

SPAIN : FEBRUARY 22, 1819

*Treaty of Amity, Settlement, and Limits, signed at Washington February 22, 1819. Original in English and Spanish.*

*Submitted to the Senate February 22, 1819. Resolution of advice and consent February 24, 1819. Ratified by the United States February 25, 1819. Ratified by Spain October 24, 1820. The Spanish instrument of ratification was submitted to the Senate February 14, 1821. (Message of February 13, 1821.) Resolution of advice and consent February 19, 1821. Ratified by the United States February 22, 1821. Ratifications exchanged at Washington February 22, 1821. Proclaimed February 22, 1821.*

*The text of the Spanish instrument of ratification follows the treaty texts; then are printed, with translations, the three Spanish land grants.*

Original

Treaty of Amity, Settlement and Limits between The United States of America, and His Catholic Majesty.

The United-States of America and His Catholic Majesty desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two Parties, have determined to settle and terminate all their differences and pretensions by a Treaty, which shall designate with precision the limits of their respective bordering territories in North-America.

With this intention the President of the United-States has furnished with their full Powers John Quincy Adams, Secretary of State of the said United-States;

Original.

Tratado de Amistad, arreglo de diferencias, y Limites entre S. M. C<sup>ca</sup> y los Estados-Unidos de America.

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 transigir y terminar todas sus diferencias y pretensiones por medio de un Tratado que fixe con precision los limites de sus respectivos y confinantes territorios en la America Septentrional.

Con esta mira han nombrado, Su M. C<sup>ca</sup> al Ex<sup>mo</sup> S<sup>er</sup> D<sup>o</sup> Luis de Onis, Gonzalez, Lopez y Vara, Señor de la Villa de Rayaces, Regidor perpetuo del Ayunta-

and His Catholic Majesty has appointed the Most Excellent Lord Don Luis de Omis, Gonzalez, Lopez y Vara, Lord of the Town of Rayaces, Perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand-Cross of the Royal American Order of Isabella, the Catholic, decorated with the Lys of La Vendée, Knight-Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Counsel of His Catholic Majesty; his Secretary with Exercise of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United-States of America.

And the said Plenipotentiaries, after having exchanged their Powers, have agreed upon and concluded the following Articles.

ARTICLE. 1.

There shall be a firm and inviolable peace and sincere friendship between the United-States and their Citizens, and His Catholic Majesty, his Successors and Subjects, without exception of persons or places.

ART. 2.

His Catholic Majesty cedes to the United-States, in full property and sovereignty, all the territories which belong to him, situated to the Eastward of the Mississippi, known by the name of East and

miento de la Ciudad de Salamanca, Caballero Gran Cruz de la Real orden Americana de Isabel la Católica, y de la decoración del Lis de la Vendea, Caballero Pensionista de la Real y distinguida orden Española de Carlos III, Ministro Vocal de la Suprema Asamblea de dicha R<sup>a</sup> orden, de su consejo, su Secretario con ejercicio de Decretos y su Enviado Extraordinario y Ministro Plenipotenciario cerca de los Estados-Unidos de America: Y el Presidente de los Estados-Unidos, á Don Juan Quincy Adams, Secretario de Estado de los mismos Estados-Unidos.

Y ambos Plenipotenciarios, despues de haver cangeado sus Poderes, han ajustado y firmado los Articulos siguientes.

ARTICULO 1.

Habrá una paz solida e inviolable, y una amistad sincera entre S. M. C<sup>a</sup> sus sucesores y subditos, y los Estados-Unidos y sus ciudadanos sin excepcion de personas ni lugares.

ART. 2.

S. M. C. cede á los Estados-Unidos, en toda propiedad y soberania, todos los territorios que le pertenecen situados al Este del Misisipi, conocidos bajo el nombre de Florida Occidental y

West Florida. The adjacent Islands dependent on said Provinces, all public lots and Squares, vacant Lands, public Edifices, Fortifications, Barracks and other Buildings, which are not private property, Archives and Documents, which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said Archives and Documents shall be left in possession of the Commissaries, or Officers of the United-States, duly authorized to receive them.

## ART. 3.

The Boundary Line between the two Countries, West of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the River Sabine in the Sea, continuing North, along the Western Bank of that River, to the 32<sup>d</sup> degree of Latitude; thence by a Line due North to the degree of Latitude, where it strikes the Rio Roxo of Nachitoches, or Red-River, then following the course of the Rio-Roxo Westward to the degree of Longitude, 100 West from London and 23 from Washington, then crossing the said Red-River, and running thence by a Line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to its source in Latitude, 42. North, and thence by that parallel of Latitude to the

Florida Oriental. Son comprendidos en este Articulo las Yslas adyacentes dependientes de dichas dos Provincias, los Sitios, Plazas publicas, terrenos valdios, edificios publicos, fortificaciones, casernas y otros edificios que no sean propiedad de algun Yndividuo particular, los Archivos y documentos directamente relativos á la propiedad y soberanía de las mismas dos Provincias. Dichos archivos y documentos se entregarán á los Comisarios ú Oficiales de los Estados-Unidos debidamente autorizados para recibirlos.

## ART. 3.

La Línea divisoria entre los dos países al Occidente del Misisipi arrancará del Seno Mexicano en la embocadura del Rio Sabina en el Mar, seguirá al Norte por la Orilla Occidental de este Rio hasta el grado 32 de latitud; desde allí por una línea recta al Norte hasta el grado de latitud en que entra en el Rio Roxo de Natchitoches (Red River), y continuará por el curso del Rio Roxo al Oeste hasta el grado 100. de longitud Occidental de Londres y 23. de Washington, en que cortará este Rio, y seguirá por una línea recta al Norte por el mismo grado hasta el Rio Arkansas, cuya orilla Meridional seguirá hasta su nacimiento en el grado 42. de latitud Septentrional; y desde dicho punto se tirará una línea recta por el mismo paralelo de

South-Sea.<sup>1</sup> The whole being as laid down in Melishe's Map of the United-States, published at Philadelphia, improved to the first of January 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude 42, then the Line shall run from the said Source due South or North, as the case may be, till it meets the said Parallel of Latitude 42, and thence along the said Parallel to the South Sea:<sup>1</sup> all the Islands in the Sabine and the said Red and Arkansas Rivers, throughout the Course thus described, to belong to the United-States; but the use of the Waters and the navigation of the Sabine to the Sea, and of the said Rivers, Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the respective inhabitants of both Nations. The Two High Contracting Parties agree to cede and renounce all their rights, claims and pretensions to the Territories described by the said Line: that is to say.—The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the Territories lying West and South of the above described Line; and, in like manner, His Catholic Majesty cedes to the said United-States, all his rights, claims, and pretensions to any Territories,

latitud hasta el Mar del S r.<sup>1</sup> Todo segun el Mapa de los Estados-Unidos de Melish, publicado en Philadelphia y perfeccionado en 1818. Pero si el nacimiento del Rio Arkansas se hallase al Norte ó Sur de dicho grado 42. de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario hasta que encuentre el expresado grado 42 de latitud, y desde alli por el mismo paralelo hasta el Mar del Sur.<sup>1</sup> Pertencerán á los Estados-Unidos todas las Yslas de los Rios Sabina, Roxo de Natchitoches, y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas y la navegacion del Sabina hasta el Mar y de los expresados Rios Roxo y Arkansas en toda la extension de sus mencionados limites en sus respectivas orillas, sera comun á los habitantes de las dos Naciones.

Las dos Altas partes contratantes convienen en ceder y renunciar todos sus derechos, reclamaciones, y pretensiones sobre los territorios que se describen en esta linea; á saber, S. M. C<sup>ca</sup> renuncia y cede para siempre por si, y á nombre de sus herederos y sucesores todos los derechos que tiene sobre los territorios al Este y al Norte de dicha linea; y los Estados-Unidos en igual forma ceden á S. M. C<sup>ca</sup> y renuncian para siempre todos sus derechos,

<sup>1</sup> Or Pacific Ocean.

East and North of the said Line, and, for himself, his heirs and successors, renounces all claim to the said Territories forever.<sup>1</sup>

## ART. 4.

To fix this Line with more precision, and to place the Land marks which shall designate exactly the limits of both Nations, each of the Contracting Parties shall appoint a Commissioner, and a Surveyor, who shall meet before the termination of one year from the date of the Ratification of this Treaty, at Nachitoches, on the Red River, and proceed to run and mark the said Line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the Latitude of the source of the said River Arkansas, in conformity to what is above agreed upon and stipulated, and the Line of Latitude 42. to the South Sea: they shall make out plans and keep Journals of their proceedings, and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary Articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.<sup>2</sup>

reclamaciones y pretensiones á qualesquiera territorios situados al Oeste y al Sur. de la misma linea arriba descrita.<sup>1</sup>

## ART. 4.

Para fixar esta linea con mas precision y establecer los Mojonos que señalen con exactitud los límites de ambas Naciones, nombrará cada una de ellas un Comisario y un Geómetra que se juntarán antes del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitoches, en las orillas del Rio Roxo, y procederán á señalar y demarcar dicha linea, desde la embocadura del Sabina hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar con certidumbre el origen del expresado Rio Arkansas, y fixar segun queda estipulado y convenido en este Tratado, la linea que debe seguir desde el grado 42 de latitud hasta el Mar Pacifico. Llevaran diarios y levantarán planos de sus operaciones, y el resultado convenido por ellos se tendrá por parte de este Tratado, y tendrá la misma fuerza que si estuviese inserto in el; deviendo convenir amistosamente los dos Gobiernos en el arreglo de quanto necesiten estos Yndividuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.<sup>2</sup>

<sup>1</sup> See the note regarding Article 3.

<sup>2</sup> See the note regarding Article 4.

## ART. 5.

The Inhabitants of the ceded Territories shall be secured in the free exercise of their Religion, without any restriction, and all those who may desire to remove to the Spanish Dominions shall be permitted to sell, or export their Effects at any time whatever, without being subject, in either case, to duties.

## ART. 6.

The Inhabitants of the Territories which His Catholic Majesty cedes to the United-States by this Treaty, shall be incorporated in the Union of the United-States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United-States.

## ART. 7.

The Officers and Troops of His Catholic Majesty in the Territories hereby ceded by him to the United-States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the Ratifications of this Treaty, or sooner if possible, by the Officers of His Catholic Majesty, to the Commissioners or Officers of the United-States, duly

## ART. 5.

A los habitantes de todos los territorios cedidos se les conservará el ejercicio libre de su Religion, sin restriccion alguna; y á todos los que quisieren trasladarse á los Dominios Españoles se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en unó ni otro caso derecho alguno.

## ART. 6.

Los habitantes de los territorios que S. M. C<sup>ca</sup> cede por este Tratado á los Estados-Unidos seran incorporados en la Union de los mismos Estados lo mas presto posible, segun los principios de la Constitucion Federal, y admitidos al goce de todos los privilegios, derechos é inmunidades de que disfrutaban los ciudadanos de los demas Estados.

## ART. 7.

Los Oficiales y tropas de S. M. C<sup>ca</sup> evacuarán los territorios cedidos á los Estados-Unidos seis meses despues del cange de la ratificacion de este Tratado, ó antes si fuese posible, y darán posesion de ellos á los Oficiales, ó Comisarios de los Estados-Unidos debidamente autorizados para recibirlos: Y los Estados-Unidos proveerán los transportes y escolta necesarios para llevar á la

appointed to receive them; and the United-States shall furnish the transports and escort necessary to convey the Spanish Officers and Troops and their baggage to the Havana.<sup>1</sup>

## ART. 8.

All the grants of land made before the 24<sup>th</sup> of January 1818. by His Catholic Majesty or by his lawful authorities in the said Territories ceded by His Majesty to the United-States, shall be ratified and confirmed<sup>2</sup> to the persons in possession of the lands, to the same extent that the same grants would be valid if the Territories had remained under the Dominion of His Catholic Majesty. But the owners in possession of such lands, who by reason of the recent circumstances of the Spanish Nation and the Revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same respectively, from the date of this Treaty; in default of which the said grants shall be null and void. All grants made since the said 24<sup>th</sup> of January 1818. when the first proposal on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.<sup>3</sup>

Habana los Oficiales y tropas Españoles, y sus equipages.<sup>1</sup>

## ART. 8.

Todas las concesiones de terrenos hechas por S. M. C<sup>ca</sup> 6 por sus legítimas autoridades antes del 24. de Enero de 1818. en los expresados territorios que S. M. cede á los Estados-Unidos, quedarán ratificadas y reconocidas<sup>2</sup> á las personas que esten en posesion de ellas, del mismo modo que lo serian si S. M. hubiese continuado en el dominio de estos territorios; pero los propietarios que por un efecto de las circunstancias en que se ha hallado la Nacion Española y por las revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, seran obligados á cumplir las segun las condiciones de sus respectivas concesiones desde la fecha de este Tratado, en defecto de lo qual seran nulas y de ningun valor. Todas las concesiones posteriores al 24. de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de S. M. C<sup>ca</sup> para la cesion de las dos Floridas, convienen y declaran las dos Altas partes contratantes que quedan anuladas y de ningun valor.<sup>3</sup>

<sup>1</sup> See the note regarding Article 7.

<sup>2</sup> See the note regarding Article 8.

<sup>3</sup> See the note regarding the Spanish land grants.

## ART. 9.

The two High Contracting Parties animated with the most earnest desire of conciliation and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects may have suffered, until the time of signing this Treaty.

The renunciation of the United-States will extend to all the injuries mentioned in the Convention<sup>1</sup> of the 11<sup>th</sup> of August 1802.

2. To all claims on account of Prizes made by French Privateers, and condemned by French Consuls, within the Territory and Jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of Deposit at New-Orleans<sup>2</sup> in 1802.

4. To all claims of Citizens of the United-States upon the Government of Spain, arising from the unlawful seizures at Sea, and in the ports and territories of Spain or the Spanish Colonies.

5. To all claims of Citizens of the United-States upon the Spanish Government, statements of

## ART. 9.

Las dos altas partes contratantes animadas de los mas vivos deseos de conciliacion y con el objeto de cortar de raiz todas las discusiones que han existido entre ellas y afianzar la buena armonia que desean mantener perpetuamente, renuncian una y otra reciprocamente á todas las reclamaciones de daños y perjuicios que asi ellas como sus respectivos subditos y ciudadanos hayan experimentado hasta el dia en que se firme este Tratado.

La renuncia de los Estados-Unidos se extiende á todos los perjuicios mencionados en el Convenio<sup>1</sup> de 11. de Agosto de 1802.

2. A todas las reclamaciones de presas hechas por los Corsarios Franceses, y condenadas por los Consules Franceses dentro del territorio y jurisdiccion de España.

3. A todas las reclamaciones de indemnizaciones por la suspension del derecho de Deposito en Nueva Orleans<sup>2</sup> en 1802.

4. A todas las reclamaciones de los Ciudadanos de los Estados-Unidos contra el Gobierno Español procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de S. M. en España y sus Colonias.

5. A todas las reclamaciones de los Ciudadanos de los Estados-Unidos contra el Gobierno de

<sup>1</sup> Document 27.

<sup>2</sup> See the note regarding the right of deposit at New Orleans.



which, soliciting the interposition of the Government of the United-States have been presented to the Department of State, or to the Minister of the United-States in Spain, since the date of the Convention<sup>1</sup> of 1802, and until the signature of this Treaty.

The renunciation of His Catholic Majesty extends,

1. To all the injuries mentioned in the Convention of the 11<sup>th</sup> of August 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike<sup>2</sup> from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda<sup>3</sup> that was fitted out and equipped at New-York.

4. To all claims of Spanish subjects upon the Government of the United-States arising from unlawful seizures at Sea or within the ports and territorial Jurisdiction of the United-States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United-States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this Treaty, and since the date of the Convention of 1802, or which may have

España, en que se haya reclamado la interposicion del Gobierno de los Estados-Unidos antes de la fecha de este Tratado, y desde la fecha del Convenio<sup>1</sup> de 1802, ó presentadas al Departamento de Estado de esta Republica, ó Ministro de los Estados-Unidos en España.

La renuncia de S. M. C<sup>ca</sup> se extiende:

1. A todos los perjuicios mencionados en el Convenio de 11. de Agosto de 1802.

2. A las cantidades que suplió, para la vuelta del Capitan Pike<sup>2</sup> de las Provincias Internas.

3. A los perjuicios causados por la expedicion de Miranda,<sup>3</sup> armada y equipada en Nueva-York.

4. A todas las reclamaciones de los subditos de S. M. C<sup>ca</sup> contra el Gobierno de los Estados-Unidos procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de los Estados-Unidos.

5. A todas las reclamaciones de los subditos de S. M. C<sup>ca</sup> contra el Gobierno de los Estados-Unidos, en que se haya reclamado la interposicion del Gobierno de España antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó que hayan sido presentadas al Departamento de Estado

<sup>1</sup> Document 27.

<sup>2</sup> See the note regarding Captain Pike.

<sup>3</sup> See the note regarding the expedition of Miranda.

been made to the Department of Foreign Affairs of His Majesty, or to His Minister in the United-States.

And the High Contracting Parties respectively renounce all claim to indemnities for any of the recent events or transactions of their respective Commanders and Officers in the Floridas.

The United-States will cause satisfaction to be made for the injuries, if any, which by process of Law, shall be established to have been suffered by the Spanish Officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.<sup>1</sup>

ART. 10.

The Convention<sup>2</sup> entered into between the two Governments on the 11. of August 1802, the Rati-fications of which were exchanged the 21<sup>st</sup> December 1818, is annulled.

ART. 11.

The United-States, exonerating Spain from all demands in future, on account of the claims of their Citizens, to which the renunci-ations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding Five Mil-lions of Dollars. To ascertain the full amount and validity of

de S. M. ó á Su Ministro en los Estados- Unidos.

Las altas partes contratantes renuncian reciprocamente todos sus derechos á indemnizaciones por qualquiera de los últimos acontecimientos y transacciones de sus respectivos Comandantes y Oficiales en las Floridas.

Y los Estados- Unidos satisfarán los perjuicios, si los hubiese ha- bido, que los habitantes y Ofi- ciales Españoles justifiquen legal- mente haber sufrido por las opera- ciones del exercito Americano en ellas.<sup>1</sup>

ART 10.

Queda anulado el Convenio<sup>2</sup> hecho entre los dos Gobiernos en 11. de Agosto de 1802, cuyas rati- ficaciones fueron cangeadas en 21. de Diciembre de 1818.

ART. 11.

Los Estados- Unidos descar- gando á la España para lo sucesivo de todas las reclamaciones de sus Ciudadanos á que se extienden las renunciaciones hechas en este Tratado, y dandolas por entera- mente canceladas, toman sobre si la satisfaccion ó pago de todas ellas hasta la cantidad de cinco Millones de pesos fuertes. El S<sup>or</sup> Presidente nombrará, con con-

<sup>1</sup> See the note regarding the final paragraphs of Article 9.

<sup>2</sup> Document 27.

those claims, a Commission,<sup>1</sup> to consist of three Commissioners, Citizens of the United-States, shall be appointed by the President, by and with the advice and consent of the Senate; which Commission shall meet at the City of Washington, and within the space of three years, from the time of their first meeting, shall receive, examine and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United-States during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine on oath every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of Justice, the Laws of

sentimiento y aprobacion del Senado, una Comision<sup>1</sup> compuesta de tres Comisionados, Ciudadanos de los Estados-Unidos, para averiguar con certidumbre el importe total y justificacion de estas reclamaciones; la qual se reunirá en la Ciudad de Washington, y en el espacio de tres años, desde su reunion primera, recibirá, examinará, y decidirá sobre el importe y justificacion de todas las reclamaciones arriba expresadas y descritas. Los dichos Comisionados prestarán juramento, que se anotará en los quadernos de sus operaciones, para el desempeño fiel y eficaz de sus deberes; y en caso de muerte, enfermedad ó ausencia precisa de alguno de ellos, será reemplazado del mismo modo, ó por el S<sup>or</sup> Presidente de los Estados-Unidos, en ausencia del Senado. Los dichos Comisionados se hallaran autorizados para oír y examinar bajo juramento qualquiera demanda relativa á dichas reclamaciones, y para recibir los testimonios autenticos y convenientes relativos á ellas. El Gobierno Español subministrará todos aquellos documentos y aclaraciones que esten en su poder para el ajuste de las expresadas reclamaciones, segun los principios de justicia, el derecho de gentes, y las estipulaciones del Tratado<sup>2</sup> entre las dos partes de 27. de

<sup>1</sup> See the note regarding Article 11.

<sup>2</sup> Document 18.

Nations, and the stipulations of the Treaty<sup>1</sup> between the two Parties of 27<sup>th</sup> October 1795; the said Documents to be specified, when demanded at the instance of the said Commissioners.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding Five Millions of Dollars, shall be made by the United-States, either immediately at their Treasury or by the creation of Stock bearing an interest of Six per Cent per annum, payable from the proceeds of sales of public lands within the Territories hereby ceded to the United-States, or in such other manner as the Congress of the United-States may prescribe by Law.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United-States; and copies of them or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United-States.

Octubre de 1795, cuyos documentos se especificarán quando se pidan á instancia de dichos Comisionados.

Los Estados-Unidos pagarán aquellas reclamaciones que sean admitidas y ajustadas por los dichos Comisionados, ó por la mayor parte de ellos, hasta la cantidad de Cinco Millones de pesos fuertes, sea inmediatamente en su Tesoreria, ó por medio de una Creacion de fondos con el interés de un seis por ciento al año, pagaderos de los productos de las ventas de los terrenos valdios en los territorios aqui cedidos á los Estados-Unidos, ó de qualquiera otra manera que el Congreso de los Estados-Unidos ordene por Ley.

Se depositarán, despues de concluidas sus transacciones, en el Departamento de Estado de los Estados-Unidos, los quadernos de las operaciones de los dichos Comisionados, juntamente con los documentos que se les presenten relativos á las reclamaciones que deben ajustar y decidir; y se entregarán copias de ellos ó de parte de ellos al Gobierno Español, y á peticion de su Ministro en los Estados-Unidos, si lo sollicitase.

<sup>1</sup> Document 18.

## ART. 12.

The Treaty<sup>1</sup> of Limits and Navigation of 1795. remains confirmed in all and each one of its Articles, excepting the 2, 3, 4, 21 and the second clause of the 22<sup>d</sup> Article, which, having been altered by this Treaty, or having received their entire execution, are no longer valid.

With respect to the 15<sup>th</sup> Article of the same Treaty of Friendship, Limits and Navigation of 1795, in which it is stipulated, that the Flag shall cover the property, the Two High Contracting Parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two Contracting Parties shall be at War with a Third Party, and the other Neutral, the Flag of the Neutral shall cover the property of Enemies, whose Government acknowledge this principle, and not of others.

## ART. 13.

Both Contracting Parties wishing to favour their mutual Commerce, by affording in their ports every necessary Assistance to their respective Merchant Vessels, have agreed, that the Sailors who shall desert from their Vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul—who shall

## ART. 12.

El Tratado<sup>1</sup> delimites y navegacion de 1795. queda confirmado en todos y cada uno de sus articulos, excepto los articulos 2, 3, 4, 21, y la segunda clausula del 22, que habiendo sido alterados por este Tratado, ó cumplidos enteramente, no pueden tener valor alguno.

Con respecto al Artículo 15 del mismo Tratado de amistad, limites y navegacion de 1795 en que se estipula, que la bandera cubre la propiedad, han convenido las dos altas partes contratantes en que esto se entienda asi con respecto á aquellas Potencias que reconozcan este principio; pero que, si una de las dos partes contratantes estuviere en guerra con una tercera, y la otra Neutral, la bandera de esta Neutral cubrirá la propiedad de los enemigos, cuyo Gobierno reconozca este principio, y no de otros.

## ART. 13.

Deseando ambas Potencias contratantes favorecer el Comercio reciproco prestando cada una en sus puertos todos los auxilios convenientes á sus respectivos buques Mercantes, han acordado en hacer prender y entregar lós Marineros que desierten de sus buques en los puertos de la otra, á instancia del Consul; quien sin embargo deberá

<sup>1</sup> Document 18.

prove nevertheless, that the Deserters belonged to the Vessels that claimed them, exhibiting the document that is customary in their Nation: that is to say, the American Consul in a Spanish Port, shall exhibit the Document known by the name of *Articles*, and the Spanish Consul in American Ports; the Roll of the Vessel; and if the name of the Deserter or Deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody and delivered to the Vessel to which they shall belong.

## ART. 14.

The United-States hereby certify, that they have not received any compensation from France for the injuries they suffered from her Privateers, Consuls, and Tribunals, on the Coasts and in the Ports of Spain, for the satisfaction of which provision is made by this Treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.<sup>1</sup>

## ART. 15.

The United-States to give to His Catholic Majesty, a proof of their desire to cement the relations of Amity subsisting between the two Nations, and to favour the

probar que los desertores pertenecen á los buques que los reclaman, manifestando el documento de costumbre en su Nacion; esto es, que el Consul Español en puerto Americano exhibirá el Rol del buque, y el Consul Americano en puerto Español, el documento conocido bajo el nombre de *Articles*; y constando en uno ú otro el nombre ó nombres del desertor ó desertores que se reclaman, se procederá al arresto, custodia y entrega al buque á que correspondan.

## ART. 14.

Los Estados-Unidos certifican por el presente que no han recibido compensacion alguna de la Francia por los perjuicios que sufrieron de sus Corsarios, Consules y Tribunales en las costas y puertos de España, para cuya satisfaccion se provee en este Tratado, y presentarán una relacion justificada de las presas hechas, y de su verdadero valor, para que la España pueda servirse de ella en la manera que mas juzgue justo y conveniente.<sup>1</sup>

## ART. 15.

Los Estados-Unidos para dar á S. M. C<sup>ca</sup> una prueba de sus deseos de cimentar las relaciones de Amistad que existen entre las dos Naciones, y de favorecer el

<sup>1</sup> See the note regarding Article 14.

Commerce of the Subjects of His Catholic Majesty, agree that Spanish Vessels coming laden only with productions of Spanish growth, or manufactures directly from the Ports of Spain or of her Colonies, shall be admitted for the term of twelve years to the Ports of Pensacola and St Augustine<sup>1</sup> in the Floridas, without paying other or higher duties on their cargoes or of tonnage than will be paid by the vessels of the United-States. During the said term no other Nation shall enjoy the same privileges within the ceded Territories. The twelve years shall commence three months after the exchange of the Ratifications of this Treaty.

## ART. 16.

The present Treaty shall be ratified in due form by the Contracting Parties, and the Ratifications shall be exchanged in Six Months from this time or sooner if possible.

In Witness whereof, We the Underwritten Plenipotentiaries of the United-States of America and of His Catholic Majesty, have signed, by virtue of Our Powers, the present Treaty of Amity, Settlement and Limits, and have thereunto affixed our Seals respectively.

Comercio de los subditos de S. M. C<sup>ca</sup>, convienen en que, los buques Españoles que vengan solo cargados de productos de sus frutos ó manufacturas directamente de los puertos de España ó de sus Colonias, sean admitidos por el espacio de doce años en los puertos de Panzacola y San Augustín<sup>1</sup> de las Floridas, sin pagar mas derechos por sus cargamentos, ni mayor derecho de tonelage, que el que paguen los buques de los Estados-Unidos. Durante este tiempo ninguna Nacion tendrá derecho á los mismos privilegios en los territorios cedidos. Los doce años empezaran á contarse tres meses despues de haberse cambiado las ratificaciones de este Tratado.

## ART. 16.

El presente Tratado sera ratificado en debida forma por las partes contratantes, y las ratificaciones se cangearán en el espacio de seis meses desde esta fecha, ó mas pronto si es posible.

En fé de lo qual nosotros los Infrascritos Plenipotenciarios de S. M. C<sup>ca</sup>, y de los Estados-Unidos de America, hemos firmado en virtud de nuestros Poderes, el presente Tratado de Amistad, Arreglo de diferencias, y Limites, y le hemos puesto nuestros sellos respectivos.

<sup>1</sup> See the note regarding Article 15.

Done at Washington, this Twenty-Second day of February, One Thousand Eight Hundred and Nineteen.

[Seal] JOHN QUINCY ADAMS  
[Seal] LUIS DE ONIS

Hecho en Washington, á veinte y dos de Febrero de mil ochocientos diez y nueve.

[Seal] LUIS DE ONIS  
[Seal] JOHN QUINCY ADAMS

[The Spanish Instrument of Ratification]

[Translation]

D<sup>o</sup> Fernando Septimo por la gracia de Dios, y por la Constitucion de la Monarquia Espanola, Rey de las Españas.

Por quanto en el dia Veinte y dos de Febrero del año proximo pasado de mil ocho cientos diez y nueve, se concluyó y firmó en la Ciudad de Washington entre D<sup>o</sup> Luis de Onis, mi Enviado Extraordinario y Ministro Plenipotenciario, y D<sup>o</sup> Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un tratado compuesto de diez y seis articulos, que tiene por objeto el arreglo de diferencias, y de limites entre ambos Gobiernos y sus respectivos territorios; cuya forma y tenor literal es el siguiente.

Ferdinand the Seventh, by the Grace of God and by the Constitution of the Spanish Monarchy, King of the Spains.

Whereas on the twenty-second day of February of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington between Don Luis de Onis, My Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, esq., Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both Governments and their respective territories; which are of the following form and literal tenor:

[Here follow both texts of the treaty]

Por tanto: habiendo visto y examinado los referidos diez y seis articulos, y habiendo precedido la anuencia y autorizacion de las Cortes generales de la Nacion por lo respectivo á la cesion que en los articulos 2<sup>o</sup> y 3<sup>o</sup> se menciona y

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the Nation with respect to the cession mentioned and stipulated in the second and



estipula, he venido en aprobar y ratificar todos y cada uno de los referidos artículos y cláusulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circunstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el artículo 16; pues mi deliberada voluntad es que la presente ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Y deseando al mismo tiempo evitar qualquiera duda ó ambigüidad que pueda ofrecer el contenido del artículo 8.º del referido tratado con motivo de la fecha que en él se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por Mi ó por las autoridades competentes en Mi Real nombre, á cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las tres concesiones<sup>1</sup> de tierras hechas á favor del Duque de Alagon, Conde de Puñonrostro, y D.º Pedro de Vargas; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramente anula-

third articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them, promising, on the faith and word of a King, to execute and observe them and to cause them to be executed and observed entirely as if I Myself had signed them; and that the circumstance of having exceeded the term of six months fixed for the exchange of the ratifications in the sixteenth article may afford no obstacle in any manner, it is My deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the eighth article of the said treaty in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by Me or by the competent authorities in My royal name, which point of date was fixed in the positive understanding of the three grants<sup>1</sup> of land made in favor of the Duke of Alagon, the Count of Puñonrostro, and Don Pedro de Vargas, being annulled by its tenor; I think proper to declare that the said three grants have remained and do remain entirely

<sup>1</sup> See the texts of the land grants, which follow, and also the notes thereon.

das è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan título ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaración se ha de entender ratificado el referido artículo 8.º En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto Mi Secretario del Despacho de Estado. Dada en Madrid á veinte y quatro de Octubre de Mil ochocientos veinte.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

annulled and invalid, and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time or in any manner; under which explicit declaration the said eighth article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents, signed by My hand, sealed with My secret seal, and countersigned by the underwritten, My Secretary of Despatch of State. Given at Madrid the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[The Spanish Land Grants]

[Translation]

D<sup>n</sup> Antonio Porcél Caballero pensionista de la Real y distinguida Orden de Carlos 3.º, del Consejo de Estado, y Secretario de Estado y del Despacho de la Gobernacion de Ultramar &ª

Certifico que con fecha seis de Febrero de mil ochocientos diez y ocho, se espidieron por el estinguido Consejo de las Indias, Reales Cédulas de igual tenor, al Gobernador Capitan General de la Ysla de Cuba y su distrito, al Intendente de Exercito y Real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que Cada uno en la parte que le tocara dispusiese lo conveniente á que tuviese efecto la gracia concedida al

Don Antonio Porcel, Knight Pensioner of the Royal and Distinguished Order of Charles the Third, of the Council of State, and Secretary of State and of Despatch of the Ultramarine Government, etc.

I certify that under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Habana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the

Duque de Alagon de varios terrenos en la Florida oriental, cuyo contenido es el siguiente.

grant made to the Duke of Alagon of various lands in East Florida, of the following tenor:

“El Rey.

“The King

Mi Gobernador y Capitan General de la Ysla de Cuba y su distrito. El Duque de Alagon Baron de Espes, me hizo presente en esposicion de doce de Julio del año ultimo lo que sigue—Señor—El Duque de Alagon Baron de Espes, Capitan de Guardias de la Real Persona De V. M. con el mayor respeto espone: Que siendo un interes de la Corona, que se dén à grandes Capitalistas los terrenos incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demostradas y aconsejadas por todos los Politicos, en cuyo caso se hallan muchos, ò casi los mas del fertil suelo de las Floridas; y siendo tambien un derecho De V. M. como dueño absoluto, el distribuirlos en obsequio de la Agricultura, y en premio y recompensa de los servicios interesantes que se le hacen con utilidad De V. M. y de su Reyno todo. Deseoso de merecer estas señales de aprecio de su magnanimo corazon, y de contribuir por mi parte à llenar las miras del poblacion tan interesantes al bien comun: à V. M. suplica se digue concederle el terreno inculto que no se halle cedido en la Florida oriental, situado entre las Margenes de los Rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la Costa del Golfo de la Florida, é Yslas adyacentes, con la embocadura en el Rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla izquienda hasta su nacimiento, tirando una linea

“My Governor and Captain General of the island of Cuba and its dependencies: The Duke of Alagon, Baron de Espes, has manifested to Me, on the twelfth of July last, as follows: ‘Sire: The Duke of Alagon, Baron de Espes, Captain of Your Majesty’s Royal Body Guards, with the greatest respect exposes that, it being the interest of the Crown that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out and advised by all politicians, and by means of which much or nearly the most of the fertile soil of the Floridas has been discovered, and it being a right of Your Majesty, as absolute lord, to distribute them for the benefit of agriculture and in reward and recompense of the eminent services which have been rendered to Your Majesty and your whole Kingdom; being desirous of deserving those marks of the value of his magnanimous courage and of contributing as far as possible to fulfil the designs of population, so interesting to the commonweal, he humbly requests Your Majesty that you would deign to grant him all the uncultivated land not ceded in East Florida which lies between the Rivers Saint Lucia and Saint Johns, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the River

ala Laguna Macaco, bajando luego por el Camino del Río de San Juan hasta la laguna Valdés, cortando por otra línea desde el extremo norte de esta laguna hasta el nacimiento del Río Amarima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho ù veinte y cinco de latitud, y continuando por la costa del mar, con todas sus Yslas adyacentes, hasta la embocadura del Río Hijuelos, en plena propiedad para si y sus herederos, y permitiendo la introducion de Negros para el trabajo y cultivo de las tierras libre de derechos: gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta esposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi Real servicio, como tambien a las ventajas que resultarán al Estado del aumento de poblacion de los citados países que pretende, he tenido à bien acceder ala gracia que solicita en quanto no se oponga à las Leyes de esos mis Reynos; y comunicarlo al mi Consejo de las Indias para su execucion, en Real orden de diez y siete de Diciembre del referido año. En su consecuencia os mando y encargo por esta mi Real Cedula que con arreglo a las Leyes que rigen en la materia, auxiliéis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirigan asu debido efecto, sin perjuicio de tercero, y para que el espresado Duque de Alagon pueda desde luego poner en execucion su designio conforme en todo con mis beneficos deseos en obsequio de la agricultura y comercio de dhas posesiones, que claman por una poblacion pro-

Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from Lake Macaco, then descending by the way of the River Saint Johns to the Lake Valdés, crossing by another line from the extreme north of said lake to the source of the River Amarima, following its right bank as far as its mouth, in the twenty-eighth or twenty-fifth degree of latitude, and running along the seacoast, with all the adjacent islands, up to the mouth of the River Hijuelos, in full property to himself and his heirs; allowing them also to import negroes, for the labor and cultivation of the lands, free of duties—a gift which I hope to obtain from Your Majesty's innate goodness.'

"Having taken the premises into consideration and bearing in mind the distinguished merit of the memorialist and his signal zeal for My royal service, as well as the benefits to be derived by the state from an increase of population in the countries the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these My Kingdoms, and to make it known to My Council of the Indies, for its due execution, by a royal order of the seventeenth of December in the year aforementioned. Wherefore I charge and command you, by this My royal *cédula*, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all requisite measures for its accomplishment, without injury to any third party; and in order that the said Duke of Alagon may forthwith carry his plans

porcionada ala feracidad de su suelo, y ala defensa y seguridad de las costas, dando cuenta sucesivamente de su progreso; entendiendose que la introduccion de negros que comprende la misma gracia, deve sujetarse en quanto al trafico de ellos, a las reglas prescriptas en mi Real Cedula de diez y nueve de Diciembre ultimo, que asi es mi voluntad; y que de esta cedula se tome razon en la Contaduria general de Indias, fecha en Palacio a seis de Febrero de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Señor.  
ESTEBAN VAREA."

Y para que conste firmo esta Certificacion en Madrid a quince de Octubre de mil ochocientos veinte

(L. S.) (Sig.)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Caballero de número de la órden de Carlos 3º, del Consejo de Estado, y Secretario del Despacho de Estado &º

Certifico que la firma que antecede del Exñio Sº Dº Antonio Porcel Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi

into execution, in conformity with My beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defense and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, as far as relates to the traffic in them, to be subject to the regulations prescribed in My royal *cédula* of the nineteenth of December last, for such is My will, and that due note be taken of the present *cédula* in the office of the Accountant General of the Indies.

"Dated at the Palace the sixth of February, one thousand eight hundred and eighteen.

"I, THE KING.

"By command of the King our Lord,  
"ESTEBAN VAREA."

And I confirm this exemplification at Madrid the fifteenth of October, one thousand eight hundred and twenty.

[Seal] (Signed)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Knight of the Order of Charles the Third, of the Council of State, and Secretary of Dispatch of State, etc.

I certify that the foregoing signature of His Excellency Don Antonio Porcel, Secretary of Dispatch of the Ultramarine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate,

mano y sellado con el escudo de mis armas en Madrid à veinte y uno de Octubre de mil ochocientos y veinte.

(L. S.) (Sig.)  
 EVARISTO PEREZ DE CASTRO.

signed by my hand and sealed with my seal of arms at Madrid the twenty-first of October, one thousand eight hundred and twenty.

[Seal] (Signed)  
 EVARISTO PEREZ DE CASTRO.

[Translation]

D<sup>n</sup> Antonio Porcel, Caballero pensionista de la Real y distinguida orden de Carlos tercero, del Consejo de Estado, y del Despacho de la Gobernacion de Ultramar, &<sup>a</sup>

Certifico que con fecha de seis de Febrero de mil ochocientos diez y ocho, se expedieron por el extinguido Consejo de las Indias Reales Cédulas de igual tenor al Gobernador Capitan General de la Ysla de Cuba y su distrito, al Intendente de exercito y real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiese lo conveniente á que tubiese efecto la gracia concedida al Brigadier Conde de Puñonrostro de varios terrenos situados en la Florida occidental, cuyo contenido es el siguiente.

“El Rey.

Mi Gobernador y Capitan General de la Ysla de Cuba y su distrito. El Brigadier Conde de Puñonrostro me hizo presente en exposicion de tres de Noviembre del año ultimo lo que sigue—Señor—El Brigadier Conde de Puñonrostro, Grande de España de primera clase, y vuestro Gentil Hombre de Camara con exercicio &<sup>o</sup> &<sup>o</sup> P. A. L. R. P. de V. M. con el mas profundo respeto, expone:

Don Antonio Porcel, Knight Pensioner of the Royal and Distinguished Order of Charles the Third, of the Council of State, and Secretary of State and of Despatch of the Ultramarine Government, etc.

I certify that under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Habana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Brigadier the Count of Puñonrostro of various lands situated in West Florida, of the following tenor:

“The King

“My Governor and Captain General of the island of Cuba and its dependencies: The Brigadier Count of Puñonrostro submitted to Me, on the third of November last, what follows: ‘Sire: The Brigadier Count of Puñonrostro, Grandee of Spain of the first class, and your Gentleman of the Bed Chamber in actual attendance, etc., etc., throws himself at Your Majesty’s

que movido del anhelo de procurar por todos los medios posibles el hacer productible parte de los inmensos terrenos despoblados é incultos que V. M. tiene en las Americas, y que por su feracidad prometen las mayores ventajas, tanto al que expone como al Estado, si llegase à verificarse, como lo espera, el noble proyecto que anima al exponente de convertir una pequeña parte de aquellos desiertos en morada de habitantes pacíficos cristianos é industriosos, que aumentando la poblacion de vuestros reynos, fomenten la agricultura y el comercio, y por consiguiente hagan inmensos los ingresos de vuestro real Herario. Esta empresa dirigida por persona que al conocimiento del pays reune las circunstancias de poder comparar los progresos que han hecho por este medio otras Naciones, como la de los Estados Unidos, que en una epoca muy limitada ha elevado su poder à un grado extraordinario, distinguiéndose la Mobila adyacente à la Florida, que en los seis años últimos aprovechándose de la emigracion se ha convertido de un pays inculto y desierto, en una Provincia rica y comerciante, cultivada y poblada con mas de 300D habitantes. Esto mismo debe suceder à la Florida en el corto tiempo de diez y ocho ó veinte años si se adoptan las medidas conducentes à ello, y si al exemplo del exponente. avandonan otros la apatia y se dedican á labrar su fortuna individual, y por consiguiente la del Estado. Confiado pues en lo re comendable de esta empresa, en los vivos deseos que animan à V. M. por la prosperidad de la Nacion, y en los servicios y sacrificios del exponente, se atreve

royal feet with the most profound respect and submits to Your Majesty that, prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by Your Majesty in the Americas, which, by their fertility, offer the greatest advantages not only to your memorialist but to the state, provided due effect, as is hoped, be given to the noble project formed by Your Majesty's memorialist, of converting a small portion of those deserts into the abode of peaceable, Christian, and industrious inhabitants, who will increase the population of your Kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which in the last six years has received such an influx of emigrants as to be converted from a desert waste into a rich commercial province, highly improved and peopled with more than three hundred thousand souls. A similar change would be effected in Florida within eighteen or twenty years by the adoption of judicious arrangements and by those exertions which Your Majesty's memorialist proposes to employ for the promotion of his personal

à suplicar à V. M. que en remuneracion de ellos se digne concederle en plena propiedad y con arreglo à las leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprendidas entre el rio Perdido al occidente del Golfo de Mexico, y los rios Amaruja y el S<sup>o</sup> Juan, desde Popa hasta su desagüe en el Mar por la parte de Oriente, por el Norte la línea de demarcacion con los Estados Unidos, y al Sur por el Golfo de Mexico, incluyendo las Yslas desiertas en la costa. Por tanto, à V. M. rendidamente suplica, que en atencion a lo expuesto, y a las inculdables ventajas que resultan à la Nacion, se sirva acceder à esta solicitud, y mandar al mismo tiempo se comuniquen las correspondientes ordenes a las Autoridades del Pays, prebiniendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos, como para llevar à efecto la empresa en todas sus partes: gracia que espera de la Munificencia de V. M.—Enterrado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y à su acreditado celo por mi real servicio, como tambien a las ventajas que resultaràn al Estado del aumento de poblacion de los citados paises que pretende, he tenido à bien acceder à la gracia que solicita en cuanto no se oponga à las leyes de esos mis reynos, y comunicarlo al mi consejo de Indias para su execucion en Real orden de diez y siete de Diciembre del referido año. En su consecuencia os mando y encargo por esta mi Real Cedula, que con arreglo à las leyes que rigen en la materia

interest, and consequently that of the state. Relying on the merits of the case and the lively interest felt by Your Majesty in the national prosperity, and in the services and sacrifices of Your Majesty's memorialist, he humbly requests Your Majesty that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands, not heretofore ceded in Florida, lying between the River Perdido, westward of the Gulf of Mexico, and the Rivers Amaruja and Saint Johns, from Popa to the point where it empties into the ocean, for the eastern limit; and, for the northern, the boundary line of the United States; and, to the south, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises and the unquestionable advantages to be derived by the Nation, Your Majesty will be pleased to grant this his petition, and, thereupon, direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to as in giving full effect to the whole enterprise. All which he hopes from the munificence of Your Majesty.'

"Having taken the premises into consideration and bearing in mind the distinguished merits of the memorialist and his signal zeal for My royal service, as well as the benefits to be derived by the state from an increase of population in the countries the cession whereof he has solicited, I have



auxilieis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan à su debido efecto, sin perjuicio de tercero, y para que el espresado Conde de Puñonrostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos, en obsequio de la agricultura y comercio de dichas posesiones que claman por una poblacion proporcionada à la feracidad de su suelo, y à la defensa y seguridad de las costas; dando cuenta succesivamente de su progreso: que asi es mi voluntad, y que de esta cedula se tome razon en la Contaduria general de Indias. Fecha en Palacio à seis de Febrero de mil ochocientos diez v ocho.

YO EL REY.

Por mandado del Rey nuestro Señor.  
ESTEVAN VAREA."

Y para que conste firmo esta Certificacion en Madrid à quince de Octubre de mil ochocientos y veinte.

(L.S.) (Sig.)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Caballero de número de la órden de Carlos 3º del consejo de Estado

judged fit to grant him the same, in so far as is conformable to the laws of these My Kingdoms, and to make it known to My Council of the Indies, for its due execution, by a royal order of the seventeenth of December in the year aforementioned. Wherefore I charge and command you, by this My royal *cédula*, with due observance of the laws to such cases pertaining, to give full and due effect to the said cession, taking all requisite measures for its accomplishment, without injury to any third party, and to the end that the said Count of Puñonrostro may forthwith carry his plans into execution, in conformity with My beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defense and security of the coasts, he giving regular accounts of his proceedings, for such is My will, and that due note be taken of the present *cédula* in the office of the Accountant General of the Indies.

"Dated at the Palace the sixth of February, one thousand eight hundred and eighteen.

"I, THE KING.

"By command of the King our Lord,  
"ESTEVAN VAREA."

And I confirm this exemplification at Madrid the fifteenth of October, one thousand eight hundred and twenty.

[Seal] (Signed)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Knight of the Order of Charles the Third, of the Council of State,

y Secretario del Despacho de Estado &º

Certifico que la firma que antecede del Exñio Sºr Dº Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid à veinte y uno de Octubre de mil ochocientos y veinte.

(L.S.) (Sig.)

EVARISTO PEREZ DE CASTRO.

and Secretary of Despatch of State, etc.

I certify that the foregoing signature of His Excellency Don Antonio Porcel, Secretary of Despatch of the Ultramarine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand and sealed with my seal of arms at Madrid the twenty-first of October, one thousand eight hundred and twenty.

[Seal] (Signed)

EVARISTO PEREZ DE CASTRO.

[Translation]

Dº Antonio Porcel, Caballero pensionista de la real y distinguida Orden de Carlos tercero del Consejo de Estado y Secretario de Estado y del Despacho de la Gobernacion de Ultramar, &º

Certifico que con fecha de nueve de Abril de mil ochocientos diez y ocho, se espidieron por el extinguido Consejo de las Indias reales cédulas de igual tenor al Gobernador Capitan General de la Ysla de Cuba y su distrito, al Intendente de exercito y real hacienda de la Habana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiera lo conveniente à que tubiese efecto la gracia concedida à Dº Pedro de Vargas, de varios terrenos situados en las Floridas; cuyo contenido es el siguiente.

“El Rey.

Mi Gobernador y Capitan General de la Ysla de Cuba y su distrito. Con fecha de veinte y

Don Antonio Porcel, Knight Pensioner of the Royal and Distinguished Order of Charles the Third, of the Council of State, and Secretary of State and of Despatch of the Ultramarine Government, etc.

I certify that under date of the ninth of April, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Habana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Don Pedro de Vargas of various lands situated in the Floridas, of the following tenor:

“The King

“My Governor and Captain General of the island of Cuba and its dependencies: Under date

cinco de Enero ultimo, me hizo presente D<sup>o</sup> Pedro Vargas lo que sigue—Señor—D<sup>o</sup> Pedro de Vargas Caballero de la real Orden militar de Alcantara, tesorero general de la real casa y Patrimonio de V. M. con el mas profundo respeto a V. R. M. espone Que hay una porcion de tierras vacantes y despobladas en el territorio de las Floridas y deseando que si V. M. se digna premiar sus tales cuales servicios y las pruebas de lealtad que le tiene dadas, sea sin el mas minimo gravamen del Erario, ni perjuicio de tercero como puede en el dia verificarse con algunas tierras de aquel pais à V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprendida en la siguiente demarcacion a saver. Desde la embocadura del rio Perdido y de su bahia en el Golfo de Mexico siguiendo la costa del mar, subir por la bahia del Buen Socorro, y de la Mobila, continuar por el Rio de Mobila hasta tocar la linea norte de los Estados Unidos y baxar por ella con una recta al origen del Rio Perdido y siguiendo por el Rio de la Mobila abaxo y la bahia de su nombre volver por la costa del Mar acia el Oeste con todas las calas entradas é Yslas adyacentes que pertenecen à la España en la epoca presente hasta llegar à la linea del Oeste de los Estados Unidos y volver por la del Norte comprendiendo todas las tierras baldias que corresponden ò puedan corresponder à la España y están en disputa ò reclamacion con los Estados Unidos, segun el tenor de los tratados; y asimismo el terreno baldio y no cedido à otro particu-

of the twenty-fifth of January last Don Pedro de Vargas manifested to Me as follows: 'Sire: Don Pedro de Vargas, Knight of the Royal Military Order of Alcantara, Treasurer General of the Royal House and Patrimony of Your Majesty, with the most profound respect, at your royal feet, exposes that there is a quantity of vacant and unpeopled land in the territory of the Floridas, and desiring that, if Your Majesty shall deign to reward his passable services and the proofs which he has given of his loyalty, it may be without the least burden on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches Your Majesty that, by an effect of your sovereign goodness, you would deign to grant him the property of the land which lies comprised within the following limits: that is to say, from the mouth of the River Perdido and its bay in the Gulf of Mexico, following the sea-coast, to ascend by the Bay of Buen Socorro and of Mobile, continuing by the River Mobile till it touches the northern line of the United States, and descending by that in a right line to the source of the River Perdido, and following the River Mobile in its lower part and the bay of that name, returns by the sea-coast towards the west, comprehending all the creeks, entries, and islands adjacent, which may belong to Spain at the present time, till it reaches the west line of the United States, then, returning by their northern line, comprehending all the waste lands

lar que hay entre el Rio Hijuelos en la Florida Oriental y el Rio Santa Lucia tirando una linea desde el nacimiento del uno al del otro y siguiendo por la costa del Golfo de Mexico desde la embocadura del Rio Hijuelos, hasta la punta de Tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del Rio Santa Lucia con las Yslas y cayos adyacentes."

Enterado del contenido de esta exposicion, y atendiendo al merito de este sugeto y à su acreditado celo por mi real servicio; como tambien à las ventajas que resultarán al Estado de la poblacion de los citados paises, he tenido à bien acceder à la gracia que solicita, en cuanto no se oponga à las leyes de esos mis reinos, y comunicarlo al mi Consejo de las Indias para su cumplimiento en real orden de dos de Febrero proximo pasado. En su consecuencia os mando y encargo por esta mi real Cedula, que con arreglo a las Leyes que rigen en la materia y sin perjuicio de tercero auxiliéis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirigan à su debido efecto, como tambien al aumento de poblacion, agricultura y comercio de las referidas posesiones; dando cuenta succesivamente de su progreso: que asi es mi voluntad, y que de esta Cedula se tome razon en la Contaduria general de

which belong, or may belong, to Spain, and are in dispute or reclamation with the United States, according to the tenor of the treaties, and, also, all the waste land not ceded to any other individual, which is between the River Hijuelos, in East Florida, and the River Saint Lucia, drawing a line from the source of one river to the source of the other, and following by the coast of the Gulf of Mexico, from the mouth of the Hijuelos to the point of Tancha, and doubling this, by the coast of the Gulf of Florida, to the mouth of the River Saint Lucia, with the islands and keys adjacent.'

"Considering the contents of this exposition and attending to the merit of the individual and his accredited zeal for My royal service, as also to the advantages to result to the state from peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these My Kingdoms, and communicated it to my Council of the Indies, for its accomplishment, in a royal order of the second of February last. Consequently I command and charge you, by this My royal *cédula*, that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said grant, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce of the aforesaid possessions, giving account, from time to time, of the progress made, for

Indias. Fecha en Palacio à nueve de Abril de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey nuestro Señor.  
ESTEVAN VAREA."

Y para que conste firmo esta Certificacion en Madrid à quince de Octubre de mil ochocientos y veinte.

(L. S.) (Sig.)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Caballero de número de la órden de Carlos 3º del Consejo de Estado y Secretario del Despacho de Estado, &º

Certifico que la firma que antecede del Exñio Sº Dº Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus ascritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid à veinte y uno de Octubre de mil ochocientos y veinte.

(L. S.) (Sig.)

EVARISTO PEREZ DE CASTRO

this is My will, and that due notice shall be taken of this *cédula* in the office of the Accountant General of the Indies.

"Dated at the Palace the ninth of April, one thousand eight hundred and eighteen.

"I, THE KING.

"By command of the King our Lord,

"ESTEVAN VAREA."

I confirm this exemplification at Madrid the fifteenth of October, one thousand eight hundred and twenty.

[Seal] (Signed)

ANTONIO PORCEL

Don Evaristo Perez de Castro, Knight of the Order of Charles the Third, of the Council of State, and Secretary of Despatch of State, etc.

I certify that the foregoing signature of His Excellency Don Antonio Porcel, Secretary of Despatch of the Ultramarine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand and sealed with my seal of arms at Madrid the twenty-first of October, one thousand eight hundred and twenty.

[Seal] (Signed)

EVARISTO PEREZ DE CASTRO

#### NOTES

In the diary of John Quincy Adams for February 22, 1819, is the following account of the signature of this treaty (Memoirs of John Quincy Adams, IV, 273-74):

Mr. Onís [the Spanish Minister] came at eleven, with Mr. Stoughton, one of the persons attached to his Legation. The two copies of the treaty made out at his house were ready; none of ours were entirely finished. We exchanged the original full powers on both sides, which I believe to be the correct course on

the conclusion of treaties, though at Ghent, and on the conclusion of the Convention of 3d July, 1815, the originals were only exhibited and copies exchanged. I had one of the copies of the treaty, and Mr. Onis the other. I read the English side, which he collated, and he the Spanish side, which I collated. We then signed and sealed both copies on both sides—I first on the English and he first on the Spanish side. Some few errors of copying, and even of translation, were discovered and rectified. It was agreed that the four other copies should be executed in two or three days, as soon as they are all prepared. Mr. Onis took with him his executed copy of the treaty, and I went over with ours to the President's. The message and documents to be sent with it to the Senate were all prepared, but the President's brother and private Secretary, Joseph Jones Monroe, was gone to the Capitol with another message to Congress, and Mr. Gouverneur, Mrs. Monroe's nephew, who also resides at the President's and acts occasionally as his secretary, was likewise abroad. The President requested me to ask Mr. D. Brent to take the message with the treaty to the Senate, which he did. As I was going home from my office I met Mr. Fromentin, a Senator from Louisiana, and asked him if the treaty had been received by the Senate. He said it had—was read, and, as far as he could judge, had been received with universal satisfaction.

The record of the execution of the other four originals on February 25 is thus given (*ibid.*, 278):

Mr. Onis came, with Mr. Stoughton, and we executed the four remaining copies of the treaty, after carefully reading and collating them with our copy already executed. Onis took two of the copies now signed and sealed, and two of them remain at the office. The treaty was sent this day by message to Congress.

Thus six originals of the treaty were executed. Three of them are now in the treaty file; they differ very slightly *inter se* in matters of capitalization, in style of punctuation and writing, and in spelling; there are also something like eighty instances in which the use of commas varies in one of the originals as compared with one or both of the others; but none of these differences appears to be in any way material. The only difference in wording that has been noticed is in Article 13, where one original has "claim them" instead of "claimed them." That original which is endorsed in pencil, "Imperfect (see p. 11)," appears to be complete and perfect, except that a piece of paper, upon which is written the last paragraph of Article 9 and the whole of Article 10 in the same handwriting as the rest of the document, has been pasted on "page 11."

In this treaty, as will be seen from the printed texts, the principle of the *alternat* was carefully observed. In each of the three originals which are in the treaty file, the English text is on the left-hand pages, the United States is named first therein throughout, and the signature of John Quincy Adams is above that of Luis de Onis; in the Spanish text His Catholic Majesty is named first throughout and the order of the signatures is reversed.

Regarding the observance of the *alternat* in general on the part of the United States, John Quincy Adams wrote as follows in his instructions of March 8, 1819, to John Forsyth, Minister to Spain D. S., 8 Instructions, U. S. Ministers, 304-5; American State Papers, Foreign Relations, IV, 650-51):

On exchanging the ratifications certificates of the fact, will be mutually executed, by you and the Spanish Minister with whom you will make the exchange. Copies of that which passed in both languages on the exchange of the ratifications of the Convention of 11<sup>th</sup> August 1802. are now furnished you and will serve as forms to be used in the performance of this ceremony. On this occasion, as upon all others, in which you may have occasion to execute any document, joint or reciprocal, with a foreign Minister of State; you will be careful to preserve the right of the United States to the *alternative* of being first named, and your own right, as their Representative to sign first in the papers executed, while, in the counterparts, the other contracting party will be named first, and the foreign Minister will first sign and seal. A rigid adherence to this practice has become necessary, because it is strictly adhered to by all the European Sovereigns, in their compacts with one another and because the United States having heretofore sometimes forborne to claim this conventional indication of equal dignity, some appearance of a disposition to alledge the precedent against them, as affecting their right to it, was manifested by the British Plenipotentiaries on executing the Convention of 3<sup>d</sup> July 1815. and by Mr de Onis at the drawing up and signing of this Treaty. The scruple was however in both cases abandoned and the right of the United States to the alternative was conceded. It is not expected that it will hereafter be questioned, and you will consider it as a standing instruction to abide by it, in the execution of any instrument of Compact which, as a public Minister of the United States you may be called to sign.

The texts here printed have been collated with that original which is bound with a buff ribbon and which bears the following endorsement in pencil on the front cover: "Original Treaty with Spain, 22. Feb. 1819 Florida Treaty."

Following the treaty texts the Spanish instrument of ratification is printed as being part of the agreement. Its text has been collated with the original document in the Department of State file; the English translation of it is from the original proclamation, but the style of capitalization, punctuation, etc., has been revised as in other translations printed in this edition.

It appears that the first ratification by President Monroe—that dated February 25, 1819—was executed at least in duplicate (D. S., 8 Instructions, U. S. Ministers, 314-15, March 26, 1819). On October 10, 1819, John Forsyth, Minister to Spain, wrote from Madrid that he was sending back "one of the ratified copies of the Convention" (D. S., 17 Despatches, Spain, No. 7). It is doubtless that same original ratification, in a velvet cover, which is now in the file. It lacks the Great Seal, which was, it may be supposed, originally enclosed in a box "of silver, richly gilt, with the American Eagle in raised work upon the lid," according to the early custom (D. S., 1 Special Missions, 122).

While there is no duplicate of the second United States instrument of ratification—that of February 22, 1821—in the file, its final clauses are recited in the proclamation.

The Spanish instrument of ratification recites both texts of the treaty, the Spanish on the left pages and the English on the right. With it are three originals of the certificate of exchange of ratifications on February 22, 1821, two in Spanish and one in English.

The recitals of the proclamation, the original of which is in the file; are elaborate; they include not only the text of the treaty in English and Spanish, but also the Spanish instrument of ratification with an

English translation thereof, the Senate resolution of February 19, 1821, and the concluding clauses of the United States instrument of ratification of February 22, 1821. The proclamation is printed in American State Papers, Foreign Relations, V, 127-33; it is also printed below.

The file also contains an attested copy of each of the Senate resolutions, which are dated February 24, 1819, and February 19, 1821, respectively (Executive Journal, III, 178, 244).

The three originals of this treaty in the file, the original of the first United States instrument of ratification, and the original proclamation, all have the word *original* written at the head of each text of the treaty; but that word does not appear above either text of the Spanish instrument of ratification.

#### THE FULL POWERS

One other document in the treaty file is a copy of the full power granted to John Quincy Adams under date of February 16, 1819, to "meet and confer" with the Envoy of His Catholic Majesty of and concerning the matters specified and "to conclude a Treaty touching the premises." The copy is headed in a different hand, which appears to be that of John Quincy Adams, "Full Power of the President of the United States, to the Secretary of State." The text of that copy of the full power follows:

James Monroe, President of the United States of America

To all whom these presents shall concern, Greeting:

Know Ye, that I have given and granted, and do hereby give and grant to John Quincy Adams, Secretary of State of the United States, full power and authority, and also general and special command to meet and confer with the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty residing in the United States, being furnished with the like full powers, of and concerning the limits between the Territories of the United States, and those of his said Catholic Majesty in North America, and any mutual cessions of part of the same; of and concerning all matters of difference between the said United States and His Catholic Majesty, and concerning the relations of Navigation & Commerce between the said United States, and His Catholic Majesty; and to conclude a Treaty touching the premises for the final ratification of the President of the United States, by and with the Advice and Consent of the Senate thereof, if such advice and consent be given.

In Testimony whereof I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the sixteenth day  
(L S) of February A. D. 1819, and of the Independence of the United States  
the Forty third.

(Signed) JAMES MONROE.

By the President  
(Signed)

JOHN QUINCY ADAMS  
*Secy of State.*

It is to be observed that the foregoing full power contains not even a conditional promise of ratification.

In the later diplomatic exchanges regarding the fact that the treaty was not ratified on the part of Spain within the time limited,



very decided language was used concerning the duty of ratification by the Spanish Government in view of the wording of the full power given to Don Luis de Onís.

A copy of that full power, which is dated September 10, 1816, was transmitted to Secretary of State Adams on February 17, 1819 (D. S., 5 Notes from the Spanish Legation), following the communication to the Spanish Envoy of the full power of Adams on the same day (D. S., 2 Notes to Foreign Legations, 363). The original Spanish full power is also in D. S., 5 Notes from the Spanish Legation, with a translation thereof as follows:

Don Ferdinand, by the Grace of God King, etc., etc., desiring to consolidate the friendship and good understanding which happily prevails between My Kingdoms and the United States of America through the mutual interests existing between the two Governments, and reposing full confidence in you, Don Luis de Onís, Knight of the royal and distinguished Order of Charles the Third and My Minister Plenipotentiary to the United States of America, by reason of your fidelity, distinguished zeal, and approved capacity in the arduous concerns committed to you, have granted and by these presents do grant to you full power, in the most ample form, to treat, of yourself and without other intermediate authority, with such person or persons as may be authorized by the President of the United States, and, on the principles of the most perfect equality and fitness, to conclude and sign a treaty of amity, whereby past differences may be adjusted and a firm and lasting peace established between the two Governments—obliging ourselves, as we do hereby oblige ourselves and promise, on the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, whatsoever may be stipulated and signed by you, to which intent and purpose I grant you all authority and full power, in the most ample form, thereby and of right required.

In faith whereof We have given command to issue the present, signed with Our royal hand, sealed with Our privy seal, and countersigned by Our underwritten First Secretary of State and of Universal Despatch.

Given at Madrid the tenth day of September, one thousand eight hundred and sixteen.

[Seal] FERDINAND

PEDRO CEVALLOS

In instructions to Forsyth of August 18, 1819 (D. S., 8 Instructions, U. S. Ministers, 343-48; American State Papers, Foreign Relations, IV, 657-58), the substance of which was repeated in the American note dated at Madrid October 2, 1819 (D. S., 17 Despatches, Spain, No. 7, enclosure 9 with Forsyth's despatch of October 10, 1819; American State Papers, Foreign Relations, IV, 662-63), Secretary of State John Quincy Adams wrote as follows:

The only reason assigned by the Minister of State ad interim for the postponement of the Spanish ratification, was the determination of the King, founded upon the great importance of the Treaty, to act upon it with full deliberation. This may have been sufficient to justify delay within the period stipulated by the Treaty, but after the expiration of that period, can no longer be alledged. Delay beyond that period will be a breach of faith; for the Treaty in all its parts, became from the moment of its signature by Mr Onís and the ratifications of the United States, as binding upon the honour and good faith of the Spanish King and nation, as it would be after the ratification. It is scarcely supposable that Spain will contest this position, or that it should be necessary to present it to her view; in the following terms of the full power of Mr Onís, the original of which, signed by the King of Spain, was delivered to me before the signature of the Treaty. The words of His Catholic Majesty are, after authorizing Mr Onís to treat,

negotiate and conclude a Treaty, whereby past differences may be adjusted; and a firm and lasting peace established between the two Governments—"Obliging ourselves, as we do hereby oblige ourselves, and promise on the faith and words of a King, to approve, ratify and fulfill and to cause to be inviolably observed and fulfilled; *whatsoever may be stipulated and signed by you*, to which intent and purpose I grant you all authority and full power in the most ample form thereby as of right required ("oligandonos y prometemos en fe y palabra de Rey que aprobaremos ratificaremos, Compliremos, y haremos observar y Cumplir inviolablemente quanto por vos fuere estipulado y firmado paro lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren.") If language so explicit and Unqualified were, in regard to its import, susceptible of any doubt founded on the usage which requires the ratification of the Sovereign for the full Consummation of a Treaty, there is nothing dubious or uncertain in the extent of the obligation resting upon him by the signature of his Minister vested with such a full power. . . .

The obligation of the King of Spain therefore in honour and in justice to ratify the Treaty signed by his Minister is a perfect and unqualified as his royal promise in the power, and it gives to the United States, the right equally perfect to compel the performance of that promise.

Should it be suggested that the United States themselves have on more than one occasion withheld or annexed Conditions to the ratification of Treaties, signed by their Plenipotentiaries in Europe, it will readily occur to you that by the nature of our Constitution, the full powers of our Ministers never are, or can be unlimited. That whatever they conclude, must be and by the other Contracting power is always known and understood to be subject to the deliberation and determination of the Senate, to whose consideration it must be submitted before its ratification. That our full powers never contain the solemn promise of the nation to ratify whatever the Minister shall Conclude, but reserve expressly not only the usual right of ratification, but the Constitutional privilege of the Senate, to give or withhold their assent to the ratification, without which Assent by a majority of two thirds of the Members present at the Vote taken after Consideration of the Treaty, the President has no Authority to ratify. In withholding, or refusing the ratification, therefore no promise or engagement of the State is violated. But neither the same reason, nor the same principle applies to the King of Spain, who possesses the sole, entire and exclusive power of ratifying Treaties made by his Ministers, and therefore by the promise on the faith and word of a King to ratify whatever a Minister shall sign, commits his own honour, and that of the nation to the fulfilment of his promise. This distinction is well known and clearly recognized by the Law of nations. The Spanish Government cannot alledge either that Mr Onis transcended his secret instructions, or that the ratification of the United States has been refused, or that any unfair advantage was taken on the part of the United States in the negotiation, or that Spain was not fully aware beforehand of the full extent of the engagements Contracted by Mr Onis. It is too well known and they will not dare to deny it, that Mr Onis' last instructions authorized him to concede much more than he did. That these instructions had been prepared by Mr Pizarro; that after the appointment of the Marquis de Casa-Yrujo to the Ministry, they were by him submitted to the Kings Council and with their full sanction were transmitted to Mr Onis; that both in relation to the grants of land in Florida, and to the Western boundary, the terms which he obtained were far within the limits of his Instructions.

Some months later, moreover, a letter written by Adams to the Chairman of the Senate Committee on Foreign Relations (William Lowndes), gave the following opinion (American State Papers, Foreign Relations, IV, 673-74):

With reference to the question proposed by the committee, "whether the Executive considers the Florida treaty as a subsisting one, valid according to national law, and giving the same perfect rights, and imposing the same perfect obligations, as if it had been ratified," I have the honor to state that the President considers the treaty of 22d February last as obligatory upon the honor and good

faith of Spain, not as a perfect treaty, (ratification being an essential formality to that,) but as a compact which Spain was bound to ratify; as an adjustment of the differences between the two nations, which the King of Spain, by his full power to his minister, had solemnly promised to *approve, ratify, and fulfil*. This adjustment is assumed as the measure of what the United States had a right to obtain from Spain, from the signature of the treaty. The principle may be illustrated by reference to rules of municipal law relative to transactions between individuals. The difference between the treaty unratified and ratified may be likened to the difference between a covenant to convey lands and the deed of conveyance itself. Upon a breach of the covenant to convey, courts of equity decree that the party who has broken his covenant shall convey, and, further, shall make good to the other party all damages which he has sustained by the breach of contract.

As there is no court of chancery between nations, their differences can be settled only by agreement or by force. The resort to force is justifiable only when justice cannot be obtained by negotiation; and the resort to force is limited to the attainment of justice. The wrong received marks the boundaries of the right to be obtained.

The King of Spain was bound to ratify the treaty; bound by the principles of the law of nations applicable to the case; and further bound by the solemn promise in the full power. He refusing to perform this promise and obligation, the United States have a perfect right to do what a court of chancery would do in a transaction of a similar character between individuals, namely, to compel the performance of the engagement as far as compulsion can accomplish it, and to indemnify themselves for all the damages and charges incident to the necessity of using compulsion. They cannot compel the King of Spain to sign the act of ratification, and, therefore, cannot make the instrument a perfect treaty; but they can, and are justifiable in so doing, take that which the treaty, if perfect, would have bound Spain to deliver up to them; and they are further entitled to indemnity for all the expenses and damages which they may sustain by consequence of the refusal of Spain to ratify. The refusal to ratify gives them the same right to do justice to themselves as the refusal to fulfil would have given them if Spain had ratified, and then ordered the Governor of Florida not to deliver over the province.

By considering the treaty as the term beyond which the United States will not look back in their controversial relations with Spain, they not only will manifest a continued respect for the sanctity of their own engagements, but they avoid the inconvenience of re-entering upon a field of mutual complaint and crimination so extensive that it would be scarcely possible to decide where or when negotiation should cease, or at what point force should be stayed for satisfied right; and by resorting to force only so far as the treaty had acknowledged their right, they offer an inducement to Spain to complete the transaction on her part, without proceeding to general hostility. But Spain must be responsible to the United States for every wrong done by her after the signature of the treaty by her minister; and the refusal to ratify his act is the first wrong for which they are entitled to redress.

According to those views, the rights and duties of the two parties, owing to the differing wording of the respective full powers, were not, from the date of signature of the treaty, equal or the same; the Government of Spain was under an obligation, not perhaps strictly a legal obligation but one very close thereto, to ratify; but the Government of the United States might withhold ratification at its pleasure.

In the instructions of August 18, 1819, as well as in the extremely interesting extract from the diary of John Quincy Adams of February 22, 1819, above quoted, it is said that in this case the original full powers were exchanged. Adams believed that to be the correct practice, although he cites instances when "the originals were only exhibited and copies exchanged," a course which at the time was

more usual (Bittner, *Die Lehre von den völkerrechtlichen Vertragsurkunden*, 143) and one which is now frequently, though by no means always, followed.

#### THE FLORIDAS

By Article 16 of this treaty it was provided that the exchange of ratifications should take place by August 22, 1819, six months from the date of signature. The place of exchange was not stated.

Not until exactly two years from the signature of the treaty did the exchange of ratifications take place at Washington on February 22, 1821.

The delay in the exchange of ratifications and the form of the Spanish instrument of ratification of October 24, 1820 (printed above after the treaty texts), have a common explanation.

While there were earlier discussions at both Capitals, the negotiations which resulted in this treaty began in the latter part of 1817 and were conducted at Washington by Secretary of State John Quincy Adams for the United States and by Don Luis de Onís for Spain; and toward their close the French Minister at Washington, G. Hyde de Neuville, was an active and friendly intermediary. The voluminous correspondence and other papers submitted to the Senate with the treaty on February 22, 1819, are in *American State Papers, Foreign Relations*, IV, 422-626.

If any treaty were to result, a relinquishment by Spain of all claim to the Floridas was essential. The other major questions were the boundary of the Louisiana territory and the monetary claims of the United States for its citizens. While the representative of Spain talked of an impossible alliance and sought vainly to obtain some form of restraining declaration or promise by the United States in regard to her future attitude toward the Spanish possessions in South America, no such promise could possibly be made by this Government, which was already considering recognition of the rule at Buenos Aires, where independence had been declared on July 9, 1816.

The proposals and discussions regarding the boundary of the Louisiana territory are fully treated, with valuable maps, in Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 46-70.

To the United States, relinquishment by Spain of the Floridas meant the cession of East Florida and of that portion of West Florida east of the River Perdido; for since 1803 this Government had consistently maintained that the cession of Louisiana in that year included, east of the Mississippi, not only the then island of New Orleans, but all the remaining territory south of 31° north latitude as far east as the River Perdido, the western boundary of the State of Florida today; and, accordingly, the United States held that American territory extended eastward from the Mississippi to the Perdido.

Something should be said as to the geography of the Floridas, for there has been misapprehension on the point. The division of the region into two provinces by the British Government is discussed in

the Mississippi Valley Historical Review for December, 1917 (Carter, "The Beginnings of British West Florida").

By Article 2 of the treaty of 1795 with Spain (Document 18) the north line "of the two Floridas" had been fixed; from the Mississippi at 31° north latitude it ran due east to the Chattahoochee, thence along that river to its junction with the Flint, thence straight to the head of St. Marys River, and down that river to the Atlantic Ocean. The territories south of that line and east of the Mississippi (excluding the then island of New Orleans) were the Floridas; the dividing line between East Florida and West Florida was the Apalachicola or Chattahoochee (the river intersected by the parallel of 31° is now known as the Chattahoochee, and the name Apalachicola now applies only to that portion of the stream below the junction of the Chattahoochee and the Flint).

The State of Florida now includes all of East Florida and also that part of West Florida which extends from the Apalachicola and the Chattahoochee west to the Perdido; it is the Perdido River which is now the western boundary of the State of Florida.

The United States never claimed *all* of West Florida under the cession of Louisiana; but it did claim thereunder all of West Florida west of the Perdido. In other words, what the United States claimed of West Florida was that region from 31° north latitude south, which now forms part of three States—that part of Louisiana which is east of the Mississippi and north of the Iberville and Lake Pontchartrain, and those parts of Alabama and Mississippi which extend from the Louisiana line on the west (the Pearl River) to the Florida line (the River Perdido) on the east and which have the Gulf of Mexico on the south.

Spain had contested the American position from the very beginning. Diplomatic relations between the two countries had been suspended from 1808 to 1815; but the dispute was in fact ended before the negotiations for this treaty began. The control and jurisdiction of the United States were complete throughout West Florida west of the Perdido; the western portion of that region was added to the State of Louisiana by the act of April 14, 1812 (2 Statutes at Large, 708-9); the resolution of December 10, 1817 (3 *ibid.*, 472-73), admitted Mississippi into the Union, with her present territory on the Gulf of Mexico from the Pearl River to the Alabama line; the remainder, the area thence eastwards to the Perdido, formed part of Alabama Territory, destined to be admitted as a State by the resolution of December 14, 1819 (3 *ibid.*, 608). All that the United States could obtain in this regard was a formal recognition by Spain of the accomplished fact.

The claims of American nationals against Spain which were relinquished by Article 9 of the treaty were large; to the extent of five million dollars the United States, by Article 11, agreed to pay them; and a part of the bargain was the cession of the territory from the River Perdido east, including East Florida, with ungranted Crown

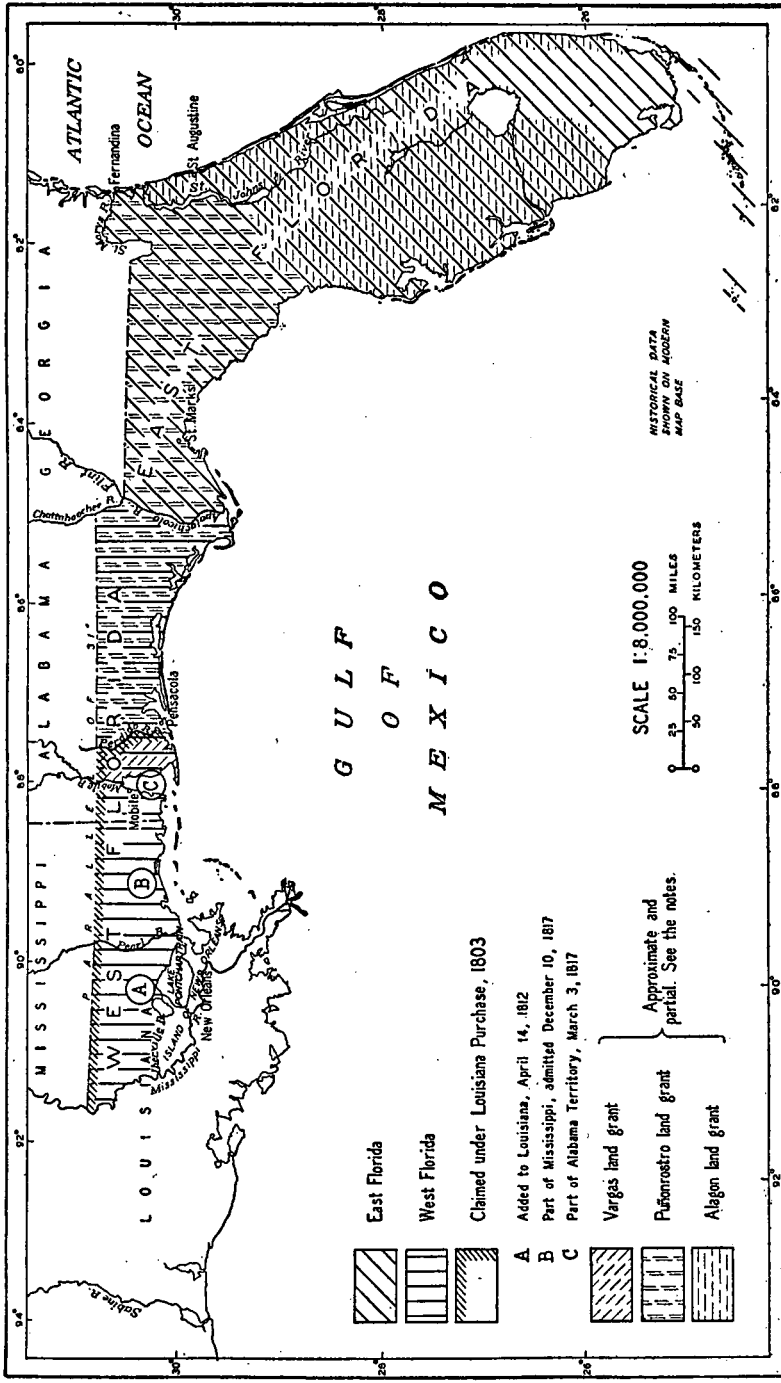
lands of enormous extent, which by the cession would pass to the United States. (See the proposal of Adams to Onís of January 16, 1818, American State Papers, Foreign Relations, IV, 463-64.)

During the negotiations it was well known on both sides that three very large grants of lands in the Floridas had been made by the King of Spain during the winter of 1817-18. All the details of those grants were not known in Washington during the negotiation of this treaty, but it was evident that the grants had been sought in anticipation of a probable treaty of cession, that they had been made to favorites of the Spanish Court, and that they were made on no other consideration. Of the three grantees the Duke of Alagon was Captain of the Royal Body Guards, the Count of Puñonrostro was Gentleman of the Bed Chamber, and Don Pedro de Vargas was Treasurer General.

#### MAP OF THE FLORIDAS

A map of the Floridas, showing their boundaries in relation to the treaty of 1819, is at page 41. The plotting on that map of the three land grants, which are discussed below, is necessarily approximate and partial; and no attempt is made, either in the hachured areas or elsewhere, to indicate the extent of previous grants, which were numerous and some of which were of large area (see generally Charles Vignoles, Observations upon the Floridas, published in 1823, and the map accompanying that work). The Alagon grant was, within its stated limits, of "the uncultivated land (*terreno inculto*) which has not been ceded in East Florida"; the Puñonrostro grant was, within its stated limits, of "all the uncultivated lands (*tierras incultas*) which have not been ceded in Florida." The Vargas grant was the most vague and general of the three; it first covered the region (diagonally hachured on the map) between the Perdido on the east and Mobile Bay and River on the west, then "all the waste lands (*tierras baldias*) which belong, or may belong, to Spain and are in dispute or reclamation with the United States, according to the tenor of the treaties," in the region to the west of that previously described, as far, apparently, as the Mississippi, which seems to be intended by the language "the west line of the United States"; and finally there was included "the waste land (*terreno baldio*) not ceded to any other individual," within limits sufficiently extensive to comprise the region in the southern part of the Florida peninsula (not hachured) which was not within the description of the Alagon grant.

Accordingly, the descriptions of the three grants read together were sufficiently sweeping to cover all ungranted lands throughout the Floridas, East and West, subject, perhaps, to some argument regarding the meaning of the wording generally; and it is to be mentioned that, in the translations of the land grants above printed, the English equivalents of various Spanish expressions are not wholly consistent.



THE FLORIDAS IN RELATION TO THE TREATY WITH SPAIN OF 1819

## THE SPANISH LAND GRANTS

Secretary of State John Quincy Adams had learned of the three grants from the despatches of George W. Erving, Minister to Spain. The clause in Article 8 of the treaty making null and void all grants made by the King of Spain since January 24, 1818, was intended to include the Alagon, Puñonrostro, and Vargas grants (Memoirs of John Quincy Adams, IV, 265, February 18, 1819):

With regard to the article concerning the grants of lands, he claimed an entire confirmation of all grants prior to the 24th of January, 1818, with a formal annulment of those made since then—that is, those made last winter to the Duke of Alagon, Count Puñon Rostro, and Vargas. I told him we could not agree to give, by the treaty, any validity to grants which they would not have without the treaty. They should be as valid to us as they were to the King of Spain, and not more valid. We should not disturb bona fide holders, but it certainly could not be the intention of Spain that the treaty should sanction frauds.

Adams, however, had not been as careful in this matter as its importance required. The despatch of Erving of February 10, 1818, referred to the grants and mentioned two of the grantees by name. The despatch of February 26 mentioned all three grantees and enclosed extracts from the Alagon and Puñonrostro grants showing their extent. The despatch of April 5 was the first that gave specific information regarding any of the essential dates, as it enclosed a copy of the Vargas grant (D. S., 15 Despatches, Spain, No. 64; American State Papers, Foreign Relations, IV, 509–11). With a despatch of September 20 was enclosed a copy of the Puñonrostro grant (D. S., 16 Despatches, Spain, No. 93; American State Papers, Foreign Relations, IV, 524–25).

It seems that the date written in Article 8 of the treaty, January 24, 1818, was accepted after due consideration of the Vargas papers, for the Vargas grant was void under the letter of Article 8. The petition for that grant was dated January 25, 1818, the royal order February 2, and the *real cédula* or royal decree March 10, or, according to the later copy, April 9.

The dates of the Puñonrostro papers were earlier. The petition was of November 3, 1817, the royal order to the Council of the Indies was of the following December 17, and the date of the royal decree to the Governor of the Floridas was February 6, 1818. It may be said here that the dates in the Alagon papers, as to which there was nothing specific in the despatches to Adams, were the same as those of the Puñonrostro grant except that the petition of Alagon was as early as July 12, 1817. It seems the better view that the effective date of the Puñonrostro and Alagon grants was the date of the royal order, December 17, 1817. However, what Adams says on the point should be quoted (Memoirs of John Quincy Adams, IV, 287):

I immediately hunted up all Mr. Erving's late correspondence, and found the copy and translation of the grant to the Count of Puñon Rostro, being an order to the Governor-General of Cuba to put him in possession of the land.



It is dated 6th February, 1818, which may therefore be considered as the time when the grant was *made*; and so I considered it when we signed the treaty, for I examined this very paper with a view to ascertain its date before signing the treaty. But now, upon a close examination of the paper itself, I found it was not as Mr. Erving described it in his dispatch, a *copy* of the grant, but an order to the Governor to put the grantee in possession, and referring to the grant itself as having been dated, and announced to the Council of the Indies, in December, 1817. In fair construction we have a right to consider the grant as not *made* until this order was issued. Still, if I had critically scanned this paper before signing the treaty, I should not have agreed to the 24th of January, 1818, as the date before which all grants are conditionally confirmed. I should have insisted upon some months earlier.

The Spanish texts and English translations of the three grants are printed above, following the text of the Spanish instrument of ratification, from copies of exemplifications and accompanying translations thereof which are in the archives of the Department of State. It appears that those copies and translations were made in the Department of State in February, 1821, from the original "authentic copies" which were in the possession of Vives, the Spanish Minister at Washington (Memoirs of John Quincy Adams, V, 271). From the dates of the exemplifications, October 15 and 21, 1820, it seems that Vives probably obtained them from Madrid with the Spanish instrument of ratification.

The English translations were published with the proclamation in the press of the period (e.g., Niles' Weekly Register, XX, 39-44, March 17, 1821); the Spanish texts and the translations were printed in Laws of the United States, Bioren & Duane ed., VI, 632-37, in 1822; and they were subsequently copied in Elliot's Diplomatic Code, I, 433-39, and in 8 Statutes at Large, 267-73.

It appears from the exemplifications that following the petition of the grantee a royal order for the grant issued to the Council of the Indies and that this was followed by a royal decree of similar tenor to the Governor and Captain General of the island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Habana and its District, and to the Governor of the Floridas. The exemplification in each case includes the text of the royal decree to the Governor and Captain General of the island of Cuba and its dependencies, and in no case is the text of the previous royal order given.

The copies of the Vargas and Puñonrostro grants which were enclosed respectively in the despatches of Erving dated April 5 and September 20, 1818, and which are printed in American State Papers, Foreign Relations, IV, 510-11 and 524-25, are not exemplifications. Their substance, however, is in each case the same as that here printed. They contain certain record notations which these exemplifications do not, and in the Puñonrostro case the address of the letters patent there is to the Governor of the Floridas. There is, however, a discrepancy in a date in respect of the Vargas grant which cannot be explained. As transmitted by Erving in his despatch of April 5, 1818, the date of the royal decree is March 10, 1818. In the exemplification it is April 9, 1818, four days later than the date of Erving's despatch.

Adams was deeply chagrined when he learned of his slip and saw its possible consequences; he wrote in his diary, "Never will this treaty recur to my memory but associated with the remembrance of my own heedlessness. Should it hereafter be, as it probably will, exposed to the world, and incur from my country reproach as bitter as my own, it will be no more than I deserve" (Memoirs of John Quincy Adams, IV, 289).

The bad news about the three grants came soon after the signature of the treaty. Henry Clay, then Speaker of the House of Representatives, informed President Monroe by March 8, 1819, that the three grants were dated January 23, 1818, one day before the date fixed by Article 8 of the treaty (*ibid.*, 287). While Clay's information was inaccurate, his statement was near enough the facts to warrant attention.

In the meantime, on February 24, the Senate had given its advice and consent to the ratification of the treaty, and the instrument of ratification on the part of the United States had been executed on February 25. That ratification was in the usual form and made no reference to the three grants; and the treaty had been communicated to Congress with the presidential message of February 26, 1819 (Richardson, II, 53).

John Forsyth, formerly Chairman of the Committee on Foreign Affairs of the House of Representatives and recently elected Senator from Georgia, had been appointed Minister to Spain; to him had been entrusted the duty of exchanging the ratifications of the treaty at Madrid; his instructions were dated March 8, 1819 (D. S., 8 Instructions, U. S. Ministers, 304-7); and he was to leave Washington on March 10 with the United States ratification (Memoirs of John Quincy Adams, IV, 291). The following is an extract from his instructions:

The Treaty of Amity, Settlement and Limits between the United States and Spain concluded on the 22<sup>nd</sup> ult<sup>o</sup> and ratified on the part of the United States, having provided for the adjustment of all the important subjects of difference between the two Nations, the first object of your mission will be to obtain the ratification of the Spanish Government and to receive it in exchange for ours, the authentic instrument of which is committed to your charge. The United States Ship *Hornet*, Captain Read, is in readiness at Boston and orders have been despatched under which you will take passage in her for Cadiz. It is desirable that you should embark without delay. On your arrival in Spain, The *Hornet* will remain at Cadiz, subject to your orders, until the Exchange of the ratifications can be effected, and if, as is anticipated, no obstacle should intervene to delay that transaction, you will, upon receiving the Spanish ratified Copy, immediately forward it to Captain Read, with directions to bring it immediately to the United States.

Adams at once took steps to obtain a statement from Onis in the matter of the three grants; to this end he drafted a note to Onis as well as a declaration to be delivered by Forsyth at Madrid upon the exchange of ratifications; and these he submitted to President Monroe, whose views are thus stated by Adams (Memoirs of John Quincy Adams, IV, 290):

The President approved the drafts, but directed me to instruct Mr. Forsyth, if any difficulty should be made by the Spanish Government against receiving the declaration, he should nevertheless exchange the ratifications; for he considered the treaty of such transcendent importance to this country, that if we should not get an inch of land in Florida, the bargain would still be inexpressibly advantageous to us. The removal of all apprehension of a war with Spain, the consolidation of our territorial possessions, the command of the Gulf of Mexico, the recognized extension to the South Sea, and the satisfaction of so large an amount of the claims of our citizens upon Spain, were objects of such paramount consideration, and the attainment of them would raise our standing and character so high in the estimate of the European powers, that the land was of very trifling comparative consequence. Besides, as Onis admits that he signed the treaty with the understanding that the grants were annulled, and De Neuville certifies that such was the mutual understanding, if the fact be that they were made before the 24th day of January, the fraud will be so palpable that when we have got possession of the country we shall have the means of doing ourselves justice in our own hands.

The declaration, as drafted by Adams, was in the following terms (D. S., 8 Instructions, U. S. Ministers, 311; American State Papers, Foreign Relations, IV, 652):

The Undersigned, Minister Plenipotentiary from the United States of America, at the Court of His Catholic Majesty, is commanded by The President of the United States to explain and declare, upon the Exchange of the ratifications of the Treaty of Amity, Settlement and Limits between the United States and His Catholic Majesty, signed by the respective Plenipotentiaries, at Washington, on the twenty second day of February last, that in agreeing upon the 24<sup>th</sup> day of January 1818, as the date, subsequent to which all grants of land, made by His Catholic Majesty, or by his legitimate authorities in the Floridas, were declared to be null and void, it was with a full and clear understanding between the Plenipotentiaries, of both the high contracting parties, that among the grants thus declared null and void, were all those made or alledged to have been made in the course of the preceding winter, by His Catholic Majesty to the Duke of Alagon, the Count of Punon Rostro and Mr Vargas, and all others derived from them. And the ratifications of the Treaty are exchanged under the explicit declaration and Understanding that all the said grants are null and void and will be so held by the United States.

The note of Adams to Onis, of March 10, 1819, reads as follows (D. S., 2 Notes to Foreign Legations. 363-64; American State Papers, Foreign Relations, IV, 651):

By the 8<sup>th</sup> Article of the Treaty of Amity, Settlement and Limits signed by us on the 22<sup>d</sup> of last month, all grants of land in the Floridas made by His Catholic Majesty or his legitimate authorities in those Provinces subsequent to the 24<sup>th</sup> of January 1818 are declared to be null and void. This date you will recollect was agreed to on the part of the United States with a full and clear understanding between us that it included the grants alledged to have been made in the course of the preceding Winter by the King to the Duke of Alagon, the Count of Punon Rostro and Mr Vargas. As these grants, however, are known to the Government of the United States only from rumour, without the knowledge of their dates, it is proper that on exchanging the ratifications, your Government should know, that whatever the date of those grants may have been, it was fully understood by us that they are all annulled by the Treaty, as much as if they had been specifically named and that they will be so held by the United States. To avoid any possible misconception your answer to this statement is requested and the exchange of the ratifications will be made under the explicit declaration and understanding that all the abovementioned grants and all others derived from them are null and void.

Onis replied to Adams, under the same date, as follows in translation (D. S., 5 Notes from the Spanish Legation; American State Papers, Foreign Relations, IV, 651-52):

I have received the note you were pleased to address to me, of this day's date, in which you state that by the eighth article of the treaty signed by us on the 22<sup>d</sup> of last month, it was agreed on the part of the United States that all grants of land in the Floridas made by His Catholic Majesty or his legitimate authorities subsequent to the 24<sup>th</sup> of January, 1818, are declared to be null and void, with a full understanding that it included the grants alleged to have been made in the course of the preceding winter, by the King, to the Duke of Alagon, the Count of Puñonrostro and Mr. Vargas; and that, therefore, you request of me a declaration that whatever the date of those grants may have been, it was fully understood by us that they are annulled by the treaty, as much as if they had been specifically named.

With the frankness and good faith which have uniformly actuated my conduct and which distinguish the character of the Spanish Nation, I have to declare to you, Sir, that when I proposed the revocation of all the grants made subsequent to the date above mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period.

But at the same time that I offer you this frank, simple, and ingenuous declaration, I have to express to you that if my conception had been different or if it had appeared to me that any of those grants were prior to the above-mentioned date, I would have insisted upon their recognition, as the honor of the King, my master, and the unquestionable rights of his sovereignty, of his possessions, and the disposal of them, obviously required.

I will hasten to transmit to my Government due information of the whole; and impressed as I am with the conviction of His Majesty's most earnest desire to meet the wishes of the President, I persuade myself that he will with pleasure participate in that sentiment by admitting the explicit declaration which you have requested of me. In the meantime I beg you will favor me with your answer to the explanations I requested yesterday in relation to the late act of Congress concerning piracy.

Adams at once wrote to Forsyth under date of March 10, 1819, sending him copies of the two foregoing notes and of the declaration. His letter follows (D. S., 8 Instructions, U. S. Ministers, 310; American State Papers, Foreign Relations, IV, 652):

By the 8<sup>th</sup> Article of the Treaty of Amity, settlement and limits between the United States and Spain, signed on the 22<sup>nd</sup> of last month, all the grants of lands, made by His Catholic Majesty or by his lawful authorities, since the 24<sup>th</sup> of January 1818, in the territories ceded by His Catholic Majesty to the United States in the Floridas, are declared and agreed to be null and void. This date was proposed by Mr Onis and acceded to, on the part of the United States, with a full and clear understanding on both sides, that the grants made or alleged to have been made in the course of the preceding winter to the Duke of Alagon, the Count of Punon Rostro and Mr Vargas were among those agreed and declared to be null and void. Copies of the grants to the Count of Punon Rostro and to Mr Vargas in the form of orders to the Governor General of the Island of Cuba, and to the Governor of the Floridas had been transmitted to this Department by Mr Erving; the first of which bears date the 6<sup>th</sup> of February and the second the 10<sup>th</sup> of March 1818.—but no copy has been received of that to the Duke of Alagon. As, however, the authenticity of these documents might be denied and the grants have never been made public, it is proper that the possibility of any future question with regard to those grants should be guarded against.—for which purpose the form of a declaration is enclosed, which it will be proper for you to deliver on exchanging the ratifications of the treaty, to the Spanish Minister with whom you will make the exchange. The fact of

the mutual understanding that those grants were annulled by the Treaty is fully and explicitly admitted by Mr Onis in his answer, dated this day, to a note from me on this subject, copies of which, with a translation of his answer, are herewith enclosed. It is not anticipated that any objection will be made to receiving the declaration, if, however, there should be, you will, nevertheless, exchange the ratifications; it being sufficient to give the notice and proof of the understanding on both sides of the operation of the article and of the effect which will be given to it on the part of the United States.

Adams also obtained from the French Minister at Washington, G. Hyde de Neuville, a statement on the subject of the grants, under date of March 18, which reads thus in translation (American State Papers, Foreign Relations, IV, 653):

I was very sure, and you were of the same opinion, that to destroy the rumor which had been spread, it would suffice to inform the Minister of Spain of it. The loyalty which characterizes him did not permit the smallest uneasiness on the subject. After the declaration of Mr. Onis, mine can be of no importance; however, as you desire (in case the mistake of date should be real) that the fact resulting from the treaty should be well established, and by all those persons who took part, directly or indirectly, in the transaction, I have the honor, Sir, to declare to you in the most formal manner that it has been understood—always understood by you, by the Minister of Spain, and, I will add, by myself—that the three great grants of land made to the Duke of Alagon, to the Count of Pufionrosto, and to Mr. Vargas, were of the number of those annulled.

The date of 24th January was proposed and accepted in the complete persuasion, on one part and the other, that these three great grants were subsequent to it.

I will add, Sir, because it is the exact and pure truth, that, having been charged by Mr. Onis, during his illness, to discuss with you several articles of the treaty, particularly the eighth article, you consented to the drawing up of this article more in conformity with the desire of the Spanish Minister, only on the admission, as a fact beyond doubt, that the three principal grants were and remained null and as not having taken place. Mr. Onis has not ceased thus to understand it. He has explained himself upon it frankly and loyally as well since as before the treaty. The mistake of date, if it exists, can, then, give birth to no difficulty whatever at Madrid. The good faith of Mr. Onis and that of his Government, are guaranties too strong to render any other explanations necessary. Between Governments, as between individuals, the same laws of honor and probity govern transactions. The convention exists only by the convention; therefore, Sir, in this case the simple statement of the fact will be sufficient to rectify the mistake.

On May 9, 1819, Forsyth reached Madrid. By a note of May 12 he informed the Spanish First Secretary of State of his arrival and, on May 18, of his readiness to exchange the ratifications of the treaty (D. S., 17 Despatches, Spain, No. 3, June 10, 1819).

The treaty had become disliked in official circles in Spain; the influence of the three grantees was one feature against it; and the Spanish Government still vainly hoped for some modification of the American attitude toward independence in South America. On June 13 dismissal from office of the Marquis de Casa Yrujo, who was considered responsible for the treaty, took place.

Perhaps the difficulties might have been surmounted by a less inept negotiator than Forsyth. There was no question of the decided stand of this Government, which insisted on the ratification of the treaty

and considered that its failure would mean a worse bargain for Spain; but Forsyth wrote in language harsh and unworthy and calculated to offend. As early as June 21, when two months still remained of the time limited by the treaty for the exchange of ratifications, Forsyth used such expressions as "bad faith," "perfidy," and "the degradation of conscious baseness," and wrote (D. S., 17 Despatches, Spain, No. 5, June 22, 1819, enclosure; American State Papers, Foreign Relations, IV, 655):

No wise King will dare to do an act which would deprive him of the respect of all nations, sully the reputation of his Kingdom in the eyes of the civilized world and deprive his people of the strongest incentive to virtuous exertions under every dispensation of Heaven, the confidence in the integrity of their government.

President Monroe, according to Adams, disapproved "of Forsyth's conduct and of the style of his official notes at Madrid" and wanted "to express his positive disapprobation." Adams considered that Forsyth "had neither the experience, nor the prudence, nor the sincerity, nor the delicacy of sentiment suited for such a station"; he adds, as to a Cabinet meeting of February 10, 1820 (Memoirs of John Quincy Adams, IV, 521-22):

Calhoun said that Forsyth's diplomatic notes were exactly like his speeches in Congress—ironical; that he gave more personal offence to his opponents by indulging himself in that style than any other member with whom he ever sat in a deliberative assembly. Now, the great faults of Forsyth at Madrid have been indiscretion and indecorum, faults quite sufficient to show that he was not qualified for the office of a public Minister on a highly critical mission, but which ought not to be severely punished by those who appointed him, knowing his character.

The six months' period allowed for the exchange of the ratifications expired on August 22, 1819, without action taken. Forsyth continued to write notes at Madrid; one of these, that of October 18, called a remonstrance and containing a long discussion of the three land grants, was regarded by the Spanish Government as so insulting to the King of Spain that it was returned on November 12 (American State Papers, Foreign Relations, IV, 668-72). The Government of Spain decided to transfer the negotiations to Washington by sending here as its Envoy General Don Francisco Dionisio Vives; but by this time the only real question for Spain was not the land grants, but South America. On November 27 the French Minister at Washington, G. Hyde de Neuville, thus stated the case (Memoirs of John Quincy Adams, IV, 453-54):

At the office De Neuville was with me nearly two hours. He told me that De Mun had arrived, and brought him voluminous dispatches, among which was an instruction to postpone his journey to France. He said that the French Government, finding that the ratification of the treaty by Spain was likely to fail, had made the strongest remonstrances to the Spanish Cabinet, and had finally called upon them in the most explicit manner to declare what they intended to do; that the King of Spain had given the strongest assurances that it was his most earnest desire and his settled determination to finish this transaction amicably with the United States; that he would immediately send out a Minister to obtain the desired explanations, and the French Government had been informed what

was the real obstacle to the ratification. It was not the affair of the grants. The Minister would say something on that subject, but it would ultimately make no real difficulty. The great stumbling-block was South America. The proposition which we had made to England, and were ready to make to France and Russia, for a joint recognition of the independence of Buenos Ayres, had been made use of to persuade the King of Spain that if he should ratify the treaty, the next day we should recognize the South Americans and make a common cause with them. His jealousy, being thus excited, had been much strengthened by exaggerated representations from this country of a miserable plundering expedition into the province of Texas, which has been carried on the last summer by people from the United States. De Neuville's instructions are, therefore, to use all his influence with the Government of the United States to prevail upon them to take no precipitate measure which might produce war, but to wait until the Spanish Minister shall come, with the perfect assurance that we shall obtain the ratification without needing the application of force. De Neuville added that however short of full and explicit candor Onis's conversation here had been, he had been clear and unequivocal in his declarations at Paris and at Madrid. His talk here, therefore, was undoubtedly inspired by the fear of being harshly treated, perhaps exiled or imprisoned, upon his return to Spain; and the order to arrest him had actually been signed by the King. He was at large, but without employment, and had not been consulted upon anything that was done. De Neuville urged, therefore, with all possible earnestness, that the President should wait to hear what this Spanish Minister has to say, before recommending to Congress that any further step should be taken, and expressed the wish that the President would also, in the message, say something which Spain might receive as a pledge that the United States would not, immediately after the ratification of the treaty, recognize the South Americans, or make common cause with them.

So far as concerned the land grants and South America, Adams' answer was direct and brief (*ibid.*, 455):

As to the grants, we could not negotiate about them. It was disgusting even to discuss a subject upon which Spain could not even advance a pretension without the grossest outrage upon good faith. And with regard to South America, no such pledge as that which the Minister was to ask for could or would be given. We had invariably refused to make any stipulation upon that subject; we should certainly make none, express or implied, now.

There is little doubt, however, that the views of the French Minister had some influence in softening the terms of the President's message to Congress of December 7, 1819, which, instead of recommending to Congress to authorize the immediate occupation of Florida, proposed that course only if the coming negotiations with the Spanish Envoy proved unsatisfactory (American State Papers, Foreign Relations, IV, 627); see also the messages of March 27 and May 9, 1820, Richardson, II, 69-72).

#### THE EXCHANGE OF RATIFICATIONS

General Vives did not arrive in Washington until April, 1820. In the meantime a military revolt in Spain had temporarily restored there the Constitution of 1812, which the King of Spain had accepted and according to which it was necessary that the treaty should be submitted to the Cortes before ratification.

The negotiations between Vives and Secretary of State John Quincy Adams were in part in writing and in part verbal (for the

notes written, see American State Papers, Foreign Relations, IV, 680-89); the full power of Vives did not authorize him to exchange the ratifications of the treaty; it was under date of December 15, 1819, and its clause of substance was as follows (translation, *ibid.*, 681):

We have authorized and by these presents We do authorize you, granting you full power in the most ample form, to meet and confer with such person or persons as may be duly authorized by the Government of the United States, and with him or them to settle, conclude, and sign whatsoever you may judge necessary to the best arrangement of all points depending between the two Governments; promising, as We do hereby promise upon the faith and word of a King, to approve, ratify, and fulfil such articles or agreements as you may conclude and sign.

In his note of April 14, 1820, making no mention of the land grants, Vives brought forward these three points (translation, *ibid.*, 680):

That the United States, taking into due consideration the scandalous system of piracy established in and carried on from several of their ports, will adopt measures, satisfactory and effectual, to repress the barbarous excesses and unexampled depredations daily committed upon Spain, her possessions, and properties, so as to satisfy what is due to international rights and is equally claimed by the honor of the American people.

That in order to put a total stop to any future armaments and to prevent all aid whatsoever being afforded from any part of the Union which may be intended to be directed against and employed in the invasion of His Catholic Majesty's possessions in North America, the United States will agree to offer a pledge (*á dar una seguridad*) that their integrity shall be respected.

And, finally, that they will form no relations with the pretended Governments of the revolted provinces of Spain situate beyond sea, and will conform to the course of proceeding adopted in this respect by other powers in amity with Spain.

The answers on behalf of the United States on the first two points were regarded as satisfactory; the flat refusal of this Government to contract any engagement "not to form any relations with those [South American] provinces" was referred to Madrid. The United States continued willing to exchange the ratifications of the treaty despite the lapse of time, assuming that the Senate again consented to that course; and while the question of the land grants was brought forward by Adams, it was not debated; Vives wrote on May 5, 1820 (translation, *ibid.*, 685):

In the event of the King's receiving as satisfactory the answer of your Government to the third point of my proposals, the abrogation of the grants will be attended with no difficulty; nor has that ever been the chief motive for suspending the ratification of the treaty; for the thorough comprehension of which I waive at present any reply to the remarks which you are pleased to offer on that topic. I cannot, however, refrain from stating to you that, in discussing with you the validity or the nullity of the grants above mentioned, I merely said that "in my private opinion they were null and void through the *inability* of the grantees to comply with the terms of the law."

The result was that on October 5, 1820, the Cortes "advised the King to cede the Floridas to the United States" and also declared null and void the three land grants in question even if the treaty should not be ratified (*ibid.*, 694; D. S., 18 Despatches, Spain, October 5,



1820); and the ratification by His Catholic Majesty followed under date of October 24, 1820.

That instrument of ratification, in original and translation, is printed above following the treaty texts; it is a part of the agreement, explanatory of the treaty and particularly of the provisions of Article 8 thereof; its elaborate clauses regarding that article are clear and positive in their declaration that the Alagon, Puñonrostro, and Vargas grants "have remained and do remain entirely annulled and invalid."

On February 12, 1821, the Spanish instrument of ratification was delivered to Secretary of State Adams by General Vives, who then declared his readiness to make the exchange, making at the same time a plea (which met with refusal) for some recognition of the claims of Spanish subjects provided for by the convention of 1802 (Document 27) but abandoned by Articles 9 and 10 of this treaty (D. S., 2 Notes to Foreign Legations, 415-18).

The Spanish instrument of ratification was submitted to the Senate on February 14, 1821, with the following presidential message of the previous day (Executive Journal, III, 242-43):

The ratification by the Spanish government, of the treaty of amity, settlement, and limits, between the United States and Spain, signed on the 22d of February, 1819, and on the 24th of that month ratified on the part of the United States, has been received by the Envoy Extraordinary and Minister Plenipotentiary of that power at this place, who has given notice that he is ready to exchange the ratifications.

By the sixteenth article of that treaty, it was stipulated, that the ratifications should be exchanged within six months from the day of its signature; which time having elapsed, before the ratification of Spain was given, a copy, and translation thereof, are now transmitted to the Senate, for their advise and consent to receive it in exchange for the ratification of the United States, heretofore executed.

The treaty was submitted to the consideration of the Cortes of that kingdom, before its ratification, which was finally given with their assent and sanction. The correspondence between the Spanish Minister of Foreign Affairs, and the Minister of the United States at Madrid, on that occasion, is also herewith communicated to the Senate; together with a memorandum by the Secretary of State, of his conference with the Spanish Envoy here, yesterday, when that Minister gave notice of his readiness to exchange the ratifications.

The return of the original papers, now transmitted, to avoid the delay necessary to the making of copies, is requested.

The papers accompanying the presidential message of February 13, 1821, are printed in American State Papers, Foreign Relations, IV, 650-703; they cover the period between signature and exchange of ratifications (see also *ibid.*, V, 263-82).

The resolution which the Senate passed on February 19, by a vote of forty to four, was in the following form (*ibid.*, 244):

*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate having examined the treaty of amity, settlement, and limits, between the United States of America and his Catholic Majesty, made and concluded on the twenty-second day of February, 1819, and seen and considered the ratification thereof, made by his said Catholic Majesty, on the 24th day of October, 1820, do consent to, and advise the President of the United States to ratify the same.

The comments of Secretary of State Adams on the Senate resolution are in his diary for February 19, 1821 (Memoirs of John Quincy Adams, V, 285-86):

While I was with the President, Mr. Charles Cutts, the Secretary of the Senate, came in with their resolution advising to the ratification, but drawn up in a special form, differing from that which had been presented as the question in the message from the President. The treaty had been ratified by and with the advice and consent of the Senate on the 24th February; but the last article stipulated that the ratifications should be given on both sides and exchanged within six months from the date. As the King of Spain withheld his ratification beyond that period, the United States were no longer bound to accept it after the expiration of the time, and when it was ratified the question arose, whether the tardy ratification should be accepted by us. By the letter of the Constitution it was perhaps not necessary to submit this question to the Senate; but the disposition of the President is to consult them whenever there is any plausible Constitutional motive for so doing; and I was especially desirous that the sense of the Senate should again be deliberately taken upon the merits of the treaty, because a continued systematic and laborious effort has been making by Mr. Clay and his partisans to make it unpopular. In the pursuit of this project, resolutions against the treaty had been introduced into the Legislatures of Kentucky and of Louisiana, and the Western newspapers have been indefatigably filled with essays and dissertations to the same effect. Among the rest, T. B. Robertson, Governor of Louisiana, one of Clay's puppets, made an attack upon the treaty in his speech to the Legislature. After two years of this work, I was glad to see how the Senate would vote upon the treaty when brought before them again. But the question in the President's message was for their advice and consent to receive the Spanish ratification in exchange for that of the United States, heretofore given. From mere inattention to the form of the question in the message, and not from any objection to it, they took the other course, of an advice and consent to a second ratification of the treaty. And against this there were only four votes—Brown, of Louisiana, who married a sister of Clay's wife; Richard M. Johnson, of Kentucky, against his own better judgment, from mere political subserviency to Clay; Williams, of Tennessee, from party impulses, connected with hatred of General Jackson; and Trimble, of Ohio, for some maggot in the brain, the cause of which I do not yet perfectly know. At the ratification of the treaty two years ago there was no formal opposition made, but the real opposition was greater to it than now. On this event I will not attempt to describe my feelings.

The ratification by the United States, the exchange of ratifications, and the proclamation took place on February 22, 1821, just two years after the signature of the treaty. The procedure is thus described (*ibid.*, 288-89):

Ratifications of the Florida Treaty exchanged. General Vivés came, according to appointment, at one o'clock, to the office of the Department of State, with Mr. Salmon, his Secretary of Legation. Our preparations were not entirely completed when he came, but were ready within half an hour. I then took the treaty with the King of Spain's ratification myself; the General took the treaty with the President's ratification; Mr. Ironside held one of the originals executed by me and Mr. Onis, and Mr. Salmon another. Mr. Brent held the printed copy with the President's proclamation. Mr. Salmon read, from the original in his hand, the treaty, all the rest comparing their respective copies as he proceeded. I read in like manner the English, from the treaty which we retain with the Spanish ratification. Both the ratifications were then examined and found correct. The triplicate certificates of the exchange were then signed and sealed, observing the alternative precedence of signature, as had been done with Mr. Onis. General Vivés and Mr. Salmon then withdrew, taking with them the treaty ratified by the President, and leaving that with the ratification of the King of Spain. I went immediately to the President's. He signed the proclamation of the ratified

treaty and the messages to the two Houses communicating it to them as proclaimed. The messages were sent, and that to the House of Representatives was received while the House were in session. The Senate had just adjourned when Mr. Gouverneur, who carried the message, reached the Capitol.

There are three originals of the certificate of exchange of ratifications in the treaty file, two in Spanish and one in English. The document is in customary form, and it is stated therein that it was signed "in triplicates," that is, in triplicate for each Government.

#### THE PROCLAMATION

The presidential message of February 22, 1821, communicating the treaty to Congress, is in American State Papers, Foreign Relations, V, 127-33, where the full text of the proclamation of the same date is printed. In view of the unusually elaborate form of the proclamation, its text, from the original document, follows:

By the President of the United States,

#### A PROCLAMATION.

Whereas a Treaty of Amity, Settlement, and Limits, between the United States of America and His Catholic Majesty was concluded and signed between their Plenipotentiaries in this city, on the 22<sup>d</sup> day of February, in the year of our Lord one thousand eight hundred and nineteen, which Treaty, word for word, is as follows:

[Here follows the text of the treaty in English and Spanish]

And whereas his said Catholic Majesty did on the twenty fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said Treaty, which ratification is in the words and of the tenor following:

[Here follows the Spanish instrument of ratification with an English translation]

And whereas the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said Treaty in the following words:

"IN SENATE OF THE UNITED STATES

*February 19th. 1821.*

Resolved, two thirds of the Senators present concurring therein, that the Senate having examined the treaty of Amity, Settlement and Limits between the United States of America and his Catholic Majesty made and concluded on the twenty second day of February 1819, and seen and considered the Ratification thereof, made by his said Catholic Majesty on the 24<sup>th</sup> day of October 1820, do consent to, and advise the President of the United States to ratify the same."

And whereas in pursuance of the said advice and consent of the Senate of the United States I have ratified and confirmed the said Treaty in the words following, viz.

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the Treaty above recited, together with the Ratification of His Catholic Majesty thereof, do in pursuance of the aforesaid advice and consent of the Senate of the United States, by these Presents, accept, ratify, and confirm the said Treaty and every clause and article thereof as the same are herein before set forth."

"In faith 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 twenty second day of February in the year of our Lord one thousand eight hundred and twenty one, and of the Independence of the said States the forty fifth.

(Signed)

JAMES MONROE

By the President  
(Signed)

JOHN QUINCY ADAMS,  
*Secretary of State.*"

And whereas the said Ratifications, on the part of the United States, and of His Catholic Majesty, have been this day duly exchanged at Washington, by John Quincy Adams Secretary of State of the United States, and by General Don Francisco Dionisio Vives Envoy Extraordinary and Minister Plenipotenciary of His Catholic Majesty: Now, therefore, to the end that the said Treaty 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 Treaty and every clause and article thereof.

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 second day of February, in the year of our Lord one thousand eight hundred and twenty one,  
[Seal] and of the sovereignty and independence of the United States the forty fifth.

JAMES MONROE

By the President

JOHN QUINCY ADAMS  
*Secretary of State*

### ARTICLE 3

"Longitude 100 West from London" and "23 from Washington" are not exactly the same. The following statement in the matter is from Douglas, *Boundaries, Areas, Geographic Centers, and Altitudes of the United States* (U. S. Geological Survey Bulletin 817, 2d ed.), 36, note:

The zero point of the London meridian is the cross on St. Paul's Cathedral in London, which is  $0^{\circ} 05' 48.356''$  (4.17 miles) west of Greenwich (Ordnance Survey of Great Britain, letter of Sept. 6, 1927). For reference to the establishment of the meridians of London and Greenwich see *The Mariner's Mirror*, vol. 13, No. 2, London, Cambridge Press, April, 1927. Longitudes on the Mitchell map of 1755 are referred to the London meridian. The Melish map of 1818 has the degrees west of London indicated along the lower edge, and the degrees west of Washington near the upper edge; the  $0^{\circ}$  of the Washington meridian coincides with  $77^{\circ}$  west of London. In 1804 a line through the center of the White House was run out and marked for the zero of the Washington meridian. This line is  $76^{\circ} 56' 25''$  west of London. It will be seen from these statements that the location of this boundary was somewhat uncertain, but the position was recognized as the 100th degree west of Greenwich in acts of Sept. 9, 1850, and June 5, 1858 [9 Statutes at Large, 446-52; 11 *ibid.*, 310].

There is an example of "Melishe's" map in the treaty file, noted as having been filed with the treaty on October 9, 1893. This map is about  $35\frac{1}{2}$  by 55 inches (85 by 140 cm.) and is entitled "Map of the United States with the contiguous British & Spanish Possessions Compiled from the latest & best Authorities by John Melish Engraved by

J. Vallance & H. S. Tanner. Entered according to Act of Congress the 6<sup>th</sup> day of June 1816. Published by John Melish Philadelphia. Improved to the 1<sup>st</sup> of January 1818."

The location of the source of the Arkansas River was unknown at the time. The treaty provided that from that source (if not in latitude 42° north) the line should run north or south, as the case might be, to the forty-second parallel of north latitude, and thence west to the Pacific.

Assuming that the Tennessee Fork of the Arkansas River constitutes the headwaters thereof, the source of the Arkansas lies in Lake County, Colorado, not far from Leadville, in approximately 39° 20' north latitude, 106° 25' west longitude. This point is about 183 miles south of latitude 42° north.

#### ARTICLE 4

No commissioners and surveyors met to "fix this Line" under Article 4. By the treaty with Mexico of January 12, 1828 (Document 60), the "Line" was formally adopted as the boundary between the United States and Mexico. While Article 4 of this treaty provided that the commissioners and surveyors should meet before the end of one year from the exchange of ratifications, or by February 22, 1822, at Natchitoches, Louisiana, on the Red River, nothing had been done during that period, although the subject had been discussed at the exchange of ratifications and Forsyth had received instructions thereon (D. S., 9 Instructions, U. S. Ministers, 91-92, June 13, 1821).

On March 8, 1822, President Monroe advised Congress that the Spanish Provinces "which have declared their independence and are in the enjoyment of it ought to be recognized" (Richardson, II, 116-18). Mexico was one of the countries named.

By this time Mexico was *de facto* independent. The army of Iturbide had entered the city of Mexico on September 27, 1821, and the Provisional Junta was formally installed the next day (Manning, Early Diplomatic Relations between the United States and Mexico, 1). On April 9, 1822, the Spanish Minister at Washington, Don Joaquin de Anduaga, wrote to Secretary of State Adams regarding Article 4 of the treaty. He enclosed a list of the agents nominated by Spain, who had orders "to proceed to the execution" (D. S., 7 Notes from the Spanish Legation).

In view of the situation with Mexico, the matter was discussed in the Cabinet on April 19 at a meeting called primarily for the purpose of considering "the recognition of the new Southern Governments." Adams' account of the discussion is as follows (Memoirs of John Quincy Adams, V, 493-94):

Another question was much discussed. I have received official notice, first through Mr. Forsyth, and lately from the Spanish Minister, Anduaga, of the appointment of a Commissioner, Surveyor, Astronomer, &c., on the part of Spain to run the boundary line according to a stipulation in the late treaty. The House of Representatives struck out of the appropriation bill the sum which had been estimated for the expense of this Commission during the present year, on the ground of the proposed recognition of Mexico. The appropriation was said,

however, to have been restored by the Senate. If the House should agree to the amendment, and the appropriation should pass, the question was whether the Commission should be appointed and the line run.

Mr. Calhoun thought it could not be done; that it would be inconsistent with the recognition of Mexico; that it would give offence and rouse the indignation of the new empire; and that if the line is to be run at all, it must be with Mexican instead of Spanish Commissioners. The President and all the other members of the Cabinet, however, thought otherwise; that, as it was the mere mechanical execution of a compact already consummate, we are still bound to the execution of the treaty, notwithstanding the subsequent recognition of Mexico, which is a recognition of independence, but not of boundary; that we should proceed to the fulfilment of the stipulation unless objection should be made on the part of Mexico—in which case the Commissioners must of course cease. By the article, the Commissioners were to meet within one year from the exchange of the ratifications at Natchez, which, by the delay of Spain to appoint her Commissioner, became impossible.

Mr. Calhoun thought this released us from the obligation of this engagement, especially considering the subsequent engagements in Mexico.

I thought it would have the appearance of subterfuge to allege this ground for non-performance. The conclusion was to wait and see how the House will dispose of the Senate's amendment in the appropriation bill.

The "conclusion" of "the President and all the other members of the Cabinet" was a singularly inconclusive one. If by the recognition of Mexico the United States regarded Mexico as her neighbor, the boundary between the two countries, whether that of the treaty or any other, was a question with Mexico alone. Only on the theory that the territory west and south of the "Line" was Spanish, could Spain have any possible interest in it; and that Mexico would regard the "Line" as her boundary and would object to a commissioner of Spain's having anything to do with it or with its delimitation and demarcation, was inevitable.

By the act of May 4, 1822 (3 Statutes at Large, 678), an appropriation was made for "such missions to the independent nations on the American continent, as the President of the United States may deem proper"; but an appropriation had also been voted by the act of April 30 for the "two commissions under the treaty with Spain" (*ibid.*, 673).

On May 17, 1822, Adams answered the Spanish note, declining to proceed under Article 4 of the treaty, under the mistaken idea that Congress had made no appropriation, although he said that "great and important changes had occurred in the Provinces to be affected" (D. S., 3 Notes to Foreign Legations, 79); but, finding that there was an appropriation, Adams wrote again on May 29 that "this Government is now ready to proceed to the execution of the Article," inquired when the commissioner and surveyor on the part of Spain would be at Natchitoches, and gave assurance that "the Commissioner and Surveyor on the part of the United States, will be instructed to meet them at that place, and at the time which you shall designate" (*ibid.*, 81). The Spanish Minister answered on June 1 that he could not then say "when the said Spanish Commissaries will be able to reach Natchitoches" (D. S., 7 Notes from the Spanish Legation); and this ended the correspondence with the Government of Spain

(see the report of the Secretary of State of February 25, 1823, American State Papers, Foreign Relations, V, 241-42).

Recognition of Mexico by the United States became complete on December 12, 1822, when José Manuel Zozaya was formally received by President Monroe as the first Minister of Mexico at Washington (Manning, Early Diplomatic Relations between the United States and Mexico, 12; Niles' Weekly Register, XXIII, 240, December 14, 1822).

As was to be expected, Mexico from the beginning had taken the position that Article 3 of this treaty fixed the boundary between the United States and Mexico; and the fears and suspicions of Mexico regarding the intentions of the United States were not lessened by the delay in the formal statement of the attitude of this Government (see generally Manning, *op. cit.*, ch. IX).

In the instructions of March 26, 1825, when Henry Clay had become Secretary of State under President John Quincy Adams, Articles 3 and 4 of this treaty were mentioned, and Joel R. Poinsett, Minister to Mexico, was informed that the treaty "having been concluded when Mexico composed a part of the dominions of Spain, is obligatory upon both the United States and Mexico" (D. S., 10 Instructions, U. S. Ministers, 233). On July 12, 1825, the Mexican Government was informed that the United States held itself bound to carry the treaty into effect (D. S., 1 Despatches, Mexico, Poinsett to Clay, No. 7, July 18, 1825); but the binding character of the treaty did not lessen the increasing desire of the United States for the acquisition of Texas. The real position of the two Governments toward the close of 1825 is summed up by Manning (*op. cit.*, 297) as follows:

Thus within a few months after the negotiations had begun each government discovered that the other, while claiming to be willing to ratify and abide by the treaty of 1819, was really wishing to secure the extreme limits claimed by the United States on the one side and by Spain on the other before that treaty was concluded. Each had also discovered that the other was determined not to give up anything which that treaty secured to it. But each hoped something would happen to break down the determination of the other.

As above mentioned, the result for the time being was the treaty with Mexico of January 12, 1828 (Document 60), although the going into force of that treaty was delayed until April 5, 1832.

#### ARTICLE 7

By Article 7 of the treaty, possession of the Floridas was to be given to the United States within six months after the exchange of ratifications, or by August 22, 1821. The royal order of the King of Spain for the delivery of possession was dated October 24, 1820 (translation in American State Papers, Foreign Relations, IV, 702-3).

The papers regarding the delivery of the Floridas, which were transmitted to Congress with the message of President Monroe on December 5, 1821, and at various times in 1822, are in American State Papers, Foreign Relations, IV, 740-808. They include some of the corre-

spondence regarding the difficulties as to the archives, which arose after the possession of the Floridas had been received by officers of the United States (see Moore, Digest, I, 445).

The act of March 3, 1821 (3 Statutes at Large, 637-39), provided for the execution of this treaty. Less complete provisions had been contained in the act of March 3, 1819 (*ibid.*, 523-24), which was to take effect when the ratifications had been exchanged "and the King of Spain shall be ready to surrender said territory to the United States."

On March 10 Major General Andrew Jackson was appointed Commissioner to receive possession of the Floridas and also Governor of the Floridas, and on March 20 he was given a special commission to administer the government (American State Papers, Foreign Relations, IV, 751-52).

The formal delivery of East Florida to the United States took place at St. Augustine on July 10, 1821. The record of the transaction was signed by Colonel Robert Butler for the United States and by Colonel José Coppinger for Spain. Possession of West Florida was similarly delivered on July 17 at Pensacola, and the *procès-verbal* of the delivery was signed by General Jackson and Colonel José Callava. The originals of the documents are in the archives of the Department of State; the texts of them are printed in American State Papers, Foreign Relations, IV, 749-50, 764-65.

In connection with the delivery of the Floridas a controversy arose as to whether the "fortifications" of Article 2 included their artillery or not. The United States did not finally press its contention (see Moore, Digest, I, 282-84).

#### ARTICLE 8

The English text of the first sentence of Article 8 is to the effect that land grants made prior to January 24, 1818, by proper Spanish authority, "shall be ratified and confirmed" to those in possession; the Spanish is "quedarán ratificadas y reconocidas," meaning "shall remain ratified and confirmed."

In an opinion by Chief Justice Marshall, the Supreme Court said in 1833 regarding this language (*United States v. Percheman*, 7 Peters, 51, 89):

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed," are properly the words of contract, stipulating for some future legislative act; they are not necessarily so. They may import that they "shall be ratified and confirmed" by force of the instrument itself. When we observe that in the counterpart of the same treaty, executed at the same time by the same parties, they are used in this sense, we think the construction proper, if not unavoidable.

In the case of *Poster v. Elam*, 2 Peters, 253, this court considered these words importing a contract. The Spanish part of the treaty was not then brought to our view, and it was then supposed that there was no variance between them. We did not suppose that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circum-



stance been known, we believe it would have produced the construction which we now give to the article.

The argument of counsel for the appellee in the case cited gives (*ibid.*, 69) the following as the equivalent of the Spanish phraseology of the first sentence of Article 8, "fairly rendered":

All concessions of lands made by his catholic majesty, or by his legitimate authorities, before the 24th January 1818, in the aforesaid territories, which his majesty cedes to the United States, shall remain confirmed and acknowledged to the persons in possession of them (i.e. the concessions), in the same manner that they would have been if the dominion of his catholic majesty over these territories had continued.

#### THE RIGHT OF DEPOSIT AT NEW ORLEANS

The "right of Deposit at New Orleans," mentioned in Article 9 of this treaty, refers to Article 22 of the treaty with Spain of 1795 (Document 18), which granted to citizens of the United States the right to deposit merchandise and effects in the port of New Orleans and to export them without payment of duty. The right was granted for three years and was either to continue thereafter or an equivalent establishment was to be assigned elsewhere on the Mississippi.

On October 16, 1802, the privilege was suspended by a decree of the Intendant of the Province of Louisiana (American State Papers, Foreign Relations, II, 469-71). The suspension was continued until the following April, when the right was restored by order of the King of Spain (Moore, International Arbitrations, V, 4493).

#### CAPTAIN PIKE

The "return of Captain Pike from the Provincias Internas," mentioned in Article 9, refers to the expedition of Captain Zebulon Montgomery Pike, of the United States Army, which is described in Coues, *The Expeditions of Zebulon Montgomery Pike*, II.

Captain (then Lieutenant) Pike left St. Louis on July 15, 1806, with a party consisting of one lieutenant, one surgeon, one sergeant, two corporals, sixteen privates, one interpreter, and fifty-one Indians. Ascending the Missouri River and its tributary, the Osage, Pike passed through Missouri to Kansas and, after crossing east central Kansas, proceeded north to Nebraska. Turning south, the party reached and crossed the Arkansas River near the present city of Great Bend, Kansas. Pike then went up the Arkansas; he passed Pueblo, Colorado, and made a trip to Pike's Peak, which bears his name but the summit of which he did not reach. A month or more was spent in the region of the headwaters of the Arkansas River; Pike went nearly to its source; then he turned back and camped again near the present site of Cañon City, Fremont County, Colorado; thence a south and southwest course was taken, and Pike reached the Rio Grande or Rio del Norte near what is now Alamosa, Alamosa County, Colorado, on January 30, 1807.

Pike supposed that he had there reached the Red River and thought that he was in American territory. While there was no definitive boundary in 1807, such occupation of that region as existed was that of Spain; and by the "Line" of this treaty, the territory south of the Arkansas River and west of 100° longitude west from London was Spanish. Pike was well south of the Arkansas and at nearly 106° west longitude.

It was here that Pike and such of his party as had remained with him were detained by Spanish forces; they were taken first to Santa Fe and then to Chihuahua. During his detention Pike was well treated by the Spanish authorities, but his papers were taken from him. Receiving permission to return to his own country under escort, Pike reached Natchitoches, Louisiana, on July 1, 1807, and reported his arrival to General Wilkinson.

Captain Pike was killed in action on April 27, 1813, during the attack on York (Toronto).

#### THE EXPEDITION OF MIRANDA

The "expedition of Miranda" is mentioned in the second clause 3 of Article 9 of this treaty.

A full and reasoned account of the expedition of Francisco de Miranda in 1806 against the Spanish dominions in South America is in chapter IX of "Francisco de Miranda and the Revolutionizing of Spanish America," by Dr. William Spence Robertson (Annual Report of the American Historical Association for the Year 1907, I, 361-98). That account of Miranda is replete with citations and has a valuable bibliography. The author considers that the expedition of 1806, "although originally fitted out in a port of the United States, was in many respects more of a British than an American enterprise" (p. 396).

The following statement regarding the expedition of 1806 is largely based on the work of Dr. Robertson above mentioned.

Miranda reached the United States from England in November, 1805. Rufus King, who had been Minister at London, was in New York at the time. Colonel William S. Smith, surveyor at New York, entered into relations with Miranda. These and many others attended a dinner in his honor. After this reception he went on to Washington. While in Washington Miranda had interviews with President Jefferson and Secretary of State Madison. When he returned to New York, about two hundred recruits were gathered, and the expedition sailed on February 2, 1806, on the *Leander*.

The Spanish Minister at Washington, Yrujo, kept his home Government informed of Miranda's activities. He notified the Spanish Consul in the port of New York to watch Miranda and sent warning to the Spanish colonial officials.

When the matter of the equipment and departure of this expedition became public, Colonel William S. Smith, surveyor at New York, and Samuel G. Ogden, a West Indian merchant, were brought to trial for violation of neutrality laws, but were acquitted.

Miranda failed to secure the assistance which he was expecting in Haiti and remained for a time at the Dutch island of Aruba (or Oruba), just off the coast of Venezuela. In April, 1806, Miranda approached the mainland; but his attempt to force a landing was resisted and failed. Some sixty of his men fell into Spanish hands and for years remained prisoners; among them were thirty-six Americans (American State Papers, Foreign Relations, III, 256-59). After the failure of this first attack, Miranda passed to Barbados, where he expected aid from the British commander, Admiral Cochrane.

About two months after his first attempt, Miranda left Barbados, stopping at Trinidad, where he gathered recruits. His vessel was accompanied by several British vessels of war and by one brig under the American flag. On August 3, 1806, a landing was effected near Coro, in Venezuela. The next day the town of Coro was occupied; proclamations were issued calling on the people to rise and strike for their independence; but there was almost no response. Appeals for additional forces and supplies were sent by Miranda to Cochrane and to British officers at Jamaica; but no help came from either of these sources. Miranda then evacuated Coro, going again to the island of Aruba. Warned by the commander of a British ship, in September, that he should leave the Dutch island, Miranda went back to Trinidad and finally to Barbados; but after some months his force gradually dwindled, and in the next year (1807) he abandoned his enterprise.

Protests had been made at Washington regarding the Miranda expedition as early as February, 1806 (Robertson, *op. cit.*, 370-73), and on July 18, 1806, the Spanish Government informed the Minister at Madrid that the expedition would be the basis of reclamation against the United States, on account of the injuries, expenses, and prejudices which it had caused to Spain (D. S., 10 Despatches, Spain, No. 9, July 25, 1806).

#### THE FINAL PARAGRAPHS OF ARTICLE 9

By the next to the last paragraph of Article 9 of the treaty the two parties respectively renounced their claims "to indemnities for any of the recent events or transactions of their respective Commanders and Officers in the Floridas."

The final paragraph of Article 9 provided that the United States would cause satisfaction to be made for such injuries as "by process of Law, shall be established to have been suffered by the Spanish Officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida."

The act of March 3, 1823 (3 Statutes at Large, 768), made it the duty of the judges of the superior courts in the Territory of Florida to "receive and adjust" all such claims. Section 2 of that statute provided that all cases in which decisions were rendered in favor of the claimants should be reported to the Secretary of the Treasury, who, "on being satisfied that the same is just and equitable, within the provisions of the said treaty," should pay the amount adjudged.

There were three invasions of the Floridas; a graphic account of them is in Moore, *International Arbitrations*, V, 4519-24. In March, 1812, a force which was under the direction of General George Matthews, who had been appointed Commissioner under the secret statute of January 15, 1811 (3 Statutes at Large, 471), and which included a detachment of the regular Army, took possession of Fernandina and the country thence to St. Augustine, to which siege was laid. The measures taken by Matthews were disavowed by the United States and he was recalled; the American troops were withdrawn and the country restored to the Spanish authorities in May, 1813.

During the War of 1812 with Great Britain, and in part because of military demonstrations of the British, General Andrew Jackson took possession of Pensacola on November 7, 1814, and that night the British forces abandoned and blew up Fort Barrancas, on the west side of the entrance to Pensacola Bay (Lossing, *Pictorial Field-Book of the War of 1812*, 1022-23).

During the Seminole War in 1818, General Jackson, who was in command of the forces of the United States, occupied St. Marks and Pensacola and, after a brief siege, obtained the surrender of Fort Barrancas on May 27, 1818. While the United States assumed responsibility for the acts of General Jackson, the occupied places were ordered restored to Spanish authority later in the same year.

During those operations, and in particular during those of 1812-13 and 1818, private property was taken, plundered, or destroyed. Regarding the first invasion—that of East Florida by General Matthews—Judge Bronson wrote (*Senate Miscellaneous Document No. 55, 36th Congress, 1st session, serial 1038, p. 40*):

Suffice it to say, that before or when the United States troops finally evacuated the country, the whole inhabited part of the province was in a state of utter desolation and ruin. Almost every building outside of the walls of St. Augustine was burned or destroyed; farms and plantations laid waste; cattle, horses, and hogs driven off or killed, and movable property plundered or destroyed; and in many instances slaves dispersed or abducted. So far as the destruction of property of every kind was concerned, the desolation of the Carnatic by Hyder Ali was not more terrible and complete.

That claims which arose, based on the invasion of 1818, were within the treaty, was undoubted; but in respect of the earlier claims various questions arose as to the English and Spanish texts. The English text speaks of "the late operations of the American Army"; the Spanish text has no equivalent for the word "late." The opposing views were that the word "late" was to be read as meaning "recent" (used in the previous paragraph) and thus included operations of 1812-13 and of 1814. On the other hand, it was said that the word signified "latest" or "last" and was thus limited to operations in 1818 (see *Senate Committee Report No. 93, 36th Congress, 1st session, serial 1039*).

It was because of the word "late" that Secretary of the Treasury Rush in 1826 rejected all claims for losses due to the invasion in 1812-13. The awards for 1814 had been previously disallowed by Secretary of the Treasury Crawford on the ground that the invasion

of 1814 by General Jackson was not contrary to the law of nations and that the claims were not within the treaty.

Appealing to Congress, the claimants also pointed out that the last words of Article 9 in the English text are "in Florida," whereas the last words in the Spanish are "en ellas"—"in them" or "in the Floridas"—and consequently argued that the intention could not have been to limit the claims to those for losses in 1818, "which were almost wholly confined in West Florida" (Moore, *op. cit.*, 4526).

By the act of June 26, 1834 (6 Statutes at Large, 569), provision was made for the adjudication of the claims of 1812-13; but the action of the judges in allowing interest at 5 per cent during the period when no provision of law existed for the satisfaction of the claims, was overruled in 1836 by Secretary of the Treasury Woodbury; and another question as to the texts was raised.

The English text refers to such claims as "by process of Law, shall be established"; the Spanish refers to those claims which the Spanish inhabitants and officers "justifiquen legalmente," or shall legally establish. Here it was argued that the text intended to provide for finality of judicial decision and accordingly that adverse executive determination by the Secretary of the Treasury was contrary to the treaty. On the other hand, it was said that the term "process of Law" was not used in any technical sense in the treaty, but generally, as the equivalent of laws passed for the purpose (see Senate Miscellaneous Document No. 55, 36th Congress, 1st session, serial 1038).

For a detailed account of the East and West Florida claims, bringing their history up to 1884, see Moore, *International Arbitrations*, V, 4519-31, and the numerous authorities there cited.

#### ARTICLE 11

The statute for carrying this treaty into effect (act of March 3, 1821, 3 Statutes at Large, 637-39) contained provisions in respect of the Commissioners to act pursuant to the terms of Article 11 (see also the acts of April 30, 1822, and March 3, 1823, *ibid.*, 673, 762). The Commissioners duly appointed were Hugh Lawson White, William King, and Littleton Waller Tazewell; they took the oath of office on June 9, 1821, and made their final report on June 8, 1824.

By the act of May 24, 1824 (4 Statutes at Large, 33-34), an appropriation of five million dollars was made for the payment of the claims allowed. As the total of the sums awarded was \$5,454,545.13, each allowed claim was abated to the extent of 8¼ per cent thereof.

An account of the origin of the claims before the Commissioners and of their proceedings, with numerous citations and including the text of the final report of the Commissioners, is in Moore, *International Arbitrations*, V, 4487-4518.

#### ARTICLE 14

Among the claims passed on by the Commissioners under Article 11 of the treaty were those mentioned in the first clause 2 of Article 9

as "all claims on account of Prizes made by French Privateers, and condemned by French Consuls, within the Territory and Jurisdiction of Spain."

The final report of the Commissioners appointed under Article 11 of the treaty was made on June 8, 1824. One of the schedules to this report was schedule E, which was certified as containing "an authentic statement of all the prizes made of Vessels and cargoes belonging to Citizens of the United States, by French privateers, for which any allowance hath been made by them the said Commissioners; together with an authentic statement annexed of their true value." The total amount of this schedule was \$3,075,338.19. However, an abatement of 8½ per cent was made in order to reduce the total amount of these claims and of all others allowed, the aggregate being \$5,454,545.13, to the \$5,000,000 specified in Article 11 of the treaty. The original report, with the schedules annexed, is in the archives of the Department of State, in a volume entitled "Report of the Commissioners with a List of Awards, &c. Commission under the Treaty with Spain Feb. 22, 1819. No. VI."

Printed copies of the report and the awards of the Commissioners were transmitted by the Secretary of State to Don Hilario de Rivas y Salmon, Chargé d'Affaires of Spain, on August 31, 1824 (D. S., 3 Notes to Foreign Legations, 186-87).

The chapter on the "Indemnity under the Florida Treaty," Moore, *International Arbitrations*, V, 4487-4518, with numerous citations, includes the text of the report (without the schedules) made by Commissioners Hugh Lawson White, William King, and Littleton Waller Tazewell under date of June 8, 1824.

The paragraph of the report of the Commissioners which refers particularly to schedule E thereof is as follows:

In order to enable the U. S. to comply completely with the provision of the 14th Article of this Treaty, and to present to Spain an authentic statement of the prizes made from Citizens of the U. S. by French privateers, for which injuries Spain was regarded by the Commission as having been liable, the undersigned have annexed hereto a fifth schedule, marked E (extracted from that marked C), in which is contained a list of all the vessels of the U. S. captured by French privateers, for which any allowance has been made by this board, and of the true value so allowed. For the particulars of such captures, the Commission begs leave to refer to the vouchers and documents produced before the Commissioners, relative to the claims on this account. These vouchers and documents, together with the records of their proceedings, the undersigned Commissioners have directed their Secretary to deposit in the Department of State of the U. S. in pursuance of the provisions of the 11th Article of the Treaty aforesaid.

#### ARTICLE 15

The terms of Article 15 regarding the entry of Spanish vessels into the ports of Pensacola and St. Augustine for twelve years, commencing three months after the exchange of ratifications, or until May 22, 1833, were recognized in section 2 of the act of March 3, 1821 (3 Statutes at Large, 637-39). By section 3 of the act of March 30, 1822 (*ibid.*, 660-61), the treaty provisions were more specifically made statutory.