, or Lots, &c: piece of ground, on the north side of a certain fourteen feet alley, extending from Sixth street to the Seventh street from Delaware, and between High street and Mulberry street, Philadelphia

[*Note.* There is, also, recorded in the office of the department of state, a deed for a lot, at the port of Palmyra, Tennessee, containing seventy five square poles; under date of May 25, 1800.]

CHAPTER 47.

Half Pay. Commutation. Invalids. Pensions. Acts of limitation.

Resolved, That all officers of the line of the army, below the rank of brigadier general, who do not belong to the line of any particular state, or separate corps of the army, and are entitled by acts of congress to pay and subsistence, shall have the same, with the depreciation of their pay, made good to the first day of January, 1782.

Resolved, That the secretary of war be, and he is hereby, directed to make returns to congress, on or before the 20th day of January, 1782, of the names and rank of all the officers necessary to be retained in service, that are included in the preceding resolution.

Resolved. That all officers included in the foregoing description, and whose names shall not be inserted in the returns directed to be made by the preceding resolution, shall be considered as retiring from service on the first day of January, 1782: provided always, that nothing contained in these resolutions, shall be construed so as to prevent or hinder any officer that shall retire as aforesaid, from enjoying all the emoluments that he may, upon retiring, be entitled to by any former acts of congress.*

On the report of a committee, consisting of Mr. Hamilton, Mr. Dyer, and Mr. Bedford, to whom was referred a motion of Mr. Dyer, together with the memorial of the officers of the army, and the report of the committee thereon; congress came to the following resolutions:

Whereas the officers of the several lines under the immediate command of his excellency general Washington, did, by their late memorial, transmitted by their committee, represent to congress, that the half pay granted by sundry resolutions, was regarded in an unfavorable light by the citizens of some of these states, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life; and did, on that account, solicit a commutation of their half pay for an equivalent in one of the two modes abovementioned, in order to remove all subject of dissatisfaction from the minds of their fellow citizens: and whereas congress are desirous, as well of gratifying the reasonable expectations of the officers of the army, as of removing all objections which may exist, in any part of the United States, to the principle of the half pay establishment, for which the faith of the United States hath been pledged; persuaded that those objections can only arise from

Half pay, Pensions, &c.

In congress, Dec. 31, 1781.

[* See below, resolution of March 8, 1785.]

In congress, March 22, 1783.

Half pay viewed in an unfavorable light, &c.

Commutation solicited.

Half pay, pensions, &c.

the nature of the compensation, not from any indisposition to compensate those, whose services, sacrifices, and sufferings, have so just a title to the approbation and rewards of their country:

Five years full pay, in lieu of half pay for life, &c.

Therefore, resolved, That such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years full pay in money, or securities on interest at six per cent. per annum, as congress shall find most convenient, instead of the half pay promised for life by the resolution of the 21st day of October, 1780;* the said securities to be such as shall be given to other creditors of the United States: provided, it be at the option of the lines of the respective states, and not of officers, individually, in those lines, to accept or refuse the same; and provided also, that their election shall be signified to congress through the commander in chief, from the lines under his immediate command, within two months, and through the commanding officer of the southern army, from those under his command, within six months, from the date of this resolution:

The same commutation to corps not belonging to lines of particular states, &c.

That the same commutation shall extend to the corps not belonging to the lines of particular states, and who are entitled to half pay for life, as aforesaid; the acceptance or refusal to be determined by corps, and to be signified in the same manner, and within the same time, as abovementioned:

Officers belonging to the hospital department, and such as have retired, &c. may accept or refuse.

That all officers belonging to the hospital department, who are entitled to half pay, by the resolution of the 17th day of January, 1781,† may, collectively, agree to accept or refuse the aforesaid commutation, signifying the same through the commander in chief, within six months from this time: that such officers as have retired at different periods, entitled to half pay for life, may, collectively, in each state of which they are inhabitants, accept or refuse the same; their acceptance or refusal to be signified by agents authorized for that purpose, within six months from this period: that with respect to such retiring officers, the commutation, if accepted by them, shall be in lieu of whatever may be now due to them since the time of their retiring from service, as well as of what might hereafter become due; and that so soon as their acceptance shall be signified, the superintendent of finance be, and he is hereby, directed to take measures for the settlement of their accounts accordingly, and to issue to them certificates, bearing interest at six per cent. That all officers entitled to half pay for life, not included in the preceding resolution, may also, collectively, agree to accept or refuse the aforesaid commutation, signifying the same within six months from this time.

In congress,

The committee, consisting of Mr. Williamson, Mr. Monroe,

In congress,
Oct. 21, 1780.

* Resolved, That the officers who shall continue in the service to the end of the war, shall also be entitled to half pay during life, to commence from the time of their reduction.

In congress,
Jan. 17, 1781.

† Resolved, That all officers in the hospital department, and medical staff, herein-after mentioned, who shall continue in service to the end of the war, or be reduced before that time, as supernumeraries, shall be entitled to, and receive, during life, in lieu of half pay, the following allowance, viz:

The director of the hospital equal to the half pay of a lieutenant colonel:
Chief physicians and surgeons of the army and hospitals, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half pay of a captain.

and Mr. Sherman, to whom was referred a letter of 20th January last, from J. Pierce, paymaster general, respecting claims which have been made by certain officers to half pay, and the commutation for half pay, report: Feb. 11, 1784.

“That, by a resolve of November 24th, 1778,* it was provided, that all deranged officers should be entitled to one year’s pay; and it was further provided, that officers who had been prisoners with the enemy, and then were, or thereafter might be, exchanged, should, if appointed by the authority of the state, be entitled to return into the service in the same rank they would have had if they had not been captured, under certain restrictions, and that they should receive half pay till the time of their entering again into the service; under this act, certain officers claim half pay to the end of the war, and the commutation for half pay from that period during life. On which the committee observe, that the half pay first mentioned, was promised as a temporary support to such officers as should be reappointed by their respective states, and to none besides; and that all other continental officers, who have been prisoners with the enemy, and deranged, are entitled to one year’s pay, and nothing besides. That such was the intention of congress, is explained by the subsequent acts of May 22d, 1779, and May 26th, 1781. Report respecting claims to half pay and commutation.

“There is no act under which those officers can claim the commutation for half pay. It is provided by a resolve of the 28th June, 1782, ‘That there shall be such additional pay and emoluments to the pay of captains and subalterns serving as aids de camp to major and brigadier generals, and to brigade majors, as shall make their pay and emoluments equal to the pay and emoluments of a major in the line of the army.’ Under this resolution, certain aids and brigade majors, who are captains or subalterns in the line, claim commutation equal to that of a major in the line. This claim appears, for sundry reasons, to be ill founded. The offices which those gentlemen held out of the line, were temporary, and the additional pay and emoluments were certainly promised to them while they continued to serve in those offices, and no longer. If they are supposed to found their claim to the commutation of a major, under the head of additional emoluments, their claim must be ill founded: for it is clear, from the terms of the resolution, that pay and emoluments do not signify the same thing, but the commutation is the substitute for pay alone, or half pay, and not for rations nor any other emolument. On the whole, the committee are of opinion, that the paymaster general, in settling the accounts of the army, in all claims which may be brought for half pay, or com-

* Whereas, from the alteration of the establishment, and other causes, many valuable officers have been, and may be, omitted in the new arrangement, as being supernumerary, who, from their conduct and services, are entitled to the honorable notice of congress, and to a suitable provision until they can return to civil life with advantage. In congress, Nov. 24, 1778.

Resolved, therefore, That congress gratefully acknowledge the faithful services of such officers, and that all supernumerary officers be entitled to one year’s pay of their commissions, respectively, to be computed from the time such officers had leave of absence from the commander in chief on this account. And congress do earnestly recommend to the several states, to which such officers belong, to make such farther provision for them as their respective circumstances and merits may entitle them to.

mutation, should be determined by the act of the 26th of January, 1784.*

In congress,
March 2,
1785.

Resolved, That the officers who retired under the resolve of the 31st December, 1781, are, equally, entitled to the half pay or commutation, with those officers who retired under the resolves of the 3d and 21st October, 1780

In congress,
June 7, 1785.

Recommendation to the states to provide for invalids.

Lists to be made out, &c

Resolved, That it be, and it is hereby, recommended to the several states, to make provision for officers, soldiers, or seamen, who have been disabled in the service of the United States, in the following manner:

1. A complete list shall be made out, by such person or persons as each state shall direct, of all the officers, soldiers, or seamen, resident in their respective states, who have served in the army or navy of the United States, or in the militia, in the service of the United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labor. In this list shall be expressed the pay, age, and disability of each invalid; also the regiment, corps, or ship, to which he belonged, and a copy of the same shall be transmitted to the office of the secretary of war, within one year after each state shall pass a law for this purpose; and a like descriptive list of the invalids resident in the respective states, shall, from year to year, be annually transmitted to the office of the secretary of war.

Certificate necessary, &c.

2. No officer, soldier, or seaman, shall be considered as an invalid, or entitled to pay, unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps, or company, in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was disabled while in the service of the United States.

Pensions to disabled officers equal to half pay, &c.

3. That all commissioned officers within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood, be allowed a yearly pension, equal to half their pay, respectively: and all commissioned officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an officer wholly disabled: that all noncommissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labor, be allowed a sum not exceeding five dollars per month, and all noncommissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed such a sum as shall correspond with the degree of their disability, compared with that of a noncommissioned officer or private wholly disabled.

Allowance to noncommissioned officers and privates.

Each state to

4. That each state appoint one or more persons, of suitable

In congress,
Jan. 26, 1784.

* On the report of a committee, consisting of Mr. Williamson, Mr. Tilton, and Mr. Monroe, to whom were referred a memorial of Joseph Ward, and a petition of R. Frothingham,

Resolved, That half pay cannot be allowed to any officer, or to any class or denomination of officers, to whom it has not heretofore been expressly promised.

abilities, to examine all claimants, and to report whether the person producing a certificate, setting forth that he is an invalid, be such in fact, and if such, to what pay he is entitled; and thereupon the persons appointed to make such inquiry shall give to the invalid a certificate, specifying to what pay he is entitled, and transmit a copy to the person who may be appointed by the state to receive and record the same.

appoint persons to examine claimants, &c.

5. That each state be authorized to pay to the commissioned officers, noncommissioned officers, and privates, the sum or sums to which they shall be respectively entitled, agreeably to the beforementioned certificates; the said payments to be deducted from the respective quotas of the states, for the year on which they shall be made: provided, that no officer who has accepted his commutation for half pay, shall be entered on the list of invalids, unless he shall have first returned his commutation.

Each state authorized to pay, &c.

6. That any state may form such invalids under the aforesaid description, as are citizens of the same, and are capable of garrison duty, into corps, to be employed in guarding military stores, aiding the police, or otherwise, as the state may direct.

Any state may form invalid corps, &c.

7. That when invalids shall be formed into corps, there be quarterly returns, comprehending the pay, age, disability, regiment, ship, or corps, to which they severally belonged, made out and signed by their commanding officer, and transmitted to such person or persons as the state shall direct, that their pay may be ordered according to the said return.

Quarterly returns of invalid corps, &c.

8. That all invalids, as well those formed into corps, as those who are not, shall, annually, apply themselves to a magistrate of the county in which they reside, or may be stationed, and take the following oath, viz: *A B came before me, one of the justices for the county of —, in the state of —, and made oath, that he was examined by —, appointed by the said state (or commonwealth) for that purpose, obtained a certificate, (or had his certificate examined and countersigned,) setting forth that he had served in —, that he was disabled by —, and that he now lives in the — and in the county of —.*

Invalids to take an oath, &c.

9. That the affidavits, drawn according to the above form, and dated and attested by a magistrate, be sent, by the said magistrate, to the person or persons appointed by the state to receive and record the same, and that a counterpart of the affidavit be preserved by the person taking it, to be exhibited to such persons as shall be appointed by the state to pay the invalids.

Magistrates to send affidavits, &c.

On a report of the board of treasury, to whom was referred a letter of the 24th October, from J. Pierce, commissioner of army accounts,

In congress, Nov. 2, 1785.

Resolved, That all persons having claims for services performed in the military department, be directed to exhibit the same for liquidation to the commissioners of army accounts, on or before the first day of August, ensuing the date hereof; and that all claims, under the description abovementioned, which may be exhibited after that period, shall forever thereafter be precluded from adjustment or allowance, and that the commissioner of army accounts give public notice of this resolve in all the states, for the term of six months,

Certain claims, exhibited after the time specified, barred, &c.

In congress,
Sept. 14, 1786.

On a report of the commissioner of army accounts, to whom was referred a memorial of James Grigg, late a captain in the service of the United States,

Resolved, That invalid officers be permitted to return the amount of their commutation in other securities of the United States, where they have parted with their own; provided, the same shall be of equal amount, and bearing the same interest.

In congress,
July 23, 1787.

On motion of Mr. Dane, seconded by Mr. Holten,

Resolved, That all persons having unliquidated claims against the United States, pertaining to the late commissary's, quartermaster's, hospital, clothier's, or marine department, shall exhibit particular abstracts of such claims, to the proper commissioner appointed to settle the accounts of those departments, within eight months from the date hereof; and all persons having other unliquidated claims against the United States, shall exhibit a particular abstract thereof to the comptroller of the treasury of the United States, within one year from the date hereof: and all accounts not exhibited as aforesaid, shall be precluded from settlement or allowance.

Certain accounts, not exhibited as specified, barred.

CHAPTER 48.

Commencements and adjournments of congress.

Periods of commencement and adjournment of congress, from the year 1789, to the year 1815, inclusive.

First Congress.

1st Session, commenced 4th March, 1789; adjourned September 29, 1789.

2d. Commenced 4th January, 1790; adjourned August 12, 1790.

3d. Commenced 6th December, 1790; adjourned March 3, 1791.

Second Congress.

1st Session, commenced 24th October, 1791; adjourned May 8, 1792.

2d. Commenced 5th November, 1792; adjourned March 2, 1793.

Third Congress.

1st Session, commenced 2d December, 1793; adjourned June 9, 1794.

2d. Commenced 3d November, 1794; adjourned March 3, 1795.

Fourth Congress.

1st Session, commenced 7th December, 1795; adjourned June 1, 1796.

2d. Commenced 5th December, 1796; adjourned March 3, 1797.

Fifth Congress.

1st Session, commenced 15th May, 1797; adjourned July 8, 1797.

2d. Commenced 13th November, 1797; adjourned July 16, 1798.

3d. Commenced 3d December, 1798; adjourned March 3, 1799.

Sixth Congress.

1st Session, commenced 2d December, 1799; adjourned May 14, 1800. Commencements and adjournments of congress.
 2d. Commenced 17th November, 1800; adjourned March 3, 1801.

Seventh Congress.

1st Session, commenced 7th December, 1801; adjourned May 3, 1802.
 2d. Commenced 6th December, 1802; adjourned March 3, 1803.

Eighth Congress.

1st Session, commenced 17th October, 1803; adjourned March 27, 1804.
 2d. Commenced 5th November, 1804; adjourned March 3, 1805.

Ninth Congress.

1st Session, commenced 2d December, 1805; adjourned April 21, 1806.
 2d. Commenced 1st December, 1806; adjourned March 3, 1807.

Tenth Congress.

1st Session, commenced 26th October, 1807; adjourned April 25, 1808.
 2d. Commenced 7th November, 1808; adjourned March 3, 1809.

Eleventh Congress.

1st Session, commenced 22d May, 1809; adjourned June 28, 1809.
 2d. Commenced 27th November, 1809; adjourned May 1, 1810.
 3d. Commenced 3d December, 1810; adjourned March 3, 1811.

Twelfth Congress.

1st Session, commenced 4th November, 1811; adjourned July 6, 1812.
 2d. Commenced 2d November, 1812; adjourned March 3, 1813.

Thirteenth Congress.

1st Session, commenced 24th May, 1813; adjourned August 2, 1813.
 2d. Commenced 6th December, 1813; adjourned April 18, 1814.
 3d. Commenced 19th September, 1814; adjourned March 3, 1815.

 CHAPTER 49.

SUPPLEMENTARY TO CHAPTER 8.*

No. 6. Treaty of peace and amity between his Britannic majesty and the United States of America.

His Britannic majesty, and the United States of America, desirous of terminating the war which has unhappily subsisted be-

[* Ante, page 227.]

Treaty of peace, &c. between the United States and Great Britain.

Treaty of
peace, &c. be-
tween the
United States
and Great
Britain.

tween the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say: His Britannic majesty, on his part, has appointed the right honorable James lord Gambier, late admiral of the white, now admiral of the red squadron of his majesty's fleet, Henry Goulburn, esquire, a member of the imperial parliament, and under secretary of state, and William Adams, esquire, doctor of civil laws: And the president of the United States, by and with the advice and consent of the senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Galatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

Firm and uni-
versal peace,
&c.

ART 1. There shall be a firm and universal peace between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty.* No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

Territory, &c.
to be restored;
except, &c.

Archives, re-
cords, &c. to
be restored.

Islands in the
bay of Passa-
maquoddy to
remain in the
hands of the
party occupy-
ing, &c.

[* Page 695.]

Orders to be
sent to the ar-
mies, &c. to
cease hostili-
ties, &c.

Limitation of
time for cap-
tures in dif-

ART. 2. Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities: and, to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude

of twenty-three degrees north, to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: That the time shall be thirty days in all other parts of the Atlantic ocean, north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulf of Mexico, and all parts of the West Indies: forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean: sixty days for the Atlantic ocean south of the equator, as far as the latitude of the Cape of Good Hope: ninety days for every other part of the world south of the equator: and one hundred and twenty days for all other parts of the world, without exception.

ART. 3. All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ART. 4. Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida, on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia: in order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz: one commissioner shall be appointed by his Britannic majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners so appointed, shall be sworn *impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of his Britannic majesty and of the United States. respectively.* The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respec-

ferent latitudes, &c.

Prisoners of war to be restored, &c.

[* Ante, page 203.]

Reference to the boundary established by the treaty of 1783.

Conflicting claims to islands in the bays of Passamaquoddy, Fundy, &c. to be referred to commissioners, &c.

Mode of appointing the commissioners.

Meeting and duties of the commissioners.

Treaty of peace, &c. between the United States and Great Britain.

In case of the commissioners' differing, &c.

Reference to the arbitration of a friendly sovereign or state, &c.

whose decision is to be final.

[* Ante, art. 2, page 203.] Commissioners to settle other boundaries.

Meeting and duties of commissioners.

tively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide, *ex parte*, upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

ART. 5. Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated, in the former treaty of peace between the two powers,* as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers which extends from the source of the river St. Croix directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for these several purposes, two commissioners shall be appointed, sworn, and authorized, to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall

have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three,* and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said two commissioners differing, or both, or either of them, refusing, or declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.†

[* See ante, page 203.]

Commissioners to make a map, &c.

In case of commissioners' differing, &c. reference, &c.

[† Ante, page 696.]

ART. 6. Whereas, by the former treaty of peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the lake Superior, was declared to be "along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake, until it arrives at the water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior."‡ And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of his Britannic majesty or of the United States: in order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorized to act, exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places as they shall think fit: the said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting

[‡ Ante, art. 2, page 203.]

Doubts as to another part of the boundary, &c. to be referred to commissioners, &c.

Meeting and duties of the commissioners.

In case of commission-

ers differing,
&c.

[* Ante, page
696.]

Commission-
ers to fix the
boundary
from the wa-
ter communi-
cation be-
tween lakes
Huron and
Superior to
the lake of the
Woods, &c.

[† Ante, art.
2, page 203.]

In case of
commission-
ers' differing,
&c.

[‡ Ante, page
696.]

The several
boards of com-
missioners
may appoint
a secretary,
employ sur-
veyors, &c.

Pay of the
commission-
ers, &c.

[\$ It has been
settled that
the expense
should be e-
qually borne.]

[|| Ante, page
695.]

to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.*

ART. 7. It is further agreed, that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, † that part of the boundary between the dominions of the two powers, which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated. ‡

ART. 8. The several boards of two commissioners mentioned in the four preceding articles, shall, respectively, have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective governments. The said commissioners shall be, respectively, paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. § And all other expenses attending the said commission shall be defrayed, equally, by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, || and the new commissioner shall take the same oath or affirmation, and do

the same duties.* It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

[*See ante, art. 4. page 695.]

Grants of land in islands changing jurisdiction under this treaty, to be valid, &c.

ART. 9. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

Reciprocal pacification of the Indian tribes, &c.

ART. 10. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

Both parties to use their endeavors to effect the abolition of the slave trade.

ART. 11. This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties; and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

The treaty binding when ratified, &c.

Ratification to be exchanged at Washington.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.]
[L. S.]

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS,
JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

CHAPTER 50.

[* Ante, page 375.]

SUPPLEMENTARY TO CHAPTER 21.*

Agreement, &c. between the United States and the Creeks.

No. 5. Articles of agreement and capitulation, made and concluded this ninth day of August, one thousand eight hundred and fourteen, between major general Andrew Jackson, on behalf of the president of the United States of America, and the chiefs, deputies, and warriors, of the Creek nation.

Unprovoked war repelled, &c.

Whereas an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said states, in conformity with principles of national justice and honorable warfare: and whereas, consideration is due to the rectitude of proceeding dictated by instructions relating to the re-establishment of peace: be it remembered, that, prior to the conquest of that part of the Creek nation, hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives, of citizens of the United States, and those of the Creek nation in amity with her, at the mouth of Duck river, fort Mimms, and elsewhere, contrary to national faith, and the regard due to an article of the treaty concluded at New York, in the year 1790,* between the two nations: that the United States, previous to the perpetration of such outrages, did, in order to ensure future amity and concord between the Creek nation and the said states, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said nation: that more than two-thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, and the respect due to a part of their own nation, faithful to the United States and the principles of humanity, by impostors denominating themselves prophets, and by the duplicity and misrepresentation of foreign emissaries, whose governments are at war, open or understood, with the United States. Wherefore, 1st. The United States demand an equivalent for all expenses incurred in prosecuting the war to its termination, by a cession of all the territory belonging to the Creek nation, within the territories of the United States, lying west, south, and southeastwardly, of a line to be run and described by persons duly authorized and appointed by

Reference to acts of hostility on the part of the Creeks.

[* See ante, No. 1, chap. 21, page 359.]

Good faith of the United States, &c.

The United States demand an equivalent for expenses, &c.

the president of the United States: * beginning at a point on the eastern bank of the Coosa river, where the south boundary line of the Cherokee nation crosses the same; running from thence down the said Coosa river, with its eastern bank, according to its various meanders, to a point one mile above the mouth of Cedar creek, at fort Williams, thence east two miles. thence south two miles, thence west, to the eastern bank of the said Coosa river, thence down the eastern bank thereof, according to its various meanders, to a point opposite the upper end of the great falls, (called by the natives Woetumka,) thence east, from a true meridian line, to a point due north of the Ofucskée, thence south, by a like meridian line, to the mouth of Ofucskée, on the south side of the Tallapoosa river, thence, up the same, according to its various meanders, to a point where a direct course will cross the same, at the distance of ten miles from the mouth thereof, thence a direct line to the mouth of Summochoico creek, which empties into the Chatahouchie river, on the east side thereof, below the Eufaulau town, thence east, from a true meridian line, to a point which shall intersect the line now dividing the lands claimed by the said Creek nation from those claimed and owned by the state of Georgia: provided, nevertheless, that where any possession of any chief or warrior of the Creek nation, who shall have been friendly to the United States during the war, and taken an active part therein, shall be within the territory ceded by these articles to the United States, every such person shall be entitled to a reservation of land within the said territory, of one mile square, to include his improvements, as near the centre thereof as may be, which shall inure to the said chief or warrior, and his descendants, so long as he or they shall continue to occupy the same, who shall be protected by, and subject to, the laws of the United States; but upon the voluntary abandonment thereof, by such possessor or his descendants, the right of occupancy or possession of said lands shall devolve to the United States, and be identified with the right of property ceded hereby.

Boundary of the equivalent demanded, &c.

[* See chap. 52, post.]

Reservation in favor of friendly Creek chiefs, &c.

ART. 2. The United States will guaranty to the Creek nation, the integrity of all their territory eastwardly and northwardly of the said line, to be run and described as mentioned in the first article.

Guarantee of remaining Creek territory.

ART. 3. The United States demand that the Creek nation abandon all communication, and cease to hold any intercourse, with any British or Spanish post, garrison, or town; and that they shall not admit among them any agent or trader, who shall not derive authority to hold commercial, or other, intercourse with them, by license from the president or authorized agent of the United States.

Creeks to hold no communication with British or Spanish posts; nor admit traders, except, &c.

ART. 4. The United States demand an acknowledgment of the right to establish military posts and trading houses, and to open roads within the territory guarantied to the Creek nation by the second article, and a right to the free navigation of all its waters.

Right to establish military posts, &c.

ART. 5. The United States demand, that a surrender be immediately made, of all the persons and property taken from the

Surrender of persons and

property of citizens, friendly Creeks, &c.

citizens of the United States, the friendly part of the Creek nation, the Cherokee, Chickasaw, and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks, all the property taken from them since their submission, either by the United States, or by any Indian nation in amity with the United States, together with all the prisoners taken from them during the war.

Surrender of prophets &c.

ART. 6. The United States demand the caption and surrender of all the prophets and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, and become parties to these articles of capitulation, if ever they shall be found within the territory guaranteed to the Creek nation by the second article.

The United States to furnish necessaries of life till the crops are sufficient, &c.

ART. 7. The Creek nation being reduced to extreme want, and not at present having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously, the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading houses in the nation, at the discretion of the president of the United States, and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing.

Trading houses, &c.

Permanent peace, &c.

ART. 8. A permanent peace shall ensue from the date of these presents, forever, between the Creek nation and the United States, and between the Creek nation and the Cherokee, Chickasaw, and Choctaw nations.

Course of the line, in case the one mentioned in art. 1st should include the Kinrards. See art. 1, ante, page 700, 701.

ART. 9. If, in running east from the mouth of Summocho creek, it shall so happen that the settlement of the Kinrards fall within the lines of the territory hereby ceded, then, and in that case, the line shall be run east, in a true meridian, to Kitchofoonee creek, thence, down the middle of said creek, to its junction with Flint river, immediately below the Oakmulgee town, thence, up the middle of Flint river, to a point due east of that at which the above line struck the Kitchofoonee creek, thence east to the old line hereinbefore mentioned; to wit, the line dividing the lands claimed by the Creek nation from those claimed and owned by the state of Georgia.

The preceding articles confirmed by the parties, &c.

The parties to these presents, after due consideration, for themselves and their constituents, agree to ratify and confirm the preceding articles, and constitute them the basis of a permanent peace between the two nations; and they do hereby solemnly bind themselves, and all the parties concerned and interested, to a faithful performance of every stipulation contained therein.

In testimony whereof, they have hereunto, interchangeably, set their hands and affixed their seals, the day and date above written.

- Andrew Jackson, *maj. gen. com'd'g 7th m. dist.* L. S.
- Tustunnuggee Thlucco, speaker for the Upper Creeks, his x mark, L. S.
- Micco Apooegau, of Toukaubatchee, his x mark, L. S.
- Tustunnuggee Hopoiee, speaker of the Lower Creeks, his x mark, L. S.
- Micco Achulee, of Cowetau, his x mark, L. S.
- William McIntosh, jr. major of Cowetau, his x mark, L. S.

Tuskee Eneah, of Cussetau, his x mark,	L. S.
Fauc Emautla, of Cussetau, his x mark,	L. S.
Toukaubatchee Tustunnuggee, of Hitchetee, his x mark,	L. S.
Noble Kinnard, of Hitchetee, his x mark,	L. S.
Hopioie Hutkee, of Souwagoolo, his x mark,	L. S.
Hopioie Hutkee, for Hopioie Yoholo, of Souwagoolo, his x mark,	L. S.
Folappo Haujo, of Eufaulau, on Chattohochee, his x mark,	L. S.
Pachee Haujo, of Apalachoocla, his x mark,	L. S.
Timpeechee Bernard, captain of Uchees, his x mark,	L. S.
Uchee Micco, his x mark,	L. S.
Ycholo Micco, of Kialijee, his x mark,	L. S.
Socoskee Emautla, of Kialijee, his x mark,	L. S.
Choqcchau Haujo, of Wococoi, his x mark,	L. S.
Esholocree, of Nauchee, his x mark,	L. S.
Yochlo Micco, of Tallapoosa Eufaulau, his x mark,	L. S.
Stinthellis Haujo, of Abecoochee, his x mark,	L. S.
Ocfuskee Yoholo, of Toutacaugee, his x mark,	L. S.
John O'Kelly, of Coosa,	L. S.
Eneah Thlucco, of Immoockfau, his x mark,	L. S.
Espokokoche Haujo, of Wewoko, his x mark,	L. S.
Eneah Thlucco Hopioie, of Talesee, his x mark,	L. S.
Efau Haujo, of Fuccan Tallahassee, his x mark,	L. S.
Talessee Fixico, of Ocheobofau, his x mark,	L. S.
Nomatlee Emautla, or captain Isaacs, of Cousaudee, his x mark,	L. S.
Tuskegee Emautla, or John Carr, of Tuskegee, his x mark,	L. S.
Alexander Grayson, of Hillabee, his x mark,	L. S.
Lowee, of Ocmulgee, his x mark,	L. S.
Nacoosee Emautla, of Chuskee Tallafau, his x mark,	L. S.
William M'Intosh, for Hopioie Haujo, of Ooeeoochee, his x mark,	L. S.
William M'Intosh, for Chehahaw Tustunnuggee, of Chehahaw, his x mark,	L. S.
William M'Intosh, for Spokokee Tustunnuggee, of Otellewhoyonnee, his x mark,	L. S.

Done at fort Jackson, in presence of

Charles Cassedy, acting secretary,

Benjamin Hawkins, agent for Indian affairs,

Return J. Meigs, a. C. nation.

Robert Butler, adjutant general U. States' army,

J. C. Warren, assistant agent for Indian affairs.

George Mayfield,

Alexander Curnels, } public interpreters.

George Lovett,

CHAPTER 51.

SUPPLEMENTARY TO CHAPTER 26.*

[* Ante, page 424.]

No. 14. A treaty of peace and friendship between the United States of America, and the tribes of Indians, called the Wyandots, Delawares, Shawanees, Senekas, and the Miami. Treaty between the United States and the Wyandots, &c.

The said United States of America, by William Henry Harrison, late a major general in the army of the United States, and Lewis Cass, governor of the Michigan territory, duly authorized and appointed commissioners for the purpose, and the said tribes, by their head men, chiefs, and warriors, assembled at Greenville, in the state of Ohio, have agreed to the following articles; which, when ratified by the president of the United States, by and with the advice and consent of the senate there- of, shall be binding upon them and the said tribes: Treaty, when ratified, to be binding.

ART. 1. The United States and the Wyandots, Delawares, Shawanees, and Senekas, give peace to the Miami nation of &c. Peace to the Miami nation, &c.

Indians, formerly designated as the Miami, Eel river, and Wea tribes; they extend this indulgence also to the bands of the Pattawatimas, which adhere to the grand sachem Tobinipee, and to the chief Onoxa; to the Ottawas of Blanchard's creek, who have attached themselves to the Shawanees tribe, and to such of the said tribe as adhere to the chief called the Wing, in the neighborhood of Detroit, and to the Kickapoos, under the direction of the chiefs who sign this treaty.

The tribes to aid the United States against Great Britain, &c.

ART. 2. The tribes and bands abovementioned, engage to give their aid to the United States in prosecuting the war against Great Britain and such of the Indian tribes as still continue hostile, and to make no peace with either, without the consent of the United States.

The assistance herein stipulated for, is to consist of such a number of their warriors, from each tribe, as the president of the United States, or any officer having his authority therefor, may require.

The Wyandots, &c. under the protection of the United States; to aid, &c.

ART. 3. The Wyandot tribe, and the Senekas of Sandusky and Stoney creek, the Delaware and Shawanees tribes, who have preserved their fidelity to the United States throughout the war, again acknowledge themselves under the protection of the said states, and of no other power whatever, and agree to aid the United States in the manner stipulated for in the former article, and to make no peace but with the consent of the said states.

In case of fidelity, former boundary to be confirmed, &c.

ART. 4. In the event of a faithful performance of the conditions of this treaty, the United States will confirm and establish all the boundaries between their lands, and those of the Wyandots, Delawares, Shawanees, and Miamis, as they existed previously to the commencement of the war.*

[* See chap. 52, post.]

In testimony whereof, the said commissioners, and the said head men, chiefs, and warriors, of the beforementioned tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the state of Ohio, this twenty-second day of July, in the year of our Lord one thousand eight hundred and fourteen, and of the independence of the United States the thirty-ninth.

Willm. Henry Harrison,
Lewis Cass,

L. S.
L. S.

WYANDOTS.

Tarhe, or Crane, his x mark,
Harroneyough, or Cherokee Boy, his x mark,
Tearroneauou, or between the Legs, his x mark,
Menoucou, his x mark,
Rushtarra, or Stookey, his x mark,
Seneshus, his x mark,
Zashuona, or Big Arm, his x mark,
Teandutasooh, or Punch, his x mark,
Tapuksough, or John Hicks, his x mark,
Ronoinness, or Sky come d. wn, his x mark,
Teendoo, his x mark,
Ronaiis, his x mark,
Omaintsiarnah, or Bowyers, his x mark,

L. S.
L. S.

DELAWARES.

Taiunshrah, or Charles, his x mark,

L. S.

Chequeah, or Poor Raccoon, a Wea, or Little Eyes, his x mark,	L. S.
Showlingeshua, or Open Hand, his x mark,	L. S.
Okawea, or Porcupine, his x mark,	L. S.
Shawanoë, his x mark,	L. S.
Mawansa, or Young Wolf, his x mark,	L. S.
Meshawawa, or Wounded, his x mark,	L. S.
Sangwecomya, or Buffalo, his x mark,	L. S.
Pequia, or George, his x mark,	L. S.
Keelswa, or Sun, his x mark,	L. S.
Wabsea, or White Skin, his x mark,	L. S.
Wansepea, or Sunrise, his x mark,	L. S.
Angatoka, or Pile of Wood, his x mark,	L. S.

PATAWATIMAS.

Toopinnepe, his x mark,	L. S.
Onoxa, or Five Medals, his x mark,	L. S.
Metea, his x mark,	L. S.
Conge, or Bear's Foot, his x mark,	L. S.
Nanownseca, his x mark,	L. S.
Chagobbe, or One who sees all over, his x mark,	L. S.
Meshon, his x mark,	L. S.
Penosh, his x mark,	L. S.
Checanoe, his x mark,	L. S.
Neshcootawa, his x mark,	L. S.
Tonguish, his x mark,	L. S.
Nebaughkua, his x mark,	L. S.
Tonguish, or Chippeway, his x mark,	L. S.
Wesnanesa, his x mark,	L. S.
Chechock, or Crane, his x mark,	L. S.
Kepoota, his x mark,	L. S.
Mackoota, or Crow, his x mark,	L. S.
Papeketcha, or Flat Belly, his x mark,	L. S.

KICKAPOOS.

Ketoote, or Otter, his x mark,	L. S.
Makotanecote, or Black Tree, his x mark,	L. S.
Sheshepa, or Duck, his x mark,	L. S.
Wapekonnia, or White Blanket, his x mark,	L. S.
Acooche, or the Man Hung, his x mark,	L. S.
Chekaskagalon, his x mark,	L. S.

In presence of, the words "and the Wyandots, Delawares, Shawanees, and Senekas," interlined in the first article before signing,

James Dill, *secretary to the commissioners,*
 Jno. Johnston, *Indian agent,*
 B. F. Stickney, *Indian agent,*
 James J. Nisbet, *associate judge of court of common pleas, Preble county,*
 Thos. G. Gibson,
 Antoine Boindi,
 Wm. Walker,
 William Conner,
 J. Bts. Chandonnai,
 Stephen Ruddeed,
 James Pelteir,
 Joseph Bertrand,
 Thos. Ramsey, *capt. 1st rifle regt.*
 John Conner,
 John Riddle, *col. 1st regt. Ohio militia.*

} sworn interpreters.

[*Note.* For treaties to which the tribes mentioned in the preceding treaty are parties, see chap. 15, Nos. 1 and 2, ante, pages 302, 305; chapter 16, Nos. 1 and 2, ante, pages 307, 309; and ante, chapter 20, No. 1, page 358. See, moreover, the treaties from No. 1 to No. 13, of chapter 26, from page 390 to page 423; ante.]

CHAPTER 52.

Titles of treaties between the United States of America and Nations of Europe, Barbary Powers, and Indian Tribes or Nations, with the dates of those treaties, and the dates of their ratifications, &c.

EUROPEAN TREATIES.

[*Note.* All the treaties with France, up to that of the 30th of September, 1800, are obsolete, or have been annulled. That of the 30th of September, 1800, expired on the 31st of July, 1809. The conventions relative to Louisiana are, of course, permanent as to the transfer of the territory and the payment of the consideration money. The privilege which, for twelve years, is allowed to French and Spanish commerce, by the treaty of the 30th of April, 1803, will expire on the 26th of March, 1816. See a note at page 573, vol. 3. The treaty and convention with the States General of the United Netherlands, although not limited by their own articles, may, nevertheless, from the political revolutions experienced by Holland, be considered as measurably, if not entirely, obsolete. The treaty with Sweden has expired. In relation to the treaties with Great Britain, generally, of a date anterior to that of Ghent, howsoever they may, in several respects, have become obsolete, or extinct, by the act of war, of the 18th of June, 1812, it is certain that, with regard to particular fundamental points, their force is not in the least impaired. Some of these points are referred to, and specifically recognised, by the treaty of Ghent. As it respects the British treaty of the 19th November, 1794, the first ten articles were, by the 28th article thereof, declared permanent: the other articles, with the exception of the 12th, a part of which was suspended by an additional article to the same treaty, were limited to twelve years, and expired on the 28th of October, 1807. The treaties with Prussia have both expired. The treaty with Spain, partly embracing permanent objects, may be viewed as still subsisting.]

TREATIES WITH FRANCE.

1. Of *amity and commerce*, of the 6th of February, 1778; negotiated at *Paris*, by C. A. Gerard, B. Franklin, Silas Deane, and Arthur Lee. Ratified by congress on the 4th of May, 1778. See ante, page 74. Annulled by act of July 7, 1798; chap. 84, vol. 3.
2. Of *alliance*, of the 6th of February, 1778; negotiated at *Paris*, by C. A. Gerard, B. Franklin, Silas Deane, and Arthur Lee. Ratified by congress on the 4th of May, 1778. See ante, page 95. Annulled by act of July 7, 1798; chap. 84, vol. 3.
3. Contract concerning the *loan and repayment of money*, of the 16th of July, 1782; framed at *Versailles*, by Gravier de Vergennes and B. Franklin. Ratified by congress on the 22d of January, 1783. See ante, page 100. Obsolete.
4. Convention concerning *consuls and vice consuls*, of the 14th of November, 1778; negotiated at *Versailles*, by L. C. de Montmorin and Th. Jefferson. See ante, page 103. Annulled by act of July 7, 1798; chap. 84, vol. 3.
5. Convention for *terminating differences*, of the 30th of September, 1800; negotiated at *Paris*, by Oliver Ellsworth, William Richardson Davie, William Vans Murray, and Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Rœderer. Provisionally ratified on the 18th of February, 1801; and finally declared to have been ratified on the 21st of December, 1801. Expired. See ante, page 114.
6. *Ceding Louisiana*, of the 30th of April, 1803; negotiated at *Paris*, by Robert R. Livingston, James Monroe, and Barbe Marbois. Ratified on the 21st of October, 1803. See ante, page 154.

7. Convention for the *payment of sixty millions of francs* to France for the cession of Louisiana, of the 30th of April, 1803; negotiated at *Paris*, by Robert R. Livingston, James Monroe, and Barbe Marbois. Ratified on the 21st of October, 1803. See ante, page 140.
8. Convention to *secure the payment of the sum due by France to citizens of the United States*, of the 30th of April, 1803; negotiated at *Paris*, by Robert R. Livingston, James Monroe, and Barbe Marbois. Ratified on the 21st of October, 1803. See ante, page 142.

TREATIES WITH THE STATES GENERAL OF THE UNITED NETHERLANDS.

1. Of *amity and commerce*, of the 8th of October, 1782; negotiated at the *Hague*, by John Adams, George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. I. Van Heeckeren, Joan Van Kuffeler, F. G. Van Dedem, and H. Tjassens. Ratified by congress on the 23d of January, 1783. See ante, page 149.
2. Convention concerning *vessels recaptured*, of the 8th of October, 1782; negotiated at the *Hague*, by John Adams, George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. I. Van Heeckeren, Joan Van Kuffeler, F. G. Van Dedem, and H. Tjassens. Ratified by congress on the 23d of January, 1783. See ante, page 172.

TREATY WITH SWEDEN.

1. Of *amity and commerce*, of the 3d of April, 1783; negotiated at *Paris*, by Gustavus Philip de Creutz and Benjamin Franklin. Ratified by congress on the 29th of July, 1783. See ante, page 176. By a separate article to this treaty, (See ante, page 192,) it was to have full effect only for fifteen years, counting from the day of the ratification. It consequently expired on the 29th of July, 1798.

TREATIES WITH GREAT BRITAIN.

1. Provisional articles of *peace*, of the 30th of November, 1782; negotiated at *Paris*, by Richard Oswald, John Adams, Benjamin Franklin, John Jay, and Henry Laurens. Sanctioned by congress on the 11th of April, 1783. See ante, page 196.
2. Armistice, declaring a *cessation of hostilities*, of the 20th of January, 1783; negotiated at *Versailles*, by Alleyne Fitz Herbert, John Adams, and B. Franklin. Sanctioned by congress on the 11th of April, 1783. See ante, page 199.
3. *Definitive treaty of peace*, of the 3d of September, 1783; negotiated at *Paris*, by David Hartley, John Adams, Benjamin Franklin, and John Jay. Ratified by congress on the 14th of January, 1784. See ante, page 202.
4. *Treaty of amity, commerce, and navigation*, of the 19th of November, 1794; negotiated at *London*, by William Wyndham, (baron Grenville,) and John Jay. The senate of the United States, on the 24th of June, 1795, advised the president to ratify this treaty, on condition that there should

be added thereto an article, whereby it should be agreed to suspend the operation of a part of the 12th article. Such an article having been added, the treaty was duly ratified by the president of the United States and his Britannic majesty, and the ratifications were exchanged at London, on the 28th day of October, 1795. See ante, page 206. The *first explanatory article* to this treaty was ratified on the 9th of May, 1796. See ante, page 223. The *second explanatory article* was ratified on the 5th of June, 1798. See ante, page 224. The former of these explanatory articles was negotiated at *Philadelphia*, on the 4th of May, 1796, by P. Bond and Timothy Pickering; and the latter at *London*, on the 15th of March, 1798, by lord Grenville and Rufus King.

5. Convention relative to the *execution of the 6th article* of the treaty of the 19th of November, 1794, (No. 4.) of the 8th January, 1802; negotiated at *London*, by Robert Banks Jenkinson, (lord Hawkesbury,) and Rufus King. Ratified on the 26th of April, 1802.
6. Of *peace and amity*, of the 24th of December, 1814; negotiated at *Ghent*, by James lord Gambier, Henry Goulburn, and William Adams, and John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin. Ratified on the 17th of February, 1815.

TREATIES WITH PRUSSIA.

1. Of *amity and commerce*. This treaty bears no special date, but was signed by the negotiators as follows: by B. Franklin, at *Passey*, on the 9th July, 1785; by Thomas Jefferson, at *Paris*, on the 28th of July, 1785; by John Adams, at *London*, on the 5th of August, 1785; and by F. G. de Thulemeier, at the *Hague*, on the 10th of September, 1785. By the 27th article it was limited to ten years, and expired in 1796: it was supplied by No. 2. Ratified by congress on the 17th of May, 1786. See ante, page 227.
2. Of *amity and commerce*, of the 11th of July, 1799; negotiated at *Berlin*, by John Quincy Adams, Charles William count of Finckenstein, Philip Charles of Alvensleben, and Christian Henry Curce. Ratifications exchanged at Berlin, on the 22d of June, 1800. By the 27th article, it was limited to ten years, and expired on the 22d of June, 1810.

TREATY WITH SPAIN.

1. Of *friendship, limits, and navigation*, of the 27th of October, 1795; negotiated at San Lorenzo el Real, by Thomas Pinckney and the Prince of Peace. Ratified on the 3d of March, 1796.

TREATIES WITH THE BARBARY POWERS.

[*Note.* The treaty with Morocco is limited to a duration of fifty years. Under this limitation it will expire on the 28th of June, 1836. The treaty with Algiers is extinct, by war. The treaty with Tripoli, of the 4th of November, 1796, was annulled, by war. It is supplied by the treaty of the 4th of June, 1805. The treaty with Tunis still subsists.]

TREATY WITH MOROCCO.

1. Of *peace and friendship*, of the 28th of June, 1786; negotiated at *Morocco*, by Thomas Barclay, under an appointment from John Adams and Thomas Jefferson, ministers plenipotentiary of the United States, at London and Paris. Ratified by congress on the 18th of July, 1787. See ante, page 279.

TREATY WITH ALGIERS.

1. Of *peace and amity*, of the 5th of September, 1795; negotiated at *Algiers*, by Joseph Donaldson, junior, under an appointment from David Humphreys, commissioner plenipotentiary, &c. Ratified on the 2d of March, 1796. See ante, page 284. Annulled, by war.

TREATIES WITH TRIPOLI.

1. Of *peace and friendship*, of the 4th of November, 1796; negotiated by Joel Barlow, under an appointment from David Humphreys, commissioner plenipotentiary. Ratified on the 10th of June, 1797. See ante, page 289. Annulled, by war.
2. Of *peace and amity*, of the 4th of June, 1805; negotiated at *Tripoli*, by Tobias Lear. Ratified on the 17th of April, 1806. See ante, page 291.

TREATY WITH TUNIS.

1. Of *peace and friendship*, of the 26th of March, 1799; negotiated by Joseph S. Famin, charge d'affaires, &c. and, as to certain alterations, by William Eaton and James Leander Catbcart. Ratified on the 10th of January, 1800. See ante, page 297.

INDIAN TREATIES.

[*Note.* It is difficult to speak with precision as to the actual force and effect of all the Indian treaties. Their provisions are much intermingled, following, in their various stipulations, the varying associations and interests of the different tribes. As a general remark, however, it may be observed, that what relates to cessions of land must, in its nature, be permanent. The condition of the Creek Indians may be considered as having been fixed by the agreement and capitulation concluded with them on the 9th of August, 1814, by gen. Andrew Jackson. In virtue of that agreement, John Sevier, William Barnett, and John Kershaw, were appointed, on the 7th of March, 1815, by the president, under the act of the 3d of March, 1815, to survey and mark the new boundary lines. See chap. 769, vol 4. By the treaty of the 22d of July, 1814, with the Wyandots, Delawares, Shawanees, and Miamis, it is stipulated that those tribes should, on the conditions expressed in the treaty, be restored to the boundaries which they enjoyed previously to the 18th of June, 1812; and there is a similar provision in the treaty of Ghent, with respect to the hostile Indian tribes generally, provided they should acquiesce in the pacification between the United States and Great Britain. How far the tribes may have entitled themselves to the advantages of this stipulation is doubtful; but immediately after the ratifications of the treaty of Ghent had been exchanged, the American executive appointed commissioners, and took other necessary measures, to accommodate all differences with the northwestern Indians.]

By the 10th article of the treaty of Greenville, of the 3d of August, 1795, (which, to the United States, is an epoch in Indian warfare and pacification,) it is provided, that all other treaties theretofore made, with the Wyandots, Delawares, Shawanees, Ottowas, Chippewas, Pattawaimas, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias, (who were parties to that treaty of Greenville,) or any of them, since the treaty of 1783, between the United States and Great Britain, coming within the purview of the said treaty of Greenville, should thenceforth cease and become void.

The signatures of the Indian chiefs, &c. are, commonly, the christian sign of illiterate signature; namely: a cross. But, in many instances, the figure of some animal is drawn, apparently emblematical of the qualities attributed to the chief by the denomination given to him.]

TREATIES WITH THE DELAWARES.

1. Articles of *agreement and confederation*, of the 17th September, 1778; negotiated at *Fort Pitt*, by Andrew Lewis and Thomas Lewis. See ante, page 302.
2. Of the 18th of August, 1804; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 21st of January, 1805. See ante, page 305.

TREATIES WITH THE SIX NATIONS.

1. Of the 22d of October, 1784; negotiated at *Fort Stanwix*, by Oliver Wolcott, Richard Butler, and Arthur Lee. Entered on the journals of congress on the 3d of June, 1785. See ante, page 307.
2. Of the 9th of January, 1789; negotiated at *Fort Harmar*, by Arthur St. Clair. See ante, page 309.
3. Of *peace and friendship*, of the 11th of November, 1794; negotiated at *Konondaigua*, by Timothy Pickering. Ratified on the 21st of January, 1795. See ante, page 311.
4. Contracts between the state of New York and several tribes of the Six Nations, of different dates, &c. See ante, page 315.

TREATIES WITH THE CHEROKEES.

1. Of the 28th of November, 1785; negotiated at *Hopewell*, by Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan M'Intosh. Entered on the journals of congress on the 17th of April, 1786. See ante, page 322.
2. Of *peace and friendship*, of the 2d of July, 1791; negotiated on the bank of the *Holston*, near the mouth of the French Broad, by William Blount. Ratified on the 11th of November, 1791. See ante, page 325.
3. Of the 26th of June, 1794; negotiated at *Philadelphia*, by H. Knox, secretary of war. Ratified on the 21st of January, 1795. See ante, page 330.
4. Of the 2d of October, 1798; negotiated in the council house near *Tellico*, by Thomas Butler and George Walton. Ratified on the 30th of January, 1799. See ante, page 331.
5. Of the 25th of October, 1805; negotiated at *Tellico*, by Return J. Meigs and Daniel Smith. Ratified on the 21th of April, 1806. See ante, page 335.
6. Of the 27th of October, 1805; negotiated at *Tellico*, by Return J. Meigs and Daniel Smith. Ratified on the 10th of June, 1806. See ante, page 337.

7. Of the 7th of January, 1806; negotiated at the city of *Washington*, by Henry Dearborn, secretary of war. Ratified on the 22d of May, 1807. See ante, page 338.
8. Elucidation of the convention of Washington, of the 11th of September, 1807; negotiated at the point of departure of the line at the upper end of the island opposite to the upper part of the *Chickasaw Old Fields*, by James Robertson and Return J. Meigs. Ratified on the 22d of April, 1808. See ante, page 340.

TREATIES WITH THE CHOCTAWS.

1. Of the 3d of January, 1786; negotiated at *Hopewell*, by Benjamin Hawkins, Andrew Pickens, and Joseph Martin. Entered on the journals of congress on the 17th of April, 1786. See ante, page 342.
2. Of *friendship, limits, and accommodation*, of the 17th of December, 1801; negotiated at *Fort Adams*, by James Wilkinson, Benjamin Hawkins, and Andrew Pickens. Ratified on the 30th of April, 1802. See ante, page 344.
3. *Provisional convention*, of the 17th October, 1802; negotiated at *Fort Confederation*, by James Wilkinson. Ratified on the 20th of January, 1803. See ante, page 347.
4. Of the 31st of August, 1803; negotiated at *Hoe-Buckintoo-Pa*, by James Wilkinson. Ratified on the 25th of November, 1803. See ante, page 348.
5. Of *limits*, of the 16th of November, 1805; negotiated on *Mount Dexter*, by James Robertson and Silas Dinsmoor. Ratified on the 27th of January, 1808. See ante, page 349.

TREATIES WITH THE CHICKASAWS.

1. Of the 10th of January, 1786; negotiated at *Hopewell*, by Benjamin Hawkins, Andrew Pickens, and Joseph Martin. Entered on the journals of congress on the 17th of April, 1786. See ante, page 352.
2. Of *reciprocal advantages and mutual convenience*, of the 24th of October, 1801; negotiated at *Chickasaw Bluffs*, by James Wilkinson, Benjamin Hawkins, and Andrew Pickens. Ratified on the 1st of May, 1802. See ante, page 354.
3. Of *arrangement*, of the 23d of July, 1805; negotiated in the *Chickasaw country*, by James Robertson and Silas Dinsmoor. Ratified on the 22d of May, 1807. See ante, page 356.

TREATY WITH THE SHAWANEES.

1. Of the 31st of January, 1786; negotiated at the *Mouth of the Great Miami*, by G. Clarke, Richard Butler, and Samuel H. Parsons. Entered on the journals of congress on the 17th of April, 1786. See ante, page 358.

TREATIES WITH THE CREEKS.

1. Of *peace and friendship*, of the 7th of August, 1790; negotiated at *New York*, by Henry Knox, secretary of war. Ratified on the 13th of August, 1790. See ante, page 359.

2. Of *peace and friendship*, of the 29th of June, 1796; negotiated at *Coleraine*; by Benjamin Hawkins, George Clymer, and Andrew Pickens. Ratified on the 18th of March, 1797. See ante, page 363.
3. Of *limits*, of the 16th of June, 1802; negotiated at camp, near *Fort Wilkinson*, on the *Oconee*, by James Wilkinson, Benjamin Hawkins, and Andrew Pickens. Ratified on the 11th of January, 1803. See ante, page 370.
4. Of the 14th of November, 1805; negotiated at the city of *Washington*, by H. Dearborn, secretary of war. Ratified on the 2d of June, 1806. See ante, page 373.
5. Of *agreement and capitulation*, of the 9th of August, 1814; negotiated by Andrew Jackson. Ratified on the 16th of February, 1815. See ante, page 700.

CONTRACT WITH THE SEVEN NATIONS OF CANADA.

1. Of the 31st of May, 1796; negotiated in the city of *New York*, under the sanction of the United States, by Abraham Ogden, their commissioner, &c. Ratified on the 31st of January, 1797. See ante, page 375.

CONTRACTS WITH THE SENEKAS.

1. Between Wilhem Willink and the Senekas, under the sanction of the United States, of the 30th June, 1802; negotiated at *Buffalo creek*, by John Tayler, commissioner, &c. Ratified on the 12th of January, 1803. See ante, page 377.
2. Between Robert Morris and the Senekas, under the sanction of the United States, of the 15th of September, 1797; negotiated at *Genessee*, by Jeremiah Wadsworth, commissioner, &c. Ratified on the 11th of April, 1798. See ante, page 379.
3. Between Oliver Phelps, Isaac Bronson, and Horatio Jones, and the Senekas, under the sanction of the United States, of the 30th of June, 1802; negotiated at *Buffalo creek*, in the presence of John Tayler, commissioner, &c. Ratified on the 7th of February, 1803. See ante, page 383.

RELINQUISHMENT BY THE MOHAWKS.

1. To the state of New York, under the sanction of the United States, on the 29th of March, 1797; negotiated at *Albany*, in the presence of Isaac Smith, commissioner, &c. Ratified on the 27th of April, 1798. See ante, page 384.

TREATY WITH THE KASKASKIAS.

1. Of the 13th of August, 1803; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 24th of November, 1803. See ante, page 385.

TREATIES WITH THE PIANKESHAW.

1. Of the 27th of August, 1804; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 21st of January, 1805. See ante, page 388.
2. Of the 30th of December, 1805; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 22d of May, 1807. See ante, page 389.

TREATIES WITH DIFFERENT INDIAN TRIBES AND NATIONS.

1. With the Wyandots, Delawares, Chippewas, and Ottawas, of the 21st of January, 1785; negotiated at *Fort M'Intosh*, by George Clarke, Richard Butler, and Arthur Lee. Entered on the journals of congress on the 2d of June, 1785. See ante, page 390.
2. With the Wyandots, Delawares, Ottawas, Chippewas, Pattawatimas, and Sacs, of the 9th of January, 1789; negotiated at *Fort Harmar*, by Arthur St. Clair. Ratified on the 29th of September, 1789. See ante, page 393.
3. Of *peace*, with the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatimas, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias, of the 5d of August, 1795; negotiated at *Greenville*, by Anthony Wayne. Ratified on the 22d of December, 1795. See ante, page 398.
4. With the Delawares, Shawanees, Pattawatimas, Miamis, and Kickapoos, Eel Rivers, Weas, Piankeshaws, and Kaskaskias, of the 7th of June, 1803; negotiated at *Fort Wayne*, by William Henry Harrison. Ratified on the 25th of November, 1803. See ante, page 406.
5. With the Eel Rivers, Wyandots, Piankeshaws, Kaskaskias, and Kickapoos, of the 7th of August, 1803; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 25th of November, 1803. See ante, page 408.
6. With the Wyandots, Ottawas, Chippewas, Munsees, Delawares, Shawanees, and Pattawatimas, of the 4th of July, 1805; negotiated at *Fort Industry*, on the Miami of the Lake, by Charles Jouett. Ratified on the 24th of April, 1806. See ante, page 409.
7. With the Delawares, Pattawatimas, Miamis, Eel Rivers, and Weas, of the 21st of August, 1805; negotiated at *Grouseland*, near Vincennes, by William Henry Harrison. Ratified on the 24th of April, 1806. See ante, page 411.
8. With the Ottawas, Chippewas, Wyandots, and Pattawatimas, of the 17th of November, 1807; negotiated at *Detroit*, by William Hull. Ratified on the 27th of January, 1808. See ante, page 414.
9. With the Chippewas, Ottawas, Pattawatimas, Wyandots, and Shawanees, of the 25th of November, 1808; negotiated at *Brownstown*, in the territory of Michigan, by William Hull. Ratified on the 1st of March, 1809. See ante, page 417.
10. With the Delawares, Pattawatimas, Miamis, and Eel River Miamis, of the 30th of September, 1809; negotiated at *Fort Wayne*, by William Henry Harrison. Ratified on the 2d of January, 1810. See ante, page 419.
11. A separate article, with the Miami and Eel River tribes, of the 30th of September, 1809; negotiated at *Fort Wayne*, by William Henry Harrison. Ratified on the 2d of January, 1810. See ante, page 421.

12. With the Weas, of the 26th of October, 1809; negotiated at *Vincennes*, by William Henry Harrison. Ratified on the 2d of January, 1810. See ante, page 422.
13. With the Kickapoos, of the 9th of December, 1809; negotiated by William Henry Harrison. Ratified on the 5th of March, 1810. See ante, page 423.
14. Of *peace and friendship*, with the Wyandots, Delawares, Shawanees, Senekas, and Miamis, of the 22d of July, 1814; negotiated at *Greenville*, by William Henry Harrison and Lewis Cass. Ratified on the 13th of December, 1814. See ante, page 703.

TREATY WITH THE ONEIDAS, TUSCARORAS, AND STOCKBRIDGES.

1. Of the 2d of December, 1794; negotiated at *Oneida*, by Timothy Pickering. Ratified on the 21st of January, 1795. See ante, page 424.

TREATY WITH THE SACS AND FOXES.

1. Of the 3d of November, 1804; negotiated at *St. Louis*, by William Henry Harrison. Ratified on the 25th of January, 1805. See ante, page 426.

TREATY WITH THE GREAT AND LITTLE OSAGES.

1. Of the 10th of November, 1808; negotiated at *Fort Clark*, by Peter Chouteau, commissioned by Meriwether Lewis, Governor, &c. Ratified on the 28th of April, 1810. See ante, page 429.

SEC
D.G.
S
ONE
THE
ARM

BAN
BAS

AT

BEA

BILL

BOU

BO

CAR

CES

DES
L
CHA

INDEX

TO

VOLUME ONE.

A		Page.
ACCOUNTS.	An ordinance of the 7th of May, 1787, for settling the accounts between the United States and individual states	662
ALGIERS.	Treaty between the United States of America and Algiers	284
(See <i>Treaties.</i>)		
AMENDMENTS TO THE CONSTITUTION } ARMY.	Amendments to the constitution proposed and adopted Military establishment of the United States on the 3d of October, 1787	72 668
B		
BANK.	An ordinance of the old congress to incorporate the subscribers to the bank of North America	672
BASTROP'S CLAIM.	The nature of it explained Papers respecting Bastrop's claim on Washita	460 545
BATTURE.	The nature of the claim to the Batture at New Orleans briefly stated	462
BEACONS.	Memoranda of cessions of beacons, &c. to the United States	664
BILLS OF CREDIT.	Act of congress, of 2d of January, 1779, concerning bills of credit	645
BOUNTIES IN LAND.	Resolutions of the old congress, relative to military bounties in land Bounties in land promised to foreign deserters, by congress, on the 14th and 27th of August, 1776	567 575, 576
BUOYS.	Memoranda of the cession of buoys, &c. to the United States	664
C		
CAROLINA.	Extract from the second charter of Carolina Convention (of boundaries) between South Carolina and Georgia, of 28th of April, 1787	465 466 467
CESSIONS OF LANDS.	From the state of New York From the state of Virginia From the state of Massachusetts From the state of Connecticut From the state of South Carolina Articles of agreement and cession of land, or territory, between the United States and the state of Georgia	472 482 484 486 488
CESSIONS OF LIGHTHOUSES, &c. } CHARTERS.	Memoranda of the cessions of lighthouses, &c. to the United States Extract from the charter of the province of Massachusetts Bay Extract from the charter of Connecticut Extract from the grant of Charles the Second to James, Duke of York Extract from the second charter of Virginia Extract from the second charter of Carolina Extract from the Georgia charter in 1732	664 462 464 ib. 465 ib. 466

	Page.
CHEROKEE INDIANS. Treaties with them	322
(See <i>Treaties.</i>)	
CHICKASAW INDIANS Treaties with them	332
(See <i>Treaties.</i>)	
CHIPPEWA INDIANS. Treaties with them and other tribes	390 to 423
(See <i>Treaties.</i>)	
CHOCTAW INDIANS. Treaties with them	342
(See <i>Treaties.</i>)	
CLAIMS. A statement of the most important claims to public lands, either already rejected, or requiring a critical investigation	459
(See <i>Limitation, and Lands.</i>)	
COINAGE. Resolution of congress, on the 6th of July, 1787, relative to a copper coinage	679
CONFEDERATION.	
Summary of proceedings of congress incident to the adoption of the act of confederation, from June, 1776, to March, 1781	10 to 12
Circular letter sent with the act of confederation, by congress, to each of the states	12
The act of confederation at large	13
Abstract of proceedings in congress, on certain alterations, amendments, or additions, proposed by certain states to the articles of confederation	20 to 28
CONGRESS. Meeting of the delegates of the first revolutionary congress on the 5th of September, 1774, and their proceedings up to the 4th of July, 1776, when they declared independence	1 to 7
Organization of the congress under the constitution, their powers, &c.	60 to 64
An ordinance for the regulation of the office of the secretary of congress, of the 31st of March, 1785	590
Dates of the commencement and adjournments of each congress of the United States, up to the 4th of March, 1815	692
CONNECTICUT. Extract from the charter of Connecticut	464
Extract from the grant of Charles the Second to James, Duke of York	ib.
Cession of land from the state of Connecticut	484
CONSTITUTION. Proceedings which led to the adoption of the constitution	28 to 60
The constitution at large	60
Amendments to the constitution	72
CONVENTION Convention between the states of South Carolina and Georgia, (concerning boundaries,) of the 28th of April, 1787	466
(See <i>Treaties.</i>)	
Brief notice of the appointment of delegates to the convention which met at Philadelphia in May, 1787, to frame a new constitution	658
COURTS. An ordinance of the old congress for establishing courts for the trial of piracies and felonies, committed on the high seas	670
(See <i>Judiciary.</i>)	
CREEK INDIANS. Treaties with them	359, 700
(See <i>Treaties.</i>)	
CROZAT. Extract from the grant to him by the king of France	438
(See <i>Louisiana</i>)	
D	
DELAWARE INDIANS. Treaties with them	302
(See <i>Treaties.</i>)	
DESERTERS, FO-REIGN. } Bounties in land promised to them, by congress, on the 14th and 27th of August, 1776	575, 576
DOHRMAN, ARNOLD HENRY. } Donation of land to him, by congress, on the 1st of October, 1787	578
DONATIONS OF LAND. To Arnold Henry Dohrman; by congress, on the 1st October, 1787	ib.
To the Society of the United Brethren, by congress, on the 3d of September, 1788	579

INDEX.

719

	Page-
DONATIONS OF LAND. Provisions respecting claims and donations of land in the territories of Indiana, Illinois, and Michigan	580
DOUBLEHEAD'S RESERVE. } The nature of it explained	460
DUBUQUE. - - - - } The nature of his claim to lands and lead mines in Louisiana, explained	461
	Papers respecting Dubuque's and Choteau's claim to lands and lead mines 557
E	
EEL RIVER INDIANS. (See <i>Treaties</i> .)	Treaties with them and other tribes 398 to 423
F	
FLAG. - - - - -	The flag of the United States designated by congress on the 14th of June, 1777 678
FLORIDA. (See <i>Louisiana</i> .)	Its boundaries in the hands of the British government 444
	The boundaries of West Florida altered, upon a recommendation of the board of trade to his Britannic majesty, appearing from commissions to governors Elliot and Chester 449 to 452
FOX INDIANS. (See <i>Treaties</i> .)	A treaty with them 426
FRANCE. (See <i>Treaties</i> .)	Treaties, contracts, and conventions, concluded between France and the United States 74
G	
GAGE, GENERAL.	His proclamations respecting lands at the Illinois and Vincennes 506
GENERAL GOVERNMENT.	Resolutions of the old congress concerning the seat of the general government 677
GEORGIA.	Boundaries of Georgia on the 4th of May, 1761, and on the 20th January, 1764, stated in a commission to governor Wright 448, 449
	Extract from the Georgia charter in 1732 466
	Convention (of boundaries) between South Carolina and Georgia, of the 28th of April, 1787 ib.
	Articles of agreement and cession between the United States and the state of Georgia 488
GRANTS OF LAND.	By the British government in North America 445, 446
GREAT BRITAIN. (See <i>Treaties</i> .)	Treaties between the United States and Great Britain 196, 693
H	
HALF PAY.	Resolutions of the old congress relative to the half pay of the officers of the army and commutation thereof 631, 687, 692
HOLLAND.	See <i>United Netherlands</i> .
HOUMA'S CLAIM.	The nature of Houma's claim on the island of New Orleans stated 461
	Papers respecting Houma's claim on New Orleans island 531
HOUSE OF REPRESENTATIVES.	Constitutional organization thereof 61
HUDSON BAY COMPANY.	Extent of the grant made by Charles 2, in 1670, to the governor and company of adventurers of England, trading to Hudson's Bay 447
I	
ILLINOIS.	Proclamations, &c. of general Gage, respecting lands at the Illinois and Vincennes 506
	Provisions of the old congress, respecting claims and donations of land in the territory of Illinois 580
ILLINOIS AND WABASH COMPANIES	The nature of their claim to land explained 459
	Indian deeds to these companies 590, 593
INDEPENDENCE.	Declaration of 7
	Commemoration of independence, observed by congress in the year 1777 10

	Page.
INDIANA.	Provisions of the old congress, respecting claims and donations of lands in the territory of Indiana 580
INDIAN AFFAIRS.	Commencement and progress of Indian affairs under the old congress 597
INDIANS.	Treaties between the United States and the Delawares 302
(See <i>Treaties.</i>)	Six Nations 307
	Cherokees 322
	Choctaws 342
	Chickasaws 352
	Creeks 359,700
	Kaskaskias 385
	Piankeshaws 388
	With different tribes, viz: Wyandots, Chipewas, Ottawas, &c. &c. parties in common, more or less, to the same treaties 390 to 423
	With the Oneida, Tuscarora, and Stockbridge Indians 424
	With the Sacs and Foxes 426
	With the Great and Little Osages 429
INVALIDS.	Recommendation of the old congress to the states to provide for invalids 690
J	
JUDICIARY.	Constitutional organization and extent of the judicial power of the United States 67, 73
(See <i>Courts.</i>)	
K	
KASKASKIA INDIANS.	Treaty with them 385
(See <i>Treaties.</i>)	
KENTUCKY.	An act of the general assembly of Virginia, concerning the erection of the district of Kentucky into an independent state 673
	Boundary line between Virginia and Kentucky, as ascertained by commissioners 676, 677
KICKAPOO INDIANS.	Treaties with them and other tribes 398 to 423
(See <i>Treaties.</i>)	
L	
LANDS.	Extract from the introduction to the volume of Land Laws, compiled in virtue of an act of congress of the 27th April, 1810, illustrative of the title of the United States to territory acquired by treaty from foreign powers 435
(See <i>Louisiana.</i>)	
	Grants of land by the British government, in North America, by proclamation of the 7th of October, 1763 445, 446
	Extract from the introduction to the volume of Land Laws, compiled in virtue of an act of congress, of the 27th of April, 1810, explanatory of the title of the United States, derived from cessions of territory or lands by different states of the Union; and also explanatory of donations and grants of land by the United States, and, generally, of the operation of the acts of congress relative to the sale, &c. of the public lands 452 to 459

	Page.
LIGHTHOUSES, BEACONS, BUOYS, AND PUBLIC PIERS.	} Memoranda of cessions of lighthouses, beacons, buoys, and public piers, and lots of land for lighthouses, to the United States 664
LIMITATION.	
LOUISIANA.	Elucidation of the title of the United States to the territory of Louisiana 435
	Extract from the grant to Crozat, by the king of France
	Cession of Nova Scotia or Acadia, and of Canada, by France, in the year 1763 441
	Cession of Louisiana by France to Spain—extract from the French king's letter to M. L'Abbadie 442
	His catholic majesty gave no order to oppose the delivery of Louisiana—stated in a letter, of the 10th Feb. 1804, from Mr. Cevallos, secretary of state to his catholic majesty, to Mr. Pinckney, minister of the United States at Madrid 443
	British government established, by proclamation, in Florida, &c. the 7th of October, 1763 ib.
M	
MAISON ROUGE'S CLAIM.	} The nature of it explained 460
MASSACHUSETTS.	Extract from the charter of the province of Massachusetts Bay 462
	Cession of land from the state of Massachusetts 482
MIAMI INDIANS.	Treaties with them and other tribes 398 to 423
(See <i>Treaties</i> .)	
MICHIGAN.	Provisions of the old congress respecting claims and donations of land in the territory of Michigan 580
MILITARY BOUNTIES.	Resolutions of the old congress relative to military bounties in land 567
(See <i>Bounties in Land</i> .)	
MILITARY ESTABLISHMENT.	} Act of congress, (of the 17th July, 1788,) concerning the location, &c. of Virginia military bounty land 572
	Abstract of lots of land, held by the United States for military purposes 680
MINT.	Origin, &c. of the mint of the United States 646
	Resolution of congress, on the 6th of July, 1787, respecting a copper coinage 679
	Property purchased for carrying on the business of the mint 686
MOHAWK INDIANS.	Their relinquishment to New York, under the sanction of the United States of America, of all claim to lands in that state 384
MOROCCO.	Treaty between the United States of America and Morocco 279
MORRIS, ROBERT.	Contract entered into, under the sanction of the United States of America, between Robert Morris and the Seneka nation of Indians 379
MUNSEE INDIANS.	Treaties with them and other tribes 409
(See <i>Treaties</i> .)	
N	
NAVAL ESTABLISHMENT.	} Origin, &c. of the naval establishment of the United States 620
NAVY YARDS.	
NEW ORLEANS.	The nature of the claim to the New Orleans Batture, briefly stated 462
NEW YORK.	Cession of land from the state of New York 467
(See <i>Treaties</i> .)	

O

OHIO COMPANY. - -	Letter of Cutler and Sargent, to the board of treasury, of 26th July, 1787, concerning the purchase of lands	491
	Boundaries of three contiguous tracts of land, extracted from the patents of the Ohio Company - - -	492
ONEIDA INDIANS. (See <i>Treaties</i> .)	Treaty with them - - -	424
OPELOUSAS. - - -	The nature of the permission, granted by a Spanish governor to the inhabitants of Opelousas, to cut wood in the vacant cypress forest, stated - - -	461
	Tenor of the permission to cut cypresses in Opelousas - - -	554, 555
ORDINANCES. - - -	Ordinance for the government of the territory of the United States northwest of the river Ohio, of 13th July, 1787 - - -	475
	Ordinance, of the 20th May, 1785, for ascertaining the mode of disposing of lands in the western territory - - -	563
	A supplement (of the 9th July, 1788,) to the ordinance for ascertaining the mode of disposing of lands in the western territory - - -	569
	An ordinance, (of the 31st March, 1785,) for the regulation of the office of the secretary of congress - - -	590
	An ordinance, of the 7th of May, 1787, for settling the accounts between the United States and individual states - - -	662
	An ordinance of the old congress, for establishing courts for the trial of piracies and felonies committed on the high seas - - -	670
	An ordinance of the old congress, to incorporate the subscribers to the Bank of North America - - -	672

OSAGE INDIANS, GREAT & LITTLE (See <i>Treaties</i> .)	} A treaty with them - - -	429
OTTAWA INDIANS. (See <i>Treaties</i> .)		
	Treaties with them and other tribes - - -	390 to 423

P

PATAWATIMA INDIANS. (See <i>Treaties</i> .)	} Treaties with them and other tribes - - -	393 to 423
PENNSYLVANIA. - - -		
	Relinquishment, by congress, on the 4th of September, 1788, of a tract of land to Pennsylvania - - -	574, 575
PENSIONS - - -	Recommendation, by the old congress, to the states, to provide for invalids - - -	690
PIANKESHAW INDIANS. (See <i>Treaties</i> .)	} Treaties with them - - -	388
PIERS, PUBLIC. - - -		
	Memoranda of cessions of public piers, &c. to the United States - - -	664
POST OFFICE. - - -	Origin of the general post office of the United States - - -	649
PRESIDENT. - - -	The powers, qualifications, and mode of electing the president of the United States - - -	65 to 67, and 73
	Form of the oath of the president of the United States - - -	66
PROCLAMATIONS. - - -	Proclamation establishing British government in Florida, &c. of the 7th of October, 1763 - - -	443
	Proclamation, &c. of general Gage, respecting lands at the Illinois and Vincennes - - -	506
PRUSSIA, (See <i>Treaties</i> .)	Treaties between the United States and Prussia - - -	227

R

RATIFICATIONS. - - -	Brief notice of the acts of ratification of the constitution of the United States by the several states - - -	660
	Ratifications of treaties - - -	707
REFUGEES. - - -	Provision made by congress, on the 23d of April, 1783, and 13th of April, 1785, for refugees from Canada and Nova Scotia - - -	577

	Page.
REGULATIONS.	542
RENAUT, PHILIP.	461
	555
REPRESENTATIVES, } HOUSE OF	61
RESOLUTIONS.	567
	631
S	
SAC INDIANS.	426
(See <i>Treaties</i> .)	
SEAL, GREAT.	678
SEAT OF THE GENERAL GOVERNMENT.	677
SENATE.	61
SENEKA INDIANS.	377
	379
	383
SESSIONS OF CONGRESS.	692
	358
SHAWANEE INDIANS.	307
(See <i>Treaties</i> .)	
SIX NATIONS OF INDIANS	466
(See <i>Treaties</i> .)	
SOUTH CAROLINA.	486
	262
SPAIN.	509
(See <i>Treaties</i> .)	
ST. CLAIR, GOVERNOR.	585
	678
STATE, DEPARTMENT OF	424
	176
STOCKBRIDGE INDIANS	495
(See <i>Treaties</i> .)	
SWEDEN	495
(See <i>Treaties</i> .)	
SYMMES, JOHN C.	497
	497
T	
TERRITORY.	475
(See <i>Lands, and Cessions of Lands</i> .)	
	573

	Page.
TREASON.	68
TREASURY DEPART- } MENT. } Origin of it, &c.	631
TREATIES.	74
(See, with respect to all the treaties between the United States and foreign powers, and the Indians, as to the objects of them, the dates of their formation and ratification, the places at which they were negotiated, the names of the negotiators, &c. &c. chap. 52, page 707.)	149
	176
	196, 693
	227
	262
	279
	284
	289
	297
	302
	307
	322
	342
	352
	359, 700
	385
	388
(These nations or tribes are parties, in various associations, more or less in common, to thirteen different treaties, conventions, or agreements, with the United States.)	390 to 423
	703
	424
	426
	429
Contracts between the state of New York and different tribes of the Six Nations of Indians, specifying their several cessions and reservations of land	315
Contract between the state of New York and the Seven Nations of Indians, of Canada, entered into under the sanction of the United States	375
Contracts entered into under the sanction of the United States of America, between Wilhem Willink, and others, with the Seneka Nation of Indians	377
Contract entered into, under the sanction of the United States of America, between Robert Morris and the Seneka nation of Indians	379
Contract between Oliver Phelps, and others, and the Seneka nation of Indians, made under the authority of the United States	383
Relinquishment, to New York, by the Mohawk nation of Indians, under the sanction of the United States of America, of all claim to lands in that state	384
TRIBES, INDIAN. - Treaties with various Indian tribes	302 to 435
(See <i>Treaties</i> .)	
TRIPOLI.	289
(See <i>Treaties</i> .)	
TUNIS.	297
(See <i>Treaties</i> .)	
TUSCARORA INDIANS. Treaty with them	424
(See <i>Treaties</i> .)	

U

UNITED BRETHREN, } SOCIETY OF. }	579
-------------------------------------	-----

	Page.
UNITED NETHERLANDS. (See <i>Treaties</i> .)	149
} Treaties between the United States and the United Netherlands	
V	
VINCENNES. - - -	506
Proclamations, &c. of general Gage, respecting lands at Vincennes	
VIRGINIA. - - -	465
Extract from the second charter of Virginia	
	472
Cession of land from the state of Virginia	
	572
Act of congress (of the 17th July, 1788,) concerning the location, &c. of Virginia military bounty land	
	676, 677
Boundary line between Virginia and Kentucky, as ascertained by commissioners	
VRAIN, ST. - - -	461
The nature of his claim to lead mines in Upper Louisiana, explained	
	557
Paper respecting the claim of St. Vrain to lead mines in Upper Louisiana	
W	
WABASH AND ILLINOIS COMPANIES	459
} The nature of their claims to land explained	
	500, 503
Indian deeds to these companies	
	591
Origin of it, &c.	
WAR DEPARTMENT.	3
} Elected general in chief of all the continental forces	
WASHINGTON, GEORGE.	ib.
Form of his commission	
WEA INDIANS. - -	398 to 423
Treaties with them and other Indians	
(See <i>Treaties</i>)	
WILKINS, COLONEL.	459
The nature of the grants of public land, by him, explained	
	509
Papers respecting governor St. Clair's confirmation, in favor of J. Edgar and J. M. St. Clair, to a tract of land near Kaskaskias, under Wilkins' grants	
WILLINK, WILHEM.	377
Contracts entered into, under the sanction of the United States of America, between Wilhem Willink, and others, with the Seneka nation of Indians	
	390 to 423
WYANDOT INDIANS.	377
Treaties with them and other tribes	
(See <i>Treaties</i> .)	
Y	
YAZOO CLAIMS. - -	460
The nature of the Yazoo claims explained	
	512
Evidence respecting the Yazoo claims, published by the legislature of the state of Georgia	

END OF THE FIRST VOLUME.

ERRATA.

- At page 148, in the 2d paragraph of the note, chap. 34, referred to, is chap. 34 of the old vol. and ought to be chap. 61, of the 2d vol. of this edition.
- At page 209, in the first marginal note, at top, the reference ought to read, See ante, No. 3, art. two, page 203, instead of "art. 3."
- At page 435, in the title of chap. 30, instead of "resolution of congress," read *act*, &c. And the same at chap. 31, page 452.
- In the "Memoranda of sessions," at page 666, the words "By Massachusetts" have been accidentally repeated. The repetition is merely superfluous.

FEB 19 1915

RD. 013 7 1913

