

## TREATIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. March 3, 1849.

## A PROCLAMATION.

WHEREAS, a General Convention of Peace, Amity, Commerce, and Navigation between the United States of America and the Republic of Guatemala, was concluded and signed in the City of Guatemala, by their respective Plenipotentiaries, on the third day of March, in the year of our Lord one thousand eight hundred and forty-nine; which Convention, being in the English and Spanish languages, is, word for word, as follows:

MARIANO PAREDES, Presidente interino de la República de Guatemala.

Por cuanto entre la República de Guatemala y los Estados Unidos de América se ha concluido y firmado en esta capital el día tres del corriente mes de Marzo, por medio de Plenipotenciarios suficientemente autorizados por ambas partes, un tratado de amistad, comercio, y navegación que se compone de un preambulo y treinta y tres artículos, cuyo tenor, palabra por palabra, es el siguiente.

*General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Republic of Guatemala.*

*Convencion General de Paz, Amistad, Comercio, y Navegacion, entre los Estados Unidos de América y la República de Guatemala.*

The United States of America and the Republic of Guatemala, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty or general convention of peace, friendship, commerce, and navigation.

Los Estados Unidos de América y la República de Guatemala, deseando hacer firme y permanente la paz y amistad que felizmente existe entre ambas potencias, han resuelto fijar, de una manera clara, distinta, y positiva, las reglas que deben observar, religiosamente, en lo venidero, por medio de un tratado ó convencion general de paz, amistad, comercio, y navegacion.

Preamble.

For this most desirable object the President of the United States of America has conferred full powers on Elijah Hise, chargé d'affaires of the United States near this republic, and the Executive Power of the Republic of Guatemala on the Sr. Ldo. D. José Mariano Rodríguez, Secretary of State and of the Department of Foreign Relations, who, after having exchanged their

Con este muy deseable objeto, el Presidente de los Estados [Unidos] de América ha conferido plenos poderes á Elias Hise, Encargado de Negocios de los Estados Unidos en esta República, y el Poder Ejecutivo de la República de Guatemala al Sr. Ldo. D. José Mariano Rodríguez, Secretario de Estado y del Despacho del Relaciones Exteriores, quienes despues de haberse

Negotiations.

said full powers in due and proper form, have agreed to the following articles :

### ARTICLE I.

Peace and friendship provided for. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Guatemala, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

### ARTICLE II.

Favors granted by either to other nations to be granted to each other. The United States of America and the Republic of Guatemala, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

### ARTICLE III.

Right to navigate and trade, granted. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy; submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is

Coasting trade excepted.

cangeado sus espresados plenos poderes en debida y buena forma, han convenido en los artículos siguientes :

### ARTICULO I.

Habrà una paz perfecta, firme, y inviolable, y amistad sincera entre la República de Guatemala y los Estados Unidos de América, en toda la estension de sus posesiones y territorios, y entre sus pueblos y ciudadanos respectivamente, sin distincion de personas ni lugares.

### ARTICULO II.

La República de Guatemala y los Estados Unidos de América, desciendo vivir en paz y armonía con las demas naciones de la tierra, por medio de una política franca y igualmente amistosa con todas, se obligan mutuamente á no conceder favores particulares á otras naciones con respecto á comercio y navegacion, que no se hagan inmediatamente comunes á una ú otra, quien gozará de los mismos libremente, si la concesion fuese hecha libremente, ó prestando la misma compensacion si la concesion fuere condicional.

### ARTICULO III.

Las dos altas partes contratantes, desciendo tambien establecer el comercio y navegacion de sus respectivos paises sobre las liberales bases de perfecta igualdad y reciprocidad, convienen mutuamente, que los ciudadanos de cada una podrán frecuentar todas las costas y paises de la otra, y residir y traficar en ellos con toda clase de producciones, manufacturas, y mercaderías, y gozarán de todos los derechos, privilegios y exenciones, con respecto á navegacion y comercio que gozan ó gozarán los ciudadanos nativos, sometiendose á las leyes, decretos y usos establecidos, á que estan sujetos dichos ciudadanos nativos. Pero debe entenderse que este artículo no comprende el comercio de costa de cada uno de los dos paises,

reserved to the parties, respectively according to their own separate laws.

## ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Guatemala; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected whether the importation be made in vessels of the one country or of the other; and, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Guatemala in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may be in like manner exported or re-exported in vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Guatemala.

## ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Guatemala, and no higher or other duties shall be imposed on the importation into the Republic of Guatemala of any articles the produce or manufactures of the United States, than are or shall be payable in like articles

cuya regulacion es reservada á las partes respectivamente segun sus propias y peculiares leyes.

## ARTICULO IV.

Conviene igualmente que cualquiera clase de producciones, manufacturas, y mercaderías extranjeras que puedan ser en cualquier tiempo legalmente introducidas en los Estados Unidos en sus propios buques, puedan tambien ser introducidas en los buques de la República de Guatemala, y que no se impondrán ó cobrarán otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. De la misma manera que cualesquiera clase de producciones, manufacturas, y mercaderías extranjeras, que puedan ser en cualquier tiempo legalmente introducidas en la República de Guatemala en sus propios buques, puedan tambien ser introducidas en los buques de los Estados Unidos, y que no se impondrán ó cobrarán otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. Conviene ademas que todo lo que pueda ser legalmente esportado ó re-esportado de uno de los dos paises en sus buques propios para un pais extranjero, pueda de la misma manera ser esportado ó re-esportado en los buques del otro. Y los mismos derechos, premio, [premios] y descuentos, se concederán y cobrarán, ya sea que tal esportacion ó re-esportacion se haga en buques de los Estados Unidos ó de la República de Guatemala.

## ARTICULO V.

No se impondrán otros ó mayores derechos sobre la importacion de cualesquiera artículo, produccion ó manufactura de la República de Guatemala en los Estados Unidos, y no se impondrán otros ó mayores derechos sobre la importacion de cualquier artículo, produccion ó manufactura de los Estados Unidos en la República de Guatemala, que los que se pagan ó pagarán en ade-

The same privileges to be given to the vessels of each nation by the other, that the other gives to its own vessels.

No discriminating duties to be laid on the produce of either country.

being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of Guatemala, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Guatemala, to or from the territories of the United States, or to or from the territories of the Republic of Guatemala, which shall not equally extend to all other nations.

## ARTICLE VI.

Privileges of citizens of either nation in the other.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage themselves their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nations.

## ARTICLE VII.

No embargo or detention for military purposes to be made or laid without indemnification.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, not [nor] for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

## ARTICLE VIII.

Vessels of either party

Whenever the citizens of either of the contracting parties shall be

lante por iguales artículos, produccion, ó manufactura de cualquier pais estrangero; ni si impondrán otros ó mayores derechos ó cargas en cualquiera de los dos paises, sobre la esportacion de cualquier artículo para los Estados Unidos ó para la República de Guatemala, respectivamente, que los que se pagan ó pagarán en adelante por la esportacion de iguales artículos para cualquiera otro pais estrangero; ni se establecerá prohibicion sobre la esportacion ó importacion de cualquier artículo, produccion ó manufactura de los territorios de los Estados Unidos para los de la República de Guatemala, ó de los territorios de la República de Guatemala para los de los Estados Unidos, que no sea igualmente extensiva á las otras naciones.

## ARTICULO VI.

Se conviene ademas que será enteramente libre y permitido á los comerciantes, comandantes de buques, y otros ciudadanos de ambos paises, el manejar sus negocios por si mismos en todos los puertos y lugares sujetos á la jurisdiccion de uno ú otro, asi respecto á las consignaciones y ventas, por mayor y menor, de sus efectos y mercaderías, como de la carga, descarga y despacho de sus buques, debiendo en todos estos casos ser tratados como ciudadanos del pais en que residan, ó al ménos puestos sobre un pié igual con los subditos ó ciudadanos de las naciones mas favorecidas.

## ARTICULO VII.

Los ciudadanos de una ó otra parte no podrán ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderías, y efectos comerciales de su pertenencia para alguna expedicion militar, usos públicos ó particulares cualesquiera que sean, sin conceder á los interesados una suficiente indemnizacion.

## ARTICULO VIII.

Siempre que los ciudadanos de alguna de las partes contratantes se

forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

## ARTICLE IX.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners; they proving in due and proper form their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments

## ARTICLE X.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel (if necessary) of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, provided the same be exported.

## ARTICLE XI.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other,

vieren precisados a buscar refugio ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya sean mercantes ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, serán recibidos y tratados con humanidad, dandoles todo favor y proteccion para reparar sus buques, procurar viveres, y ponerse en situacion de continuar su viaje sin obstáculo ó estorbo de ningun genero.

seeking refuge in the ports, &c., of the other.

## ARTICULO IX.

Todos los buques, mercaderías, y efectos pertenecientes á los ciudadanos de una de las partes contratantes que sean apresados por piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar y fueren llevados ó hallados en los rios, radas, bahias, puertos, ó dominios de la otra, serán entregados á sus dueños, probando estos en la forma propia [propria] y debida sus derechos ante los tribunales competentes; bien entendido que el reclamo ha de hacerse dentro del término de un año por las mismas partes, sus apoderados, ó agentes de los respectivos gobiernos.

Property captured by pirates to be given up.

## ARTICULO X.

Cuando algun buque perteneciente á los ciudadanos de alguna de las partes contratantes, naufrague, encalle ó sufra alguna avería en las costas ó dentro de los dominios de la otra, se les dará toda ayuda y proteccion, del mismo modo que es uso y costumbre con los buques de la nacion en donde suceda la avería; permitiendoles descargar el dicho buque (si fuere necesario) de sus mercaderías y efectos, sin cobrar por esto, con tal que ellos sean esportados, ningun derecho, impuesto ó contribucion.

Provision for the case of wrecks, &c.

## ARTICULO XI.

Los ciudadanos de cada una de las partes contratantes tendrán pleno poder para disponer de sus bienes personales dentro de la ju-

Provision respecting real or personal estate held by citizens of either nation, in the other.

by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods whether by testament or *ab intestato*, and they may take possession thereof, by themselves, or others acting for them; and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are or shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction on the part of the government of the respective States.

## ARTICLE XII.

Property of citizens of either nation to be protected in the other.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

## ARTICLE XIII.

Rights of conscience.

It is likewise agreed, that the most perfect and entire security of

jurisdiccion de la otra, por venta, donacion, testamento, ó de otro modo; y sus representantes, siendo ciudadanos de la otra parte, sucederán á sus dichos bienes personales ya sea por testamento ó *ab intestato*, y podrán tomar posesion de ellos ya sea por sí mismos ó por otros que obren por ellos, y disponer de los mismos segun su voluntad, pagando aquellas cargas solamente que los habitantes del pais en donde estan los referidos bienes estuvieren sujetos á pagar en iguales casos. Y si, en el caso de bienes raices, los dichos herederos fueren impedidos de entrar en la posesion de la herencia por razon de su caracter de extranjeros, se les dará el término de tres años para disponer de ello como juzguen conveniente, y para extraer el producto sin molestia, y exentos de todo derecho de deducion por parte del gobierno de los respectivos Estados.

## ARTICULO XII.

Ambas partes contratantes se comprometen y obligan, formalmente, á dar su proteccion especial á las personas y propiedades de los ciudadanos de cada una reciprocamente transeuntes ó habitantes de todas ocupaciones en los territorios sujetos a la jurisdiccion de una y otra, dejandoles abiertos y libres los tribunales de justicia para sus recursos judiciales, en los mismos términos que son de uso y costumbre para los naturales ó ciudadanos del pais en que residan; para lo cual podran emplear en defensa de sus derechos, aquellos abogados, procuradores, escribanos, agentes, ó factores, que juzguen conveniente en todos sus asuntos y litijios; y dichos ciudadanos ó agentes tendran la libre facultad de estar presentes en las decisiones y sentencias de los tribunales en todos los casos que les conciernan, como igualmente al tomar todos los exámenes y declaraciones que se ofrezcan en los dichos litijios.

## ARTICULO XIII.

Se conviene igualmente en que los ciudadanos de ambas partes con-

both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

## ARTICLE XIV.

It shall be lawful for the citizens of the United States of America and of the Republic of Guatemala to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either—contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on

tratantes gocen la mas perfecta y entera seguridad de conciencia en los paises sujetos á la jurisdiccion de una ú otra, sin quedar por ello espuestos á ser inquietados ó molestados en razon de su creencia religiosa, mientras que respetan las leyes y usos establecidos. Ademas de esto, podrán sepultarse los cadáveres de los ciudadanos de una de las partes contratantes que fallecieran en los territorios de la otra, en los cementerios acostumbrados, ó en otros lugares decentes y adecuados, los cuales serán protegidos contra toda violacion y trastorno.

Burial.

## ARTICULO XIV.

Será lícito á los ciudadanos de los Estados Unidos de America, y á los de la República de Guatemala navegar con sus buques con toda seguridad y libertad, de cualquiera puerto á las plazas ó lugares de los que son ó fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderías cargadas en ellos. Será igualmente lícito á los referidos ciudadanos navegar con sus buques y mercaderías mencionadas, y traficar con la misma libertad y seguridad en los lugares, puertos, y ensenadas de los enemigos de ambas partes, ó de alguna de ellas, sin ninguna oposicion ó disturbio cualquiera, no solo directamente de los lugares de enemigos arriba mencionados ó lugares neutros sino tambien de un lugar perteneciente á un enemigo á otro enemigo, ya sea que esten bajo de la jurisdiccion de una potencia ó bajo la de diversas. Y queda aquí estipulado que los buques libres dan tambien libertad á las mercaderías, y que se ha de considerar libre y exento todo lo que se hallare á bordo de los buques pertenecientes á los ciudadanos de cualquiera de las partes contratantes, aun que toda la carga ó parte de ella pertenezca á enemigos de una ú otra, esceptuando siempre los articulos de contrabando de guerra. Se conviene tambien, del mismo modo, en que la misma libertad se estienda á las personas que se en-

Trade with enemies.

Free ships to make free goods, and persons, with certain exceptions.

board a free ship, with this effect: that although they be enemies of both or either party, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

## ARTICLE XV.

Provision respecting neutral property in an enemy's vessel.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandises of the neutral embarked in such enemy's ship shall be free.

## ARTICLE XVI.

Enumeration of contraband articles not included in the above principles.

This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under

cuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser estraidas de los buques libres, á menos que sean oficiales ó soldados en actual servicio de los enemigos; á condicion no obstante, y se conviene aqui en esto, que las estipulaciones contenidas en el presente artículo, declarando que el pabellon cubre la propiedad, se entenderán aplicables solamente á aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes estuviere en guerra con una tercera, y la otra permaneciese neutral, la bandera de la neutral cubrirá la propiedad de los enemigos cuyos gobiernos reconozcan este principio, y no de otros.

## ARTICULO XV.

Se conviene igualmente, que en el caso de que la bandera neutral de una de las partes contratantes proteja las propiedades de los enemigos de la otra, en virtud de lo estipulado arriba, deberá siempre entenderse que las propiedades neutrales, encontradas á bordo de tales buques, enemigos, hán de tenerse y considerarse como propiedades enemigas, y como tales estarán sujetas á detencion y confiscacion, esceptuando solamente aquellas propiedades que hubiesen sido puestas á bordo de tales buques antes de la declaracion de la guerra, y aun despues, si hubiesen sido embarcadas en dichas buques sin tener noticia de la guerra, y se conviene, que pasados dos meses despues de la declaracion, los ciudadanos de una y otra parte no podrán alegar que la ignoraban. Por el contrario, si la bandera neutral no protegiese las propiedades enemigas, entonces serán libres los efectos y mercaderías de la parte neutral, embarcados en buques enemigos.

## ARTICULO XVI.

Esta libertad de navegacion y comercio se estenderá á todo genero de mercaderías, esceptuando aquellas solamente que se distinguen con el nombre de contrabando, y bajo este

this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3dly. Cavalry belts, and horses with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

#### ARTICLE XVII.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

#### ARTICLE XVIII.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations

nombre de contrabando ó efectos prohibidos se comprenderán:

1º. Cañones, morteros, obuses, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2º. Escudos, casquetes, corazas, cotas de malla, fornituras y vestidos hechos en forma y á usanza militar.

3º. Bondoleras, y caballos junto con sus armas y arneses.

4º. Y generalmente toda especie de armas é instrumentos de hierro, acero, bronce, cobre, y otras materias cualesquiera, manufacturadas, preparadas, y formadas espresamente para hacer la guerra por mar ó tierra.

#### ARTICULO XVII.

Todas las demas mercaderías y efectos no comprendidos en los artículos de contrabando esplicitamente enumerados y clasificados en el artículo anterior, serán tenidos y reputados por libres, y de lícito y libre comercio, de modo que ellos puedan ser trasportados y llevados de la manera mas libre por los ciudadanos de ambas partes contratantes aun á los lugares pertenecientes á un enemigo de una ú otra, esceptuando solamente aquellos lugares ó plazas que están al mismo tiempo sitiadas ó bloqueadas; y para evitar toda duda en el particular, se declaran sitiadas ó bloqueadas aquellas plazas que en la actualidad estuviesen atacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

All other goods considered as free, except to blockaded or besieged places.

Definition of blockade or siege.

#### ARTICULO XVIII.

Los artículos de contrabando ántes enumerados y clasificados que se hallen en un buque destinado á puerto enemigo estarán sujetos á detencion y confiscacion dejando libre el resto del cargamento y el buque para que los dueños puedan disponer de ellos como lo crean conveniente. Ningun buque de

Mode of proceeding when only part of the goods are contraband.

shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

## ARTICLE XIX.

Blockades and  
seiges.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either of the parties, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

## ARTICLE XX.

Regulation of  
the right of visi-  
tation and search.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting

cualquiera de las dos naciones será detenido por tener á bordo artículos de contrabando, siempre que el maestre, capitán, ó sobrecargo de dicho buque quiera entregar los artículos de contrabando al apresador á ménos que la cantidad de estos artículos sea tan grande y de tanto volumen que no puedan ser recibidos á bordo del buque apresador sin grandes inconvenientes; pero en este como en todos los otros casos de justa detencion, el buque detenido será enviado al puerto mas inmediato comodo y seguro para ser juzgado y sentenciado conforme á las leyes.

## ARTICULO XIX.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugar perteneciente á un enemigo sin saber que aquel esté sitiado, bloqueado, ó embestido, se conviene en que todo buque en estas circunstancias se pueda hacer volver de dicho puerto ó lugar, pero no será detenida ni confiscada parte alguna de su cargamento no siendo de contrabando, á ménos que despues de la intimacion de semejante bloqueo ó ataque por el comandante de las fuerzas bloqueadoras intentase otra vez entrar; pero le será permitido ir á cualquiera otro puerto ó lugar que juzque conveniente. Ni ningun buque de una de las dos partes que haya entrado en semejante puerto ó lugar antes que estuviese sitiado, bloqueado, ó embestido por la otra, será impedido de dejar el tal lugar con su cargamento, ni si fuere hallado allí despues de la rendicion y entrega de semejante lugar estará el tal buque ó su cargamento sujeto á confiscacion sino que serán restituidos á sus dueños.

## ARTICULO XX.

Para evitar todo genero de desorden en la visita y examen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra público ó particular se encontrase con un neutral de la otra parte contra-

party, the first shall remain out of cannon-shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose, the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

## ARTICLE XXI.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed, that such ships, being laden, besides the said sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be

tante, el primero permanecerá fuera de tiro de cañon y podrá mandar su bote con dos ó tres hombres solamente para ejecutar el dicho examen de los papeles concernientes á la propiedad y carga del buque, sin ocasionar la menor estorsion, violencia, o maltratamiento, por lo que los comandantes del dicho buque armado serán responsables con sus personas y bienes; á cuyo efecto los comandantes de buques armados por cuenta de particulares estarán obligados ántes de entregarseles sus comisiones á patentes á dar fianza suficiente para responder á los perjuicios que causen. Y se ha convenido espresamente que en ningun caso se exigirá á la parte neutral que vaya á bordo del buque examinador con el fin de exhibir sus papeles ó para cualquiera otro objeto sea el que fuere.

## ARTICULO XXI.

Para evitar toda clase de vejámen y abuso en el examen de los papeles relativos á la propiedad de los buques pertenecientes á los ciudadanos de las dos partes contratantes, han convenido y convienen, que en caso de que una de ellas estuviera en guerra, los buques y bajeles pertenecientes á los ciudadanos de la otra serán provistos con letras de mar ó pasaportes expresando el nombre, propiedad, y tamaño del buque, como tambien el nombre y lugar de la residencia del maestre o comandante, á fin de que se vea que el buque real y verdaderamente pertenece á los ciudadanos de una de las partes; y han convenido igualmente, que estando cargados los expresados buques ademas de las letras de mar ó pasaportes, estarán tambien provistos de certificados que contengan los pormenores del cargamento y el lugar de donde salió el buque, para que así pueda saberse si hay á su bordo algunos efectos prohibidos o de contrabando, cuyos certificados serán hechos por los oficiales del lugar de la procedencia del buque en la forma acostumbrada; sin cuyos requisitos el dicho buque puede ser detenido para ser juzgado por el tri-

What papers ships are to be furnished with in case of a war.

declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent.

bunal competente, y puede ser declarado buena presa, á ménos que satisfagan ó suplan el defecto con testimonios enteramente equivalentes.

#### ARTICLE XXII.

##### Convoys.

Verbal declaration of commander sufficient.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

#### ARTICULO XXII.

Se ha convenido ademas, que las estipulaciones anteriores, relativas al examen y visita de buques, se aplicaran solamente á los que navegan sin convoy, y que cuando los dichos buques estuvieren bajo de convoy, sera bastante la declaracion verbal del comandante del convoy, bajo su palabra de honor de que los buques que estan bajo su proteccion pertenecen á la nacion cuya bandera llevan, y cuando se dirijan á un puerto enemigo, que los dichos buques no tienen á su bordo articulos de contrabando de guerra.

#### ARTICLE XXIII.

##### Trial of prize cases.

##### Form of decrees.

##### Copy to be furnished.

It is further agreed, that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

#### ARTICULO XXIII.

Se ha convenido ademas, que en todos los casos que ocurran, solo los tribunales establecidos para causas de presas, en el pais á que las presas sean conducidas tomaran conocimiento de ellas. Y siempre que semejante tribunal de cualquiera de las partes pronunciase sentencia contra algun buque, ó efectos ó propiedad reclamada por los ciudadanos de la otra parte, la sentencia ó decreto hara mencion de las razones ó motivos en que aquella se haya fundado, y se entregara sin demora alguna al comandante ó agente de dicho buque, si lo solicitase, un testimonio autentico de la sentencia ó decreto, ó de todo el proceso, pagando por él los derechos legales.

#### ARTICLE XXIV.

Citizens accepting commissions, or letters of marque against the other, may be treated as pirates.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being treated as a pirate.

#### ARTICULO XXIV.

Siempre que una de las partes contratantes estuviere empeñada en guerra con otra estado, ningun ciudadano de la otra parte contratante aceptara una comision ó letra de marca para el objeto de ayudar ó co-operar hostilmente con dicho enemigo, contra la dicha parte que esté así en guerra, bajo la pena de ser tratado como pirata.

## ARTICLE XXV.

If by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America and the Republic of Guatemala shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

## ARTICLE XXVI.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor moneys which they may have in public funds or in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

## ARTICLE XXVII.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents the same favors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic

## ARTICULO XXV.

Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra han convenido y convienen de ahora para entonces que se concedera el término de seis meses a los comerciantes residentes en las costas y en los puertos de entrambas, y el término de un año a los que habitan en el interior, para arreglar sus negocios y trasportar sus efectos a donde quieran, dandoles el salvoconducto necesario para ello que le sirva de suficiente proteccion hasta que lleguen al puerto que designen. Los ciudadanos de otras ocupaciones que se hallen establecidos en los territorios o dominios de los Estados Unidos de América, o de la república de Guatemala, seran respetados y mantenidos en el pleno goce de su libertad personal y propiedad, a ménos que su conducta particular les haga perder esta proteccion que en consideracion a la humanidad las partes contratantes se comprometen a prestarles.

Stipulations in case of war between the contracting nations.

## ARTICULO XXVI.

Ni las deudas contraidas por los individuos de una nacion con los individuos de la otra, ni las acciones o dineros que puedan tener en los fondos públicos o en los bancos públicos o privados, seran jamas secuestrados o confiscados en ningun caso de guerra o diferencia nacional.

Debts, &c., not to be confiscated in case of war.

## ARTICULO XXVII.

Deseando ambas partes contratantes evitar toda diferencia relativa a etiqueta en sus comunicaciones y correspondencias diplomaticas han convenido y convienen asimismo en conceder a sus Enviados, Ministros, y otros agentes diplomaticos los mismos favores, inmunidades y exenciones de que gozan o gozaren en lo venidero los de las naciones mas favorecidas; bien entendido que cualquier favor, inmunidad, o privilegio que los Es-

Exemptions, &c. of envoys, &c.

of Guatemala may find it proper to give the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

#### ARTICLE XXVIII.

Each party may appoint consuls and vice consuls.

To make more effectual the protection which the United States of America and the Republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

Particular places may be excepted.

#### ARTICLE XXIX.

Consuls, &c., to exhibit their commissions and to receive an *exequatur*.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

#### ARTICLE XXX.

Consuls, &c., and their secretaries, &c.

It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contri-

tados Unidos de América o la República de Guatemala tengan por conveniente dispensar a los Enviados, Ministros, y agentes diplomaticos de otras potencias, se haga por el mismo hecho estensivo a los de una y otra de las partes contratantes.

#### ARTICULO XXVIII.

Para hacer mas efectiva la proteccion que los Estados Unidos de América y la República de Guatemala daran en adelante a la navegacion y comercio de los ciudadanos de una y otra, se convienen en recibir y admitir Consules y Vice-consules en todos los puertos abiertos al comercio extranjero, quienes gozaran en ellos todos los derechos, prerogativas, é inmunidades de los Consules y Vice-consules de la nacion mas favorecida (quedando) no obstante en libertad cada parte contratante para esceptuar aquellos puertos y lugares en que la admission y residencia de semejantes Consules y Vice-consules no parezca conveniente.

#### ARTICULO XXIX.

Para que los Consules y Vice-consules de las dos partes contratantes, puedan gozar los derechos, prerogativas, é inmunidades que les corresponden por su caracter público antes de entrar en el ejercicio de sus funciones, presentaran su comision o patente en la forma debida al gobierno con quien estén acreditados, y habiendo obtenido el *exequatur*, seran tenidos y considerados como tales por todas las autoridades, majistrados, y habitantes del distrito consular en que residan.

#### ARTICULO XXX.

Se ha convenido igualmente, que los Consules, sus Secretarios, oficiales, y personas agregadas al servicio de los Consules (no siendo estas personas ciudadanos del pais en que en Consul reside) estaran escentos de todo servicio público, y tambien de toda especie de pechos,

butions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in every thing besides subject to the laws of the respective States. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

## ARTICLE XXXI.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

## ARTICLE XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the

impuestos, y contribuciones, exceptuando aquellos que esten obligados a pagar por razon de comercio o propiedad, y a los cuales estan sujetos los ciudadanos y habitantes naturales y extranjeros del pais en que residen, quedando en todo lo demas sujetos a las leyes de los respectivos Estados. Los archivos y papeles de los consulados seran respetados inviolablemente y bajo ningun pretesto los ocupara magistrado alguno, ni tendra en ellos ninguna intervencion.

## ARTICULO XXXI.

Los dichos Consules tendran poder de requerir el auxilio de las autoridades locales, para la prision, detencion, y custodia de los desertores de buques públicos y particulares de su pais, y para este objeto se dirijiran a los tribunales, jueces, y oficiales competentes, y pedirán los dichos desertores por escrito probando por una presentacion de los registros de los buques, rol del equipaje, ú otros documentos públicos que aquellos hombres eran parte de las dichas tripulaciones, y a esta demanda así probada (ménos no obstante cuando se probare lo contrario,) no se rehusara la entrega. Semejantes desertores luego que sean arrestados se pondran a disposicion de los dichos consules, y puedan ser depositados en las prisiones publicas a solicitud y espensas de los que los reclamen para ser enviados a los buques a que corresponden o a otros de la misma nacion. Pero si no fueren mandados dentro de dos meses contados desde el dia de su arresto, seran puestos en libertad y no volveran a ser presos por la misma causa.

Deserters from  
vessels.

## ARTICULO XXXII.

Para proteger mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar, luego que las circunstancias lo permitan, una convencion consular que declare mas especialmente los podores é inmunidades de los

Consular con  
vention to be  
formed.

powers and immunities of the consuls and vice-consuls of the respective parties.

Consules y Vice-consules de las partes respectivas.

### ARTICLE XXXIII.

### ARTICULO XXXIII.

The United States of America and the Republic of Guatemala, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to, the following points:

Los Estados Unidos de América y la República de Guatemala deseando hacer tan duraderas y firmes como las circunstancias lo permitan, las relaciones que han de establecerse entre las dos potencias, en virtud del presente tratado ó convenccion general de paz, amistad, comercio, y navegacion, han declarado solemnemente y convienen en los puntos siguientes:

Treaty to remain in force for twelve years, and then till one year's notice.

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually binding on both powers.

1º. El presente tratado permanecerá en su fuerza y vigor por el término de doce años, contados desde el día del cange de las ratificaciones, y ademas hasta un año despues que cualquiera de las partes contratantes haya notificado á la otra su intencion de terminarlo; reservandose las partes contratantes el derecho de hacer tal notificacion la una á la otra al fin de dicho término de doce años; y ademas se ha convenido que este tratado en todo lo relativo á comercio y navegacion, quedará sin efecto, trascurrido que sea un año despues de recibida dicha notificacion por cualquiera de las dos partes, y en todo lo relativo á paz y amistad, será perpetuamente obligatorio á ambas poderes.

Acts of individuals, not to disturb the harmony of the two nations.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender or sanction such violation.

2º. Si alguno ó algunos de los ciudadanos de una ú otra parte infringiesen alguno de los artículos contenidos en el presente tratado, dichos ciudadanos serán personalmente responsables, sin que por esto se interrumpa la armonía y buena correspondencia entre las dos naciones, comprometiendose cada una á no proteger de modo alguno al ofensor ó sancionar semejante violacion.

Satisfaction to be demanded before war is declared, or reprisals made.

3dly. If (which indeed cannot be expected) unfortunately any of the articles contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of

3º. Si (lo que á la verdad no puede esperarse) desgraciadamente, alguno de los artículos contenidos en el presente tratado fuesen en alguna otra manera violados ó infringidos, se estipula espresamente que

the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the government of the Republic of Guatemala, and the ratifications shall be exchanged in the city of Washington or Guatemala within *eighteen* months, counted from the date of the signature hereof, or sooner, if possible.

In faith whereof, the plenipotentiaries of the United States of America and of the Republic of Guatemala, have signed and sealed these presents, in the city of Guatemala, this third day of March, in the year of our Lord one thousand eight hundred and forty-nine.

ELIJAH HISE, [L. s.]  
J. MARIANO RODRIGUEZ. [L. s.]

ninguna de las dos partes contratantes ordenará ú autorizará ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias ó daños, hasta que la parte que se crea ofendida haya ántes presentado á la otra una esposicion de aquellas injurias ó daños verificada con pruebas y testimonios competentes, exigiendo justicia y satisfaccion, y esto haya sido negado ó diferido sin razon.

4º. Nada de cuanto se contiene en el presente tratado se construira sin embargo ni obrara en contra de otros tratados públicos anteriores y existentes con otros Soberanos ó Estados.

El presente tratado de paz, amistad, comercio, y navegacion sera ratificado por el Presidente de los Estados Unidos de América, y por el Gobierno de la Republica de Guatemala con consejo y consentimiento de las respectivas camaras, y las ratificaciones seran canjeadas en la ciudad de Washington o Guatemala dentro de *diez y ocho* meses contados desde este dia o antes si fuere posible.

En fé de lo cual nosotros los Plenipotenciarios le los Estados Unidos de América, y de la República de Guatemala hemos firmado y sellado las presentes, en la ciudad de Guatemala el dia tres de Marzo del año de nuestro Señor mil ochocientos cuarenta y nueve.

(firmado,) [L. s.]  
J. MARIANO RODRIGUEZ, [L. s.]  
(firmado,) [L. s.]  
ELIJAH HISE. [L. s.]

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same have been exchanged:

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-eighth day of July, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States of America the seventy-seventh.

MILLARD FILLMORE.

By THE PRESIDENT:

W. HUNTER, *Acting Secretary of State.*

This treaty not to be construed to conflict with former treaties with other nations.

Exchange of ratifications.



## TREATIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Jan. 2, 1850.

## A PROCLAMATION.

WHEREAS a general Treaty of Amity, Navigation, and Commerce, between the United States of North America and the Republic of San Salvador was concluded and signed at the city of Leon, on the second day of January, in the year of our Lord one thousand eight hundred and fifty, which treaty is in the words following, to wit:

*A General Treaty of Amity, Navigation, and Commerce between the United States of North America and the Republic of San Salvador.*

The United States of North America and the Republic of San Salvador, desiring to make lasting and firm the friendship and good understanding which happily exists between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a Treaty or General Convention of Peace and Friendship, Commerce and Navigation.

Preamble.

For this desirable object the President of the United States of America has conferred full powers upon E. G. Squier, a citizen of the said States, and their Chargé d'Affaires to Guatemala; and the President of the Republic of San Salvador has conferred similar and equal powers upon Senor Licenciado Don Augustin Morales, who, after having exchanged their said full powers in due form, have agreed to the following articles:

Negotiators.

ARTICLE 1. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of San Salvador, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

Peace and friendship.

ARTICLE 2. The United States of America and the Republic of San Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

"Most favored nation" provision.

ARTICLE 3. The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native citizen, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions, in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established, to which native

Right to trade and hold property.

Coasting trade reserved.

citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

No distinction as to nationality of vessels.

ARTICLE 4. They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of San Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that, whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of San Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree, that whatever may be lawfully exported or reexported from one country in its own vessels to any foreign country may in like manner be exported or reexported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or reexportation be made in vessels of the United States or of the Republic of San Salvador.

No discriminating duties on produce of either country.

ARTICLE 5. No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of San Salvador; and no higher or other duties shall be imposed on the importation into the Republic of San Salvador of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of San Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of San Salvador, to or from the territories of the United States, or to or from the territories of the Republic of San Salvador, which shall not equally extend to all other nations.

Articles 4 and 5 to apply, whatever port the vessel sails from.

ARTICLE 6. In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of San Salvador, and reciprocally to the vessels of the said Republic of San Salvador and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

No discrimination as to nationality of cargo.

How trade is to be conducted.

ARTICLE 7. It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE 8. The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification. Indemnification for embargos, &c.

ARTICLE 9. Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance, of any kind. Treatment of vessels.

ARTICLE 10. All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights, before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments. Property recaptured from pirates to be restored.

ARTICLE 11. When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked. Provision in case of wrecks.

ARTICLE 12. The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases. Provision respecting sales and inheritances.

ARTICLE 13. Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen. Protection to property and rights.

ARTICLE 14. The citizens of the United States residing in the territories of the Republic of San Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on the proper exercise of their religion, in private houses, or on the chapels or places of worship appointed for that purpose, provided Liberty of conscience.

that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages, and customs of the country. Liberty of burial. shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of San Salvador, in convenient and adequate places to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner, the citizens of San Salvador shall enjoy within the government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ARTICLE 15. It shall be lawful for the citizens of the United States of America and of the Republic of San Salvador to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt although the whole lading, or any part thereof, should appertain to the enemies of either, (contraband goods being always excepted.)

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect; that altho' they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE 16. It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

ARTICLE 17. This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished

by the name of contraband : and under this name of contraband or prohibited goods shall be comprehended —

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other material manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE 18. All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

All other goods free.

Definition of siege and blockade.

ARTICLE 19. The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

Proceedings in case of contraband.

ARTICLE 20. And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Blockades.

ARTICLE 21. In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of said armed ships shall be responsible, with their persons and property; for which purpose

Visitation and examination of vessels at sea.

Damages for ill treatment.

the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

Sea-letter in  
time of war.

ARTICLE 22. To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one [of] the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

Certificates  
of cargo.

No search in  
case of convoy.

ARTICLE 23. It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Prize courts.

ARTICLE 24. It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Hostilities to  
be carried on by  
public officers,  
only.

ARTICLE 25. For the purpose of lessening the evils of war, the two high contracting parties further agree that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

Letter of  
marque or com-  
missioners.

ARTICLE 26. Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

In case of war  
provision for  
withdrawal of  
merchandise.

ARTICLE 27. If by any fatality, which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it,

which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of San Salvador, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE 28. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated. Debts and property not to be confiscated.

ARTICLE 29. Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of San Salvador may find it proper to give to the ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties. Privileges of Ministers, &c.

ARTICLE 30. To make more effectual the protection which the United States and the Republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls may not seem convenient. Consuls and Vice-Consuls.

ARTICLE 31. In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular District in which they reside. Their exequatur.

ARTICLE 32. It is likewise agreed that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them. Their privilege.

ARTICLE 33. The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country: and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessel's or ship's roll or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons at the request and expense of those Reclamation of deserters from vessels.

who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Consular convention to be formed.

ARTICLE 34. For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

Duration of this treaty.

ARTICLE 35. The United States of North America and the Republic of San Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly, and do agree to, the following points:

1st. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and if neither party notifies the other of its intention of reforming any or all the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years until twelve months from the time that one of the parties notifies the other of its intention of proceeding to a reform.

Peace not to be disturbed by acts of private persons.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Proceedings before declaring war.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

ARTICLE 36. The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by the President of the Republic of San Salvador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged, in the City of Washington or San Salvador, within eight months from the date of the signature thereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of San Salvador, have signed and sealed these presents, in the city of Leon, on the second day of January, in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy-fourth.

E. GEO. SQUIER. [L. S.]  
AUGUSTIN MORALES. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same have been exchanged:

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States, have caused the said treaty to be made public, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-three, and of the independence of the United States the seventy-seventh.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

May 4, 1850. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Convention of the United States of America and the Republic of New Granada, for declaring especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties, was concluded and signed at Washington on the fourth day of May, in the year of our Lord one thousand eight hundred and fifty, which Convention, being in the English and Spanish languages, is, word for word, as follows:

Consular Convention between the Republic of New Granada and the United States of America.	Convención Consular entre la República de Nueva Granada i los Estados Unidos.
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In the name of the Most Holy Trinity:	En el nombre de la Santísima Trinidad;
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<p>Preamble.</p> <p>Vol. ix, p. 897.</p> <p>Negotiators.</p>	<p>The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article of the Treaty of Peace, Amity, Navigation, and Commerce, concluded on the 12th of December, 1846, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties, in order to comply with this article and more effectively to protect their commerce and navigation, they have given adequate authority to their respective plenipotentiaries, to wit: The Government of New Granada to Raphael Rivas, its Chargé d'Affaires in the United States, and the Government of the United States, to John M. Clayton, Secretary of State, who, after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles:</p>	<p>Los gobiérnos de las repúblicas de Nueva Granada i de los Estados Unidos de America, habiéndose comprometido por el artículo 34 del Tratado de Paz, Amistad, Navegación i Comercio, celebrado en 12 de Diciembre de 1846, en formar una convención consular que declare especialmente las atribuciones é inmunidades de los Consules i Vice-Consules de las partes respectivas; para dar cumplimiento á dicho artículo, i con el objeto de proteger mas eficazmente su Comercio i Navegacion, han convenido en celebrar las estipulaciones necesarias sobre la materia, i al efecto han autorizado competentemente á sus respectivos Plenipotenciarios, á saber: el Gobierno de la Nueva Granada á Rafael Rivas, su Encargado de Negocios én los Estados Unidos, i el Gobierno de los Estados Unidos, á Juan M. Clayton, Secretario de Estado, quienes previo el canje i exámen de sus plenos poderes, que hallaron bastantes i en debida forma, convinieron en los artículos siguientes:</p>
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ARTICLE I.	ARTICULO I.
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<p>Each country may appoint consuls, &amp;c., in the other.</p>	<p>Each of the two contracting Republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, consuls of its own, charged with the protection</p>	<p>Cada una de las Repúblicas Contratantes podrá mantener en las principales ciudades ó plazas comerciales de la otra, i en los puertos abiertos en ella al comercio extranjero, cónsules particulares encargados</p>
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of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed.— They may likewise appoint consuls-general, as chiefs over the other consuls, or to attend to the affairs of several commercial places at the same time, and vice-consuls for ports of minor importance, or to act under the direction of the consuls. Each republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of consuls in general shall be considered as relating not only to consuls, properly so called, but to consuls-general and vice-consuls, in all the cases to which this convention refers.

## ARTICLE II.

The consuls, appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the government of the republic in which they are to reside, their letters patent or commission, in order that they may receive the proper *exequatur*, if it be deemed expedient to give it, which shall be granted without any charge; and this *exequatur*, when obtained, is to be exhibited to the chief authorities of the place in which the consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective consular district. The government receiving the consul may withdraw the *exequatur* or his consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

## ARTICLE III.

The consuls admitted in either republic may exercise in their respective districts the following functions:

de proteger los derechos e intereses comerciales de su Nacion i de favorecer á sus compatriotas en las dificultades que les ocurran. Tambien podrán nombrar Cónsules jenerales como jefes de los demas Cónsules, ó para atender a muchas plazas comerciales, ó puertos á un tiempo, i Vice Cónsules para los puertos de menor importancia ó para obrar bajo la dependencia de los Cónsules particulares. Sin embargo cada República podra esceptuár aquellas ciudádes, plazas ó puertos en donde no les pareciere conveniente la residencia de dichos empleados; pero esta escepción será comun á todas las Naciones. Lo que en la presente convencion se diga de los Cónsules en jeneral se entenderá no solo de los Cónsules particulares, sino tambien de los Cónsules jenerales i de los Vice-Cónsules siempre que puedan hallarse en los casos de que se trata.

Stipulations as to consuls-general and vice-consuls.

## ARTICULO II.

Los Cónsules nombrados por una de las partes contratantes para residir en los puertos ó plázas de la otra, deben presentar al Gobierno de la República en que van a residir, sus letras patentes ó de provisión, para que si lo tiene á bien, les ponga el córrespondiente *exequatur*, que será espedido sin cobrar derecho alguno; i obtenido este, las exhibirán á las Autoridades Superiores del lugar en que hayan de ejercer sus funciones, para que ellas ordenen se les reconosca en sus empléos, i se les guarden las prerogativas que les corresponden en el respectivo distrito Consular. El Gobierno que recibe el empleado podrá retirarle cuando lo estime conveniente el *exequatur* de sus letras Consulares, pero en tal caso espresará la razón que lo muéve á este procedimiento.

Exequaturs.

## ARTICULO III.

Los Consules admitidos en cada República podrán ejercer en su respectivo distrito Consular las funciones siguientes:

Functions of consuls.

In case of violation of treaty stipulations.

1. They may apply directly to the authorities of the district in which they reside, and they may in case of necessity, have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the consul is engaged.

In case of abuses on part of authorities.

2d. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them, or delayed and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

They may appear for fellow citizens.

3d. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

In relation to acts of officers of vessels.

4. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They may receive depositions, protests, and statements from captains, mates, and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs.

1. Dirigirse á las Autoridades del distrito de su residencia i ocurrir en caso necesario al Gobierno Supremo por médio del agente diplomático de su Nación, si lo hubiere, ó directamente en caso, contrario, reclamando contra cualquiera infracción de los tratados de comercio que se cometa por las autoridades i empleados del pais, con perjuicio del comercio de la Nación á que el Cónsul sirva.

2. Dirigirse á las Autoridades del distrito Consular, i en caso necesario, ocurrir al Gobierno Supremo por medio del respectivo agente diplomático, si lo hubiere, ó directamente en caso contrario, contra cualquiera abuso que los empleados ó Autoridades del país cometan contra individuos de la Nación á que sirva el Cónsul, i siempre que fuere necesario promover lo conveniente para que no se les niegue ó retarde la administración de justicia i para que no sean juzgados ni penados sino por los jueces competentes i con arreglo á las leyes vijentes.

3. Como defensores naturales de sus compatriotas, podrán presentarse a su nombre, cuando por ellos fueren solicitados ante las respectivas Autoridades del Pais, en los negocios en que tengan necesidad de apoyo.

4. Acompañar á los capitanes, contra maestres, i patrones de los buques de su Nación, en todo lo que tengan que hacer para el manifiesto de sus mercancías i despacho de documentos, i estar presentes en los actos en que por las Autoridades, Jueces, ó Tribunales del pais, haya de tomarse alguna declaración á los dichos individuos i á cualesquiera otros que pertenezcan a las respectivas tripulaciones.

5. Recibir las declaraciones, protestas, i relaciones de los capitanes, contra maestres, i patrones de los buques de su nación, por razón de averias padecidas en la mar, i las protestas que cualesquiera individuos de su nación tengan a bien

These documents, drawn up in authentic copies, certified by the consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow countrymen, provided that those persons agree voluntarily to submit to such arbitration; in which case, the document containing the decision of the consul, authenticated by himself and by his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the consul resides. In such cases, the local authorities shall interfere only in order to maintain tranquillity, to

hacer sobre asuntos mercantiles. Estos documentos, en copia autentica expedida por el Cónsul, seran admitidos en los juzgados i tribunales, i tendrán el mismo valor que si hubieran sido otorgados ante los mismos jueces i tribunales.

6. Arreglar todo lo relativo a las averias que hayan sufrido en la mar los efectos i mercancías embarcados en buques de la nación a que sirva el Cónsul, que lleguen al puerto en que este reside, siempre que no haya estipulaciones contrarias entre los armadores, los cargadores i los aseguradores. Pero si se hallaren interesados en tales averias, habitantes del pais donde resida el Cónsul, i que no sean de la nación á que este sirva, toca a las Autoridades locales el conocer i resolver sobre dichas averias.

7. Componer amigable i extrajudicialmente, las diferencias que se susciten entre sus compatriotas sobre asuntos mercantiles, siempre que ellos quieran someterse voluntariamente a su arbitramento, en cuyo caso, el documento en que conste la decisión del Cónsul autorizado por el mismo i por su Canciller o Secretario, tendrá toda la fuerza de un documento guarentijio otorgado con todos los requisitos necesarios para ser obligatorio á las partes interesadas.

8. Hacer que se mantenga el debido orden interior á bordo de los buques de su nación, i decidir en las diferencias que sobrevengan entre el capitán, los oficiales i los individuos de la tripulación, excepto cuando los desórdenes que sobrevengan á bordo puedan turbar la tranquilidad publica, ó cuando en las diferencias esten mezclados individuos que no sean de la tripulación ó de la nación á que pertenezca el buque, pues en este caso deberan intervenir las autoridades locales.

9. Dirigir todas las operaciones relativas al salvamento de los buques de la nación á que pertenezca el Consul cuando naufraguen en las costas del distrito, en que el resida. En tal caso las Autoridades locales solo intervendrán para mantener el

May settle disputes respecting vessels.

May be arbitrators.

May maintain order in vessels.

In case of wrecks.

give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

In respect to estates of deceased persons.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sale of the moveable property of individuals of their nation who may die in the country where the consul resides without leaving executors appointed by their will or heirs at law. In all such proceedings, the consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own government; but consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensever there is no consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased.

In relation to deserters.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the consul is employed, exhibiting, if necessary, the register of the vessel, her muster roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the consul: but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest, at the expense of the consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

órden, dar seguridad a los intereses salvados, i hacer que se cumplan las disposiciones que deban observarse para la entrada i salida de estos. En ausencia i hasta la llegada del Consul, deberán tambien dichas Autoridades tomar todas las medidas necesarias para la conservacion de los efectos naufragados.

10. Tomar posesión, formar inventarios, nombrar peritos para hacer los aváluos i procedér a la venta de los bienes muebles de los individuos de su nación que hayan muerto en el pais de la residencia del Cónsul sin dejar executores testamentarios ni herederos forzosos. En tales diligencias, procederá el Cónsul asociado de dos comerciantes nombrados por el mismo, i para la practica de las mismas diligencias ó la entrega de los bienes ó sus productos, observará las leyes de su nación y las órdenes que tenga de su Gobierno; pero los Cónsules no podrán ejercer estas funciones en los estados cuya legislación particular no lo permita. Cuando el Consul no se hallare en el lugar en que haya ocurrido la muerte del individuo, las autoridades locales tomaran las providencias de su resorte para dar seguridad a los bienes de este.

11. Pedir á las Autoridades locales el arresto de los marineros que desérten dé los buques de la nación á que sirva el Cónsul, exhibiendo, si fuere necesario, el registro del buque, el rol de la tripulación, ú otro documento oficial que justifique la demanda. Las dichas Autoridades darán las providencias de su competencia para la persecución, aprehensión i arresto de aquellos desertores, i los pondrán á disposicion del Cónsul; pero si é l buque á que perteneczan hubiere salido, i no se presentase ocasión para hacérlos partir, se mantendrán en arresto, a expensas del Cónsul, hasta por dos meses, i si cumplido este término no se hubieren remitido, serán puestos en libertad por las Autoridades respectivas, i no podrán ser nuevamente arrestados por la misma causa.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a chancellor or secretary whensoever the consulate has none and one is required for authenticating documents.

14. They may appoint commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the consul is, and for executing the commissions which the consul may think proper to entrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to consuls, but only those which are peculiar to commercial agents.

#### ARTICLE IV.

The consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no consul in that country.

#### ARTICLE V.

The contracting republics recognize no diplomatic character in consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The archives and papers of the consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively

12. Dar los documentos necesarios para la comunicación entre los dos países i visar los que se hubieren dado por las Autoridades. Dar patentes de sanidad en casos necesarios a los buques que se dirijan del puerto en que el Cónsul resida á los puertos de la nación á que el Cónsul pertenezca; certificar sus facturas, el rol de la tripulación, i demas documentos necesarios para su comercio i navegacion. To give documents.

13. Nombrár un Canciller ó Secretario cuando no lo tenga el consulado i sea necesario para autorizar sus actos. To appoint a chancellor or secretary.

14. Nombrár agentes de comercio para prestar todos los buenos oficios que esten a su alcance a los individuos de la nación á quien sirva, i para desempeñar las comisiones que el Cónsul tenga á bien confiarles, fuera del lugar de su residencia, bien entendido que estos agentes no gozarán de las prerogativas que se conceden á los Cónsules, sino solo de las peculiares á los agentes comerciales. To appoint commercial agents.

#### ARTICULO IV.

Los Cónsules de una de las Repúblicas contratantes residentes en otra nacion podrán hacer uso de sus buenos oficios en favor de los individuos de la otra República que no tuviéren Cónsules en el mismo lugar. Consuls of either country may employ their good offices for the other in foreign countries.

#### ARTICULO V.

Las Repúblicas Contratantes no reconocén en los Cónsules caracter diplomatico, i por lo mismo no gozarán en ellas las inmunidades concedidas a los agentes públicos acreditados con aquel caracter; pero para que dichos Cónsules puedan ejercer espeditamente las funciones que les correspondén, gozarán las siguientes prerogativas: Consuls not to have diplomatic character and immunities, but are to have certain privileges.

1. Los archivos i papéles de los consulados serán inviolables, i no podrán ser ocupados por ningun funcionario del país en que se hallan.

2. Los Cónsules, en todo lo que

concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The consuls and their chancellors or secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the consuls or their chancellors or secretaries who may be natives of the country in which they reside.

4. Whenever the presence of consuls may be required in courts or offices of justice; they shall be summoned in writing.

5. In order that the dwellings of consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat of arms, of the nation in whose service the consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

#### ARTICLE VI.

The persons and dwellings of consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this convention, and in the same manner as the other inhabitants.

#### ARTICLE VII.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have

sea exclusivamente relativo al ejercicio de sus funciones serán independientes del estado en cuyo territorio residan.

3. Los Cónsules, sus Cancilleres ó Secretarios estarán exentos de todo servicio publico de contribuciones personales i de las extraordinarias que se impóngan en el pais de su residencia. Esta exención no comprende á los Cónsules i sus Cancilleres ó Secretarios que sean nacionales del pais en que residan.

4. Siempre que sea necesaria la asistencia de los Cónsules en los tribunales ó juzgados, se les citará por escrito.

5. A fin de que las habitaciones de los Cónsules sean facil i generalmente conocidas para la conveniencia de los que téngan que ocurrir á ellos, les será permitido enarbolar en ellas la bandera i poner sobre sus puertas el escudo de armas de la Nación á que sirve el Cónsul, con una inscripci6n que espresese el empleo que ejerce; pero estas insignias no suponen derecho de asilo, ni sustraen la casa ó sus habitantes á las perquisas que los Magistrados del pais podrán hacer en ellas lo mismo que en las casas de los demas habitantes en los casos determinados por las leyes.

#### ARTICULO VI.

Las personas i casas de los Cónsules estarán sometidas a las leyes i Autoridades del pais, en todo aquello que no se les haya concedido una expresa exención por esta convención, i de la misma manera que lo estén los demas habitantes.

#### ARTICULO VII.

Los Cónsules no darán pasapórtete á ninguno individuo de su naci6n ó que se dirija a ella, que tenga que responder ante alguna de las Autoridades, Juzgados ó Tribunales del pais, por delito ó falta que hubiere cometido ó por demanda que hubiese

To be subject  
to the laws of the  
country.

Forbidden to  
give passports in  
certain cases.

been legally acknowledged ; provided that in each case proper notice thereof shall have been given to the consul ; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the consul resides is at war with another nation.

#### ARTICLE VIII.

The present convention shall be ratified by the governments of the two contracting republics, and the ratifications shall be exchanged at Bogota within the term of eighteen months, counted from this date, or sooner if possible.

#### ARTICLE IX.

The present convention shall be binding upon the contracting parties so long as the treaty of peace, friendship, navigation, and commerce between the United States and New Granada, the ratifications of which were exchanged at Washington on the tenth of June, one thousand eight hundred and forty-eight, shall remain in force.

In faith whereof, we, the plenipotentiaries of the United States and of New Granada, have signed the present, and have affixed to it our respective seals, at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

JOHN M. CLAYTON.

[SEAL.]

RAFAEL RIVAS.

[SEAL.]

sido legalmente admitida, siempre que se haya dado al Cónsul el aviso correspondiente, i cuidarán de que los buques de su nación no quebranten la neutralidad cuando la nación en que el Cónsul reside se halle en guerra con otra.

To see that neutrality is observed.

#### ARTICULO VIII.

La presente Convención será ratificada por los Gobiernos de las Repúblicas Contratantes i los instrumentos de ratificación serán canjeados en Bogotá en el termino de diez y ocho meses contados desde esta fecha, ó antes si fuere posible.

Ratification.

#### ARTICULO IX.

La presente Convención obligará á las partes contratantes mientras que permanezca vijente el Tratado de Paz, Amistád, Navegación, i Comercio entre la Nueva Granada i los Estados Unidos, cangeado en Washington el diez de Junio de mil ochocientos cuarenta i ocho.

Duration of this convention

En fé de lo cual, Nosotros, los Plenipotenciarios de las Repúblicas de Nueva Granada i de los Estados Unidos, firmamos el presente i lo sellamos con nuestros respectivos sellos en Washington, el dia cuatro de Mayo, del año del Señor mil ochocientos i cincuenta.

RAFAEL RIVAS.

[SEAL.]

JOHN M. CLAYTON.

[SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Bogota, on the thirtieth day of October last, by YELVERTON P. KING, Chargé d'Affaires of the United States to New Granada, and VICTORIANO DE DIEGO PAREDES, Secretary for Foreign Affairs of New Granada, on the part of their respective Governments :

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article

thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 5th day of December, in the  
[L. s] year of our Lord one thousand eight hundred and fifty-one, and  
of the Independence of the United States, the seventy-sixth.

[Signed]

MILLARD FILLMORE.

BY THE PRESIDENT:

[Countersigned.]

DANIEL WEBSTER, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. June 23, 1850.

### A PROCLAMATION.

WHEREAS a Convention between the United States of America and His Highness the Sultan of Borneo was concluded and signed by their respective plenipotentiaries at the city of Bruni on the twenty-third day of June one thousand eight hundred and fifty, which Convention is word for word as follows :

His Highness OMAR ALI SAIFEDDIN, ebn Marhoum Sultan, Mahomed Jamalil Alam, and Pangiran Anak Mumin, to whom belong the government of the country of Bruni and all its provinces and dependencies, for themselves and their descendants on the one part, and the United States of America on the other, have agreed to cement the friendship which has long and happily existed between them by a Convention containing the following articles :

ARTICLE 1. Peace, friendship, and good understanding shall from henceforward and forever subsist between the United States of America and his Highness Omar Ali Saifeddin, Sultan of Borneo, and their respective successors and citizens and subjects. Peace and friendship declared.

ARTICLE 2. The citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of his Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted to the citizens or subjects of the most favored nation ; and the subjects of his Highness the Sultan of Borneo shall, in like manner, be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America as freely as the citizens and subjects of the most favored nation ; and they shall enjoy in the United States of America all the privileges and advantages, with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the citizens or subjects of the most favored nation. Liberty of trade.

ARTICLE 3. Citizens of the United States shall be permitted to purchase, rent, or occupy, or in any other legal way to acquire all kinds of property within the dominions of his Highness the Sultan of Borneo ; and his Highness engages that such citizens of the United States of America shall, as far as lies in his power, within his dominions, enjoy full and complete protection and security for themselves, and for any property which they may so acquire in future, or which they may have acquired already before the date of the present Convention. Securities for property and person.

ARTICLE 4. No article whatever shall be prohibited from being imported into or exported from the territories of his Highness the Sultan of Borneo ; but the trade between the United States of America and the dominions of his Highness the Sultan of Borneo, shall be perfectly free, and shall be subject only to the custom duties which may hereafter be in force in regard to such trade. No article of trade to be prohibited in Borneo.

ARTICLE 5. No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of his Highness the Sultan of Borneo ; and this fixed duty of one dollar per ton to be levied on all American vessels shall be in lieu of all other charges or duties whatsoever. His Highness, moreover, engages that American trade and American goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo. Duties on vessels and other exactions.

No duty on  
exports.

ARTICLE 6. His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness dominions of any article the growth, produce, or manufacture of those dominions.

Ships of war  
to visit ports  
freely and pur-  
chase supplies.

ARTICLE 7. His Highness the Sultan of Borneo engages to permit the ships-of-war of the United States of America freely to enter the ports, rivers, and creeks situate within his dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

Wrecks.

ARTICLE 8. If any vessel under the American flag should be wrecked on the coast of the dominions of his Highness the Sultan of Borneo, his Highness engages to give all the assistance in his power to recover for and to deliver over to the owners thereof all the property that can be saved from such vessels. His Highness further engages to extend to the officers and crew, and to all other persons on board of such wrecked vessels, full protection, both as to their persons and as to their property.

Trial of cases  
where American  
citizens are con-  
cerned.

ARTICLE 9. His Highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of his Highness dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of his Highness, or between American citizens and the citizens or subjects of any other foreign Power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hindrance on the part of any authority of Borneo, either before, during, or after the litigation.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July, in the year one thousand eight hundred and fifty-four.

Done at the city of Bruni on this twenty-third day of June, Anno Domini one thousand eight hundred and fifty, and on the thirteenth day of the month Saaban, of the year of the Hegira one thousand two hundred and sixty-six.

JOSEPH BALESTIER, (L. s.)  
OMAR ALI SAIFEDDIN, (L. s.)

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Bruni on the eleventh day of July, one thousand eight hundred and fifty-three, by Captain WILLIAM J. McCLUNEY, of the United States Navy, and PANGERAN ENDAR MACOTAH, Prime Minister of his Highness the Sultan of Borneo, on the part of their respective Governments:

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of July, in the  
(L. s.) year of our Lord one thousand eight hundred and fifty-four,  
and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Feb. 26, 1851.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, was concluded and signed by their Plenipotentiaries, in this City, on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and fifty-one, which Convention, being in the English and Portuguese languages, is word for word as follows :

The United States of America and Her Most Faithful Majesty, the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity which have always existed, and which it is desirable to preserve between the two Powers, having agreed to terminate, by a Convention, the pending questions between their respective Governments, in relation to certain pecuniary claims of American citizens presented by the Government of the United States against the Government of Portugal, have appointed as their Plenipotentiaries for that purpose, to wit :

The President of the United States of America, Daniel Webster, Secretary of State of said United States, and

Her Most Faithful Majesty, J. C. de Fignière é Morao, of Her Council, Knight Commander of the Orders of Christ, and of O. L. of Conception of Villa Viçosa, and Minister Resident of Portugal near the Government of the United States —

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles :

## ARTICLE I.

Her Most Faithful Majesty the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments' agreeing upon the subject of said claims, from

Havendo os Estados Unidos da America, e Sua Magestade Fidelissima, A Rainha de Portugal e dos Algarves, igualmente animados do desejo de mantêrem a harmonia e relações de boa amizade, que sempre tem existido e tanto convem conservar entre as duas Potencias, Deliberado terminar por uma Convenção as questões pendentes entre os dois Governos, relativas a certas reclamações pecuniarias de cidadãos Americanos, apresentadas pelo Governo dos Estados Unidos, contra o Governo Portugues, Nomeáram Seus Plenipotenciarios para esse fim, a saber :

Preamble.

O Presidente dos Estados Unidos da America, a Daniel Webster, Secretario de Estado dos ditos Estados Unidos, e

Negotiators.

Sua Magestade Fidelissima a Joaquim César de Fignière e Morão, do Seu Consêlho, Commendador da Ordem de Christo, e da de N. S. da Conceição de Villa Viçosa, e Ministro Residente de Portugal nos Estados Unidos —

Os quaes, depois de terem trocado os seus Plenos Poderes, que foram achados em boa e divida forma, ajustáram e concluíram os artigos seguintes :

## ARTIGO I.

Sua Magestade Fidelissima, A Rainha de Portugal e dos Algarves, Reconhecendo a difficuldade de se entenderem os dois Governos sobre o assumpto de aquellas reclamações

Payment to be made in full of claims.

the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding now prevailing between them, and resolved to maintain the same unimpaired, has assented to pay to the Government of the United States, a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth article,) and which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

### ARTICLE II.

The case of the General Armstrong, to be submitted to arbitration.

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig "General Armstrong," destroyed by British vessels in the waters of the Island of Fayal, in September, 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers, and crew of the said privateer should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.

### ARTICLE III.

Copies of all papers to be laid before arbiter, and his decision to be final.

So soon as the consent of the sovereign, potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained to act as arbiter in the aforesaid case of the privateer brig "General Armstrong," copies of all correspondence which has passed in reference to said claim between the two Governments and their respective representatives, shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

— pelas opinioens divergentes, que cada um conserva — difficuldade que podia pôr em risco a bôa intelligencia e harmonia existentes entre elles, e, determinada a conservar uma e outra, annuo a pagar ao Governo dos Estados Unidos, uma somma equivalente ás indemnidades pedidas para diversos cidadãos Americanos, (com a excepção da que he mencionada no artigo quarto :) a qual somma o Governo dos Estados Unidos se obriga a receber como compensação plena das ditas reclamaçoens, com a excepção acima referida, e a distribui la pelos reclamantes.

### ARTIGO II.

Não podendo as Altas Partes contractantes concordar na questao de Direito Publico, relativa ao caso do Corsario Brigue Americano "General Armstrong," destruido por Navios da marinha Britânica nas aguas da Ilha do Faial, em Setembro de 1814, Sua Magestade Fidelissima Propôz, e os Estados Unidos da America concordáram, que fosse a reclamação apresentada pelo Governo Americano, em favor do capitão, officiaes e Tripulação do mesmo corsario, submettida ao juizo arbitral de algum Soberano, Potentado, ou Chefe de alguma Nação amiga de ambas as altas partes contractantes.

### ARTIGO III.

Lógo que tiver sido obtido o consentimento do Soberano, Potentado, ou Chefe de alguma Nação amiga, em que tiver recaído a escôlha das altas partes contractantes, para servir de arbitro na precitada questao do corsario "General Armstrong," copias de toda a correspondencia que tem medeado, ácerca da mesma reclamação, entre os dois Governos e seus respectivos Representantes, seram apresentadas ao mesmo arbitro, a cuja decizão as duas altas partes contractantes, des de ja se obrigam a se submettêrem.

## ARTICLE IV.

The pecuniary indemnities which Her Most Faithful Majesty promises to pay, or cause to be paid, for all the claims presented previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong,") are fixed at ninety-one thousand seven hundred and twenty-seven dollars, in accordance with the correspondence between the two Governments.

## ARTIGO IV.

As indemnidades pecuniarias que Sua Magestade Fidelissima promete pagar, ou fazer pagar por todas as reclamações apresentadas, antes do dia 6 de Julho, de 1850, em favor de cidadãos Americanos pelo Governo dos Estados Unidos, (com a excepção da do "General Armstrong,") ficam fixadas na somma de noventa um mil setecentos vinte e sete dollars, na forma da correspondencia entre os dois Governos.

\$91,727.00 to be paid for the other claims.

## ARTICLE V.

The payment of the sum stipulated in the preceding article shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly-authorized agent of the United States. The first instalment of nine thousand one hundred and seventy-two dollars seventy cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months a like instalment shall be paid; the integral sum of ninety-one thousand seven hundred and twenty-seven dollars, or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

## ARTIGO V.

O pagamento da somma estipulada no artigo precedente, será feito em Lisboa, em dez prestações iguaes, no decurso de cinco annos, ao agente dos Estados Unidos devidamente authorisado. A primeira prestação de nove mil, cento setenta e dois dollars, e setenta centavos, com os juros adiante, mencionados, (ou seu equivalente em moeda corrente Portuguesa,) será satisfeita, da forma que fica declarada, no dia 30 de Setembro do anno corrente de 1851, ou antes, se o Governo Portuguez o tenha por conveniente, e, no fim de cada seis meses subsequentes, o pagamento de igual prestação será feito, ficando assim, no dia, 30 de Setembro de 1856, ou antes, satisfeita a somma integral de noventa um mil setecentos vinte e sete dollars, ou o seu equivalente.

Payment, how made.

## ARTICLE VI.

It is hereby agreed that each and all of the said instalments are to bear, and to be paid with an interest of six per cent. per annum, from the date of the exchange of the ratifications of the present Convention.

## ARTIGO VI.

Fica estipulado que se addicionara ao pagamento de cada uma das ditas prestações, o juro de seis por cento ao anno, contado desde o dia da troca das ratificações da presente Convenção.

Interest.

## ARTICLE VII.

This Convention shall be approved and ratified, and the ratifications shall be exchanged in the city of Lisbon within four months

## ARTIGO VII.

Esta Convenção será approvada e ratificada e as ratificações trocadas no cidade de Lisboa dentro de quatro mezes depois da sua assigna-

Ratifications.

after the date hereof, or sooner if possible.

In testimony whereof, the respective Plenipotentiaries have signed the same, and affixed thereto the seals of their arms.

Done in the city of Washington, D. C., the twenty-sixth day of February, of the year of our Lord one thousand eight hundred and fifty-one.

DANIEL WEBSTER.

[L. s.]

J. C. DE FIGANIERE E

MORÃO.

[L. s.]

tura n'esta capital, ou, mais cedo se fôr possível.

Em fé do que, os respectivos Plenipotenciarios assignáram a presente, e a selláram com o sello das suas armas.

Feita, na cidade de Washington, Districto de Columbia, aos vinte e seis dias de Fevereiro do anno do nascimento de N. S. Jezu Christo de mil oito centos e cincuenta e um.

J. C. DE FIGANIERE E

MORÃO.

[L. s.]

DANIEL WEBSTER.

[L. s.]

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Lisbon on the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-one, by CHARLES B. HADDOCK, Chargé d'Affaires of the United States near the Government of Her Faithful Majesty, and ANTONIO ALUIZIO JERVIS D'ATOUGUIA, Minister of State for Foreign Affairs of her said Majesty, on the part of their respective Governments :

Now, therefore, be it known that I, MILLARD FILLMORE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of September, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the Independence of the United States.

[L. s.]

MILLARD FILLMORE.

BY THE PRESIDENT :

WM. S. DERRICK, *Acting Secretary of State.*



July 10, 1851. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS, a Treaty of Friendship, Commerce, and Navigation between the United States of America and the Republic of Costarica was concluded and signed in the city of Washington, by their respective Plenipotentiaries, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one, the original of which Treaty, being in the English and Spanish languages, is, word for word, as follows:

### TREATY

*Of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Costarica.*

In the name of the Most Holy Trinity.

Preamble.

Commercial intercourse having been for some time established between the United States and the Republic of Costarica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation.

Negotiators.

For this purpose they have named their respective Plenipotentiaries, that is to say:

The President of the United States, Daniel Webster, Secretary of State;

And his Excellency the President of the Republic of Costarica, Señor Don Felipe Molina, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

### ARTICLE I.

State of amity to exist.

There shall be perpetual amity between the United States and

En el Nombre de la Santissima Trinidad.

Habiendo tráfico comercial establecido hace algun tiempo, entre la República de Costarica y los Estados Unidos, ha parecido conveniente, para la seguridad, como tambien para el fomento de sus mutuos intereses, y para la conservacion de la buena inteligencia entre la mencionada República y los Estados Unidos, que las relaciones que ahora existen entre ambas partes, sean reconocidas y confirmadas formalmente, por medio de un Tratado de Amistad, Comercio, y Navegacion.

Con este objeto, han sido nombrados los respectivos Plenipotenciarios, a saber:

Por su Excelencia el Presidente de la República de Costarica, el Señor Don Felipe Molina, Enviado Extraordinario y Ministro Plenipotenciario de dicha República cerca del Gobierno de los Estados Unidos;

Y por el Presidente de los Estados Unidos, Daniel Webster, Secretario de Estado;

Quienes, despues de haberse comunicado mutuamente sus plenos poderes, y halládoslos en debida y regular forma, han acordado y concluido los articulos siguientes.

### ARTICULO I.

Habrá una perpetua amistad entre el Gobierno de la República de

their citizens on the one part, and the government of the Republic of Costarica and its citizens on the other.

## ARTICLE II.

There shall be, between all the territories of the United States, and the territories of the Republic of Costarica, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject, always, to the laws and statutes of the two countries respectively.

In like manner, the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and packets are, or may be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject, always, to the laws and statutes of the two countries respectively.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade, national vessels only of the country where the trade is carried on are permitted to engage.

## ARTICLE III.

It being the intention of the two high contracting parties to bind themselves, by the preceding arti-

Costarica y sus ciudadanos por una parte y los Estados Unidos y sus ciudadanos por otra parte.

## ARTICULO II.

Habrá entre los territorios de la República de Costarica, y todos los territorios de los Estados Unidos una reciproca libertad de comercio. Los ciudadanos y subditos de los dos paises, respectivamente, tendrán libertad para ir, libre y seguramente, con sus buques y cargamentos, á todos parages, puertos, y rios en los territorios antedichos, á los cuales se permite ó se permitiere ir á otros estrangeros, entrar en los mismos, y parmanecer y residir en cualquiera parte de ellos, respectivamente; tambien para alquilar y ocupar casas y almacenes para los objetos de su comercio; y generalmente los comerciantes y traficantes de cada nacion, respectivamente, gozarán la mas completa proteccion y seguridad para su comercio; estando siempre sujetos á las leyes y estatutos de los dos paises, respectivamente.

Reciprocal freedom of commerce, except as to coasting trade.

Del mismo modo, los respectivos buques de guerra y paquetes de correo de los dos paises, tendrán libertad para llegar franca y seguramente a todos los puertos, rios, y lugares, á que se permite ó se permitiere llegar buques de guerra y paquetes de correo de otras naciones, entrar en los mismos, anclar y permanecer en ellos, y repararse, sujetos siempre á las leyes y estatutos de los dos paises, respectivamente.

Por el derecho de entrar en parages, puertos, y rios de que se hace relacion, en este Articulo, no está comprendido el privilegio del comercio de escala y cabotage, que unicamente será permitido á buques nacionales del pais donde se hiciere semejante comercio.

## ARTICULO III.

Siendo la intencion de las dos altas partes contratantes, el obligarse por los articulos precedentes á tra-

Privileges of the "most favored nation" mutually conceded.

cles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjudged by mutual agreement, if the concessions shall have been *conditional*.

#### ARTICLE IV.

Commercial provisions.

Discriminating duties not to be imposed.

No higher nor other duties shall be imposed on the importation into the territories of the United States, of any article being of the growth, produce, or manufacture of the Republic of Costarica, and no higher nor other duties shall be imposed on the importation into the territories of the Republic of Costarica, of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the territories of the United States, or of the Republic of Costarica, to or from the said territories of the United States, or to or from the Republic of Costarica, which shall

tarse la una á la otra en los mismos términos que á la nacion mas favorecida, por el presente convienen mutuamente en que cualquier favor, privilegio, ó inmunidad, de cualquiera especie que fuere, que en materias de comercio y navegacion haya concedido actualmente ó pueda en adelante conceder, alguna de las partes contratantes á los subditos ó ciudadanos de otra nacion cualquiera, se hará extensivo á los subditos ó ciudadanos de la otra alta parte contratante gratuitamente; siempre que la concesion en favor de la otra nacion hubiere sido gratuita; pues siendo condicional, en tal caso por mutuo convenio, se acordará una compensacion equivalente, cuanto sea posible y proporcionada, asi en el valor como en los resultados.

#### ARTICULO IV.

No se impondrán otros ó mas altos derechos á la importacion en los territorios de la República de Costarica, de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios de los Estados Unidos, ni se impondrán otros ó mas altos derechos á la importacion en los territorios de los Estados Unidos de cualesquiera articulos del producto natural, producciones, ó manufacturas de la República de Costarica, que los que se pagan ó pagaren por semejantes articulos, cuando sean producto natural, producciones, ó manufacturas de cualquiera otro pais extranjero; ni se impondrán otros ó mas altos derechos ó impuestos en los territorios de cualquiera de las altas partes contratantes á la exportacion de cualesquiera articulos para los territorios de la otra, que los que se pagan ó pagaren por la exportacion de iguales articulos para cualquiera otro pais extranjero; ni se impondrá prohibicion alguna á la exportacion [ó importacion] de cualesquiera articulos del producto natural, producciones, ó manufacturas de los territorios de la República de Costarica, ó de los territorios de los Estados Unidos

not equally extend to all other nations.

## ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light, or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costarica, on vessels of the United States, than those payable in the same ports by Costarican vessels; nor in any of the ports of the United States, on Costarican vessels than shall be payable in the same ports on vessels of the United States.

## ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Costarica, of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Costarican, or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article, being the growth, produce, or manufacture of the Republic of Costarica, whether such importation shall be made in United States or in Costarican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costarica, of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in Costarican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed on the exportation of any articles, being the growth, produce, or manufacture

para los dichos, ó de los dichos territorios de la República de Costarica; ó para los dichos, ó de los dichos territorios de los Estados Unidos, que no se extiendan igualmente á todas las otras naciones.

## ARTICULO V.

No se impondrán otros ni mas altos derechos ni pagos por razon de toneladas, fanal, emolumentos de puerto, práctico, derecho de salvamento, en caso de perdida ó naufragio, ni por razon de algunas otras cargas locales en ninguno de los puertos de los Estados Unidos, á los buques Costaricenses, sinó los que unicamente pagan en los mismos, los buques de los Estados Unidos; ni en los puertos de la República de Costarica se impondrán á los buques de los Estados Unidos, otras cargas que las que, en los mismos puertos, pagan los Costaricenses.

Tonnage duties and other local charges, in case of wreck or damage.

## ARTICULO VI.

Se pagarán los mismos derechos de importacion en los territorios de los Estados Unidos por los articulos de productos naturales, producciones, y manufacturas de la República de Costarica, bien sean importados en buques de los Estados Unidos ó Costaricenses; y los mismos derechos se pagarán por la importacion en los territorios de la República de Costarica, de las manufacturas, efectos, y producciones de los territorios de los Estados Unidos, aunque su importacion sea en buques Costaricenses ó de los Estados Unidos.

Commercial provisions.

Duties.

Los mismos derechos pagarán, y gozarán las mismas franquicias y descuentos concedidos á la exportacion para los territorios de los Estados Unidos, cualesquiera articulos de los productos naturales, producciones, ó manufacturas de la República de Costarica, ya sea que la exportacion se haga en buques de los Estados Unidos ó Costaricenses; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos á la exportacion para la República de Costarica, de cu-

of the Republic of Costarica to the territories of the United States, whether such exportation shall be made in United States or in Costarican vessels.

alesquiera artículos de los productos naturales, producciones, ó manufacturas de los territorios de los Estados Unidos, sea que esta exportacion se haga en buques Costaricenses ó de los Estados Unidos.

#### ARTICLE VII.

Privileges of citizens of either nation in the other.

All merchants, commanders of ships, and others, citizens of the United States shall have full liberty, in all the territories of the Republic of Costarica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costaricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costarican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Costarica, as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costarica under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

#### ARTICULO VII.

Todo comerciante, comandante de buque, y otros ciudadanos, de la República de Costarica, gozarán de libertad completa en todos los territorios de los Estados Unidos para manejar por sí sus propios negocios, ó para encargar su manejo á quien mejor les parezca, sea corredor, factor, agente, ó intérprete; y no se les obligará á emplear para estos objetos á ninguna otra persona mas que las que se emplean por los ciudadanos de los Estados Unidos, ne estarán obligados á pagarles mas salario ó remuneracion, que la que, en semejantes casos, se paga por ciudadanos de los Estados Unidos; y se concederá libertad absoluta en todos casos al comprador y vendedor, para ajustar y fijar el precio de cualesquiera efectos, mercaderias, y géneros importados ó exportados de la República de Costarica, como crean conveniente, conformándose con las leyes y costumbres establecidas en el pais. Los mismos privilegios disfrutarán en los territorios de la República de Costarica los ciudadanos de los Estados Unidos y sujetos á las mismas condiciones.

Los ciudadanos de las altas partes contratantes recibirán y gozarán reciprocamente de completa y perfecta proteccion en sus personas y propiedades, y tendrán libre y facil acceso á los tribunales de justicia en los referidos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear en todos casos los abogados, procuradores, ó agentes de cualquier clase, que juzguen conveniente; y gozarán en este respecto, los mismos derechos y privilegios que allí disfrutaren los ciudadanos nativos.

## ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice; the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting of course to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the consul-general or consul of the nation to which the deceased belonged, or the representative of such consul-general or consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

## ARTICLE IX.

The citizens of the United States residing in the Republic of Costarica, and the citizens of the Republic of Costarica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively:

## ARTICULO VIII.

Por lo que toca á la policia de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes, y efectos, la sucesion de las propiedades personales por testamento, ó de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó denominacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, asi como tambien á la administracion de justicia; los ciudadanos de las dos altas partes contratantes, gozarán, reciprocamente los mismos privilegios, libertades, y derechos, que si fueran ciudadanos nativos, y no se les cargará en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, o en adelante pagaren los ciudadanos nativos, sujetos por supuesto á las leyes y estatutos locales de cada pais, respectivamente.

En caso que muriere algun ciudadano de cualquiera de las dos altas contratantes, sin haber hecho su última disposicion ó testamento, en cualquiera de los territorios de la otra, el Cónsul-general ó el Consul de la nacion á que pertenecia el difunto, ó en su ausencia, el que representare á dicho Cónsul-general ó Cónsul tendrá el derecho de nombrar curadores, que se encarguen de la propiedad del difunto, en cuanto las leyes del pais lo permitieren, á beneficio de los legítimos herederos y acreedores del difunto; dando noticia conveniente á las autoridades del pais.

## ARTICULO IX.

Los ciudadanos de los Estados Unidos residentes en la República de Costarica y los ciudadanos de la República de Costarica residentes en los Estados Unidos, estarán exentos de todo servicio militar forzado de cualquier especie, de mar ó de tierra y de todo préstamo forzoso, ó exacciones militares, ó requisiciones; ni serán compelidos á pagar, bajo ningun pretext, cualesquiera cargos ordinarios, requisiciones, ó impuestos mayores, que los que paguen los ciudadanos nativos de las partes contratantes respectivamente.

Same subject.

Same subject.

## ARTICLE X.

Provision re-  
specting Con-  
suls and diplo-  
matic agents.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted. The Costarican diplomatic agents and consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the Costarican territories, shall enjoy according to the strictest reciprocity whatever privileges, exemptions, and immunities are or may be granted in the Republic of Costarica to the diplomatic agents and consuls of the most favored nation.

## ARTICLE XI.

Provisions in  
the event of a  
rupture between  
the two nations.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costarica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who

## ARTICULO X.

Cada una de las dos altas partes contratantes, podrá nombrar Cónsules, para la proteccion del comercio, que residan en cualquiera de los territorios de la otra parte; pero ántes que ningun Cónsul funcione como tal, deberá ser aprobado y admitido en la forma acostumbrada, por el Gobierno, á quien se dirige; y cualquiera de las altas partes contratantes puede exceptuar de la residencia de Cónsules aquellos puntos particulares, en que no tengan por conveniente admitirlos. Los agentes diplomáticos y los Cónsules de la República de Costarica gozarán en los territorios de los Estados Unidos de todos los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favorecida; y del mismo modo, los agentes diplomáticos y Cónsules de los Estados Unidos, en los territorios de la República de Costarica gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, exenciones, é inmunidades que se conceden ó en adelante se concedieren, á los agentes diplomáticos y Cónsules de la nacion mas favorecida, en la República de Costarica.

## ARTICULO XI.

Para mayor seguridad del comercio entre los ciudadanos de los Estados Unidos y los ciudadanos de la República de Costarica, se estipula, que si en algun tiempo ocurriere desgraciadamente una interrupcion, en las relaciones amistosas, y se efectuare un rompimiento entre las dos altas partes contratantes, se concederán á los ciudadanos, de cualquiera de las dos altas partes contratantes, que estén dentro de los territorios de la otra, si residen en las costas, seis meses, y un año entero á los que residan en el interior, para arreglar sus negocios, y disponer de sus propiedades; y se les dará un salvo conducto, para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos ciudadanos de cualquiera de las dos altas

are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

## ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Costarica respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties, the protection of the government, and shall continue in possession of the guaranties which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and

partes contratantes que esten establecidos en cualquiera de los territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho tráfico y ocupacion, en el referido país, sin que se les interrumpa en manera alguna en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan páficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos de cualquiera clase que sean, bien que estén bajo su propia custodia, ó confiados á individuos ó al Estado, no estarán sujetos á embargo ó secuestro, ni á ninguna carga ó imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los ciudadanos del país en que dichos ciudadanos residan. De igual modo ó en el mismo caso, ni las deudas entre particulares, ni los fondos públicos ni las acciones de compañías serán jamas confiscadas, secuestradas, ó detenidas.

## ARTICULO XII.

Los ciudadanos de la República de Costarica y los ciudadanos de los Estados Unidos que residan en cualquiera de los territorios de la otra parte, gozarán recíprocamente en sus casas, personas, y bienes, de la proteccion del Gobierno, y continuarán en posesion de las garantías que actualmente tienen. No serán inquietados, molestados, ni perturbados en manera alguna, en razon de su creencia religiosa, ni en los ejercicios propios de su religion, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los territorios de las dos altas partes contratantes; con tal que respeten la religion de la nacion en que residan, asi como la constitucion, leyes, y costumbres establecidas. Tendrán tambien libertad de enterrar á los ciudadanos de cualquiera de las dos altas partes contratantes, que murieren en los referidos territorios, en sus propios cementerios, que podrán del mismo modo libre-

Privileges of citizens of either nation in the other.

Liberty of conscience.

Rights of burial.

maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

### ARTICLE XIII.

Art. IV. V. In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV. V. and VI. of the present Treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

### ARTICLE XIV.

Exchange of ratifications. The present treaty shall be ratified, and the ratifications shall be exchanged at Washington or at San José de Costarica within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington this tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

DANIEL WEBSTER, [L. s.]  
F. MOLINA, [L. s.]

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the twenty-sixth day of May, eighteen hundred and fifty-two, by WILLIAM HUNTER, Acting Secretary of State of the United States of America, and Señor Don FELIPE MOLINA, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Costarica, on the part of their respective governments.

mente establecer y mantener; y no se molestarán los funerales ni los sepulcros de los muertos, de nign modo ni por motivo alguno.

### ARTICULO XIII.

Para que las dos altas partes contratantes tengan en lo futuro, oportunidad de tratar y ajustar cualesquiera otros arreglos que tiendan aun mas eficazmente á estrechar las relaciones existentes, y al adelanto de los intereses de los respectivos ciudadanos, se ha convenido, que en cualquier tiempo, pasados siete años, desde la fecha en que se cangéen las ratificaciones del presente tratado, cualquiera de las dos altas partes contratantes podrá poner en conocimiento de la otra parte sus intenciones de terminar los Artículos IV. V. y VI. del presente Tratado; y que al espirar un año desde que una de las partes haya recibido de la otra, dicha noticia, los expresados artículos, y todo su contenido, dejarán de ser obligatorios á las dos altas partes contratantes.

### ARTICULO XIV.

El presente tratado será ratificado, y las ratificaciones cambiadas en San José de Costarica ó en Washington, en el término de un año, ó antes si possible fuese.

En fé de lo cual, los respectivos Plenipotenciarios han firmado el presente, sellándolo con sus sellos respectivos.

Fecho en la Ciudad de Washington, á los diez dias del mes de Julio, del año del Señor mil ochocientos cincuenta y uno.

F. MOLINA, [L. s.]  
DANIEL WEBSTER, [L. s.]

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-sixth day of  
[ L. S. ] May, in the year of our Lord one thousand eight hundred  
and fifty-two, and of the independence of the United States  
of America the seventy-sixth.

MILLARD FILLMORE.

BY THE PRESIDENT:

W. HUNTER, *Acting Secretary of State.*

July 26, 1851. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS, a Treaty of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Peru, was concluded and signed at Lima, on the twenty-sixth day of July, one thousand eight hundred and fifty-one, which treaty, being in the English and Spanish languages, is word for word as follows:

### Preamble.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce, and navigation.

### Negotiators.

To attain this desirable object the President of the United States of America has conferred full powers on John Randolph Clay, the accredited *chargé d'affaires* of the said States, to the government of Peru, and the President of the Republic of Peru has conferred like full powers on Brigadier General Don Juan Crisostomo Torrico, Minister of War and the Marine, Minister of Foreign Affairs, *ad interim*, &c., who, after exchanging their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I.

#### State of peace provided for.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

### ARTICLE II.

#### Freedom of commerce.

The United States of America, and the Republic of Peru, mutually

La República del Perú y los Estados Unidos de América, hallándose igualmente animados con el deseo de hacer firmes y permanentes la paz y Amistad que felizmente han subsistido siempre entre ellos, y de colocar sus relaciones de comercio bajo las bases mas liberales; han resuelto fijar reglas claras y precisas, las que se observarán religiosamente en lo sucesivo entre ambas naciones, por medio de un tratado de Paz, commercio, y navegacion.

Y para lograr este deseado objeto; el Presidente de la República del Perú ha conferido plenos poderes al Jeneral de Brigada Don Juan Crinsostomo Torrico, Ministro de Guerra y Marina, Encargado Interinamente del Ministerio de Relaciones Exteriores; y el Presidente de los Estados Unidos ha conferido iguales plenos poderes al Señor Juan Randolph Clay Encargado de Negocios de los Estados Unidos cerca del gobierno del Perú: los cuales despues de haber canjeado sus respectivos poderes, y hallados en buena y debida forma han convenido en los articulos siguientes:

### ARTICULO I.

Habrà perfecta y perpetua paz y Amistad entre la República del Perú y los Estados Unidos de America y *en* entre sus respectivos territorios, pueblos y ciudadanos sin distincion de persona ó lugares.

### ARTICULO II.

La República del Perú y los Estados Unidos de América convienen

agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels, all the coasts, ports, and places of the other, whatever foreign commerce is permitted, and reside in all parts of the territories of either, and occupy dwellings and warehouses; and every thing belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search.

The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts shall be made without the legal order of a competent tribunal or judge.

The citizens of either county shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

### ARTICLE III.

The two high contracting parties hereby bind and engage themselves

mutuamente en que habrá libertad reciproca de comercio y navegacion entre sus respectivos territorios y ciudadanos: los ciudadanos de cualquiera de las dos repúblicas podran frecuentar con sus buques todas las costas, puertos, y lugares de la otra en que se permite el comercio extranjero; residir en cualquier punto de los territorios de la otra y ocupar las casas y almacenes que necesiten; y todo lo que les pertenezca será respetado y exento de toda visita ó pesquisa arbitraria.

Dichos ciudadanos gozarán de entera libertad para comerciar en todas partes del territorio de la otra, segun las reglas establecidas por las respectivas leyes de comercio en todo genero de efectos, mercaderias, manufacturas, y productos de licito comercio, y abrir tiendas y almacenes por menor, sometiendo á las mismas leyes, decretos, y usos establecidos para los ciudadanos del pais; y no estarán sujetos á mayores contribuciones ó impuestos que los que pagan ó deban pagar los naturales. No se examinarán ó inspeccionarán los libros, papeles, ó cuentas que les pertenezcan sin mandato de un tribunal ó juez competente.

Los ciudadanos de cualquiera de las dos partes tendrán tambien el derecho ilimitado de viajar por cualquier parte de las posesiones del otro, y en todos los casos gozarán de la misma seguridad y proteccion que los naturales del pais donde residen, con condicion de someterse á las leyes y ordenanzas que en el se observen; no se les exigirá ningun empréstito forzoso, ni ninguna contribucion accidental, ni estarán sujetos á ningun embargo, ni á que se les detenga con sus buques, cargamentos, mercaderias, ó efectos para ninguna expedicion militar ó para cualquier objeto publico, sin concederles por ello una cumplida y suficiente idemnizacion, que en todo caso se convenga y pague adelantada.

### ARTICULO III.

Las dos altas partes contratantes se obligan y comprometen á no con-

Privileges of  
citizens of either  
nation in the  
other.

Each nation to  
stand on the foot-  
ing of "the most  
favored nation."

not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be also immediately extended to the citizens of the other contracting party, who shall enjoy the same, gratuitously, if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ceder favor, privilegio, ó exención alguna sobre comercio y navegacion á otras naciones, sin hacerlos extensivos tambien inmediatamente á los ciudadanos de la otra parte contratante, que los gozará gratuitamente si la concesion hubiese sido gratuita, ó mediante igual compensacion, ú otra equivalente, que se arreglará de mutuo acuerdo, si la concesion hubiese sido condicional.

## ARTICLE IV.

Duties on vessels, and local charges.

No higher or other duties or charges on account of tonnage, light-houses, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States, of the burden of two hundred tons and upwards, than those payable in the same ports by Peruvian vessels of the same burden; nor in any of the ports of the United States by Peruvian vessels of the burden of two hundred tons and upwards, than shall be payable in the same ports by vessels of the United States of the same burden.

## ARTICULO IV.

No se exigirán otros ó mas altos derechos en razon de toneladas, faro, puerto, pilotaje, cuarentena, y salvamento en casos de averia, ó naufragio, ni otros impuestos locales, en los puertos de la República del Perú á los buques de los Estados Unidos de mas de doscientas toneladas, que los que pagaren en dichos puertos los buques Peruanos del mismo porte; ni en los puertos de los Estados Unidos á los buques Peruanos de mas de doscientas toneladas, que los que pagaren en los mismos puertos los buques de los Estados Unidos de igual porte.

## ARTICLE V.

Commercial provisions.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels, may also be so imported in vessels of the other party, without paying other or higher duties and charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges.

It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of

## ARTICULO V.

Toda clase de mercaderias y articulos de comercio que sean importados legalmente en los puertos y territorio de cualquiera de las Altas Partes Contratantes, en buques nacionales, podran serlo tambien en los buques de la otra nacion, sin pagar otros ó mas altos derechos e impuestos cualquiera que sea su denominacion, que si las mismas mercaderias ó articulos fuesen importados en buques nacionales. Ni se hará distincion alguna en los pagos de los mencionados derechos ó impuestos.

Queda expresamente convenido que las estipulaciones de este y del articulo anterior son aplicables en toda su estension á los buques y sus cargamentos pertenecientes á cualquiera de las Altas Partes Contratantes que lleguen á los puertos y

the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

## ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

## ARTICLE VII.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

## ARTICLE VIII.

No changes or alterations in the tariffs of either of the high contracting parties, *augmenting* the duties payable upon merchandise or articles of commerce of any sort or kind imported into, or exported from, their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such

territorios de la otra, ya sea en el caso de que dichos buques hayan salido directamente de los puertos del país á que pertenecen ó de los puertos de cualquiera otra nacion.

## ARTICULO VI.

No se exigirán otros ó mas altos Duties on goods. derechos á la importacion en los puertos y territorios de cualquiera de las altas partes contratantes de cualquier artículo, producto ó manufactura de la otra, que los que se pagan o pagaren por el mismo artículo, producto, ó manufactura de cualquier otro país; ni se impondrá prohibicion alguna á la importacion de cualquier artículo, producto, ó manufactura de cada una de las partes á los puertos ó territorios de la otra, sin que la prohibicion se estienda igualmente á todas las demas naciones.

## ARTICULO VII.

Toda clase de mercaderías y artículos de comercio que puedan exportarse legalmente de los puertos y territorios de cualquiera de las altas partes contratantes en buques nacionales, podrán exportarse tambien en buques de la otra parte pagando estos unicamente los mismos derechos y gozando de los mismos descuentos, primas y franquicias, que si la misma mercadería ó los mismos artículos de comercio se exportasen en buques de la una ó de la otra parte. Provision against discriminating duties.

## ARTICULO VIII.

Ningun cambio ó alteracion en las tarifas de una ú otra de las Altas Partes Contratantes *augmentando* los derechos que se paguen por las mercaderías ó artículos de comercio de cualquier especie ó clase que sean importados en sus respectivos puertos ó exportados de ellos, se aplicará ó tendrá efecto para el comercio ó la navegacion de una ú otra parte hasta que se cumplan ocho meses despues que dichos cambios ó alteraciones se hayan promulgado como ley, á no ser que la ley ó de- Changes in duties, when to take effect.

changes or alterations shall be made contain a prospective provision to the same or similar effect.

creto por el que tales cambios ó alteraciones se hagan contenga alguna disposicion que tienda á producir el mismo ó semejante efecto.

#### ARTICLE IX.

Provisions as to  
coasting trade.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party—the regulation of such navigation and trade being reserved, respectively, by the parties, according to their own separate laws.

Vessels may  
visit successive  
ports.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port-charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

#### ARTICLE X.

Provisions as  
to steam-vessels.

The Republic of Peru, desiring to increase the intercourse along its coasts, by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels, to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie, and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is further-

#### ARTICULO IX.

Se declara así mismo que las estipulaciones del presente tratado no se considerarán aplicables á la navegacion y comercio de cabotaje, entre un puerto y otro situado en el territorio de cualquiera de las partes contratantes, pues la regulacion de este comercio está reservada respectivamente á las leyes particulares de cada una de las partes.

Sin embargo, los buques de cualquiera de los dos paises podrán descargar parte de sus cargamentos en un puerto habilitado para el comercio extranjero perteneciente al territorio de cualquiera de las Altas Partes Contratantes y continuar con el resto de su carga á cualquier otro puerto ó puertos del mismo pais abiertos al comercio extranjero, sin pagar otros ó mayores derechos de toneladas ó de puerto, que los que pagan en tales casos los buques nacionales en circunstancias análogas; y del mismo modo se les permitirá cargar en diferentes puertos en el mismo viaje para otros paises.

#### ARTICULO X.

Descando la República del Perú aumentar la comunicacion entre los puntos de su costa por medio de la navegacion por vapor, se compromete desde ahora á conceder á cualquier ciudadano ó ciudadanos de los Estados Unidos que establezcan una linea de vapores para navegar con regularidad entre los diferentes puertos de entrada en el territorio Peruano, los mismos privilegios para embarcar y desembarcar carga ó flete, entrar en los puertos intermedios con objeto de recibir y desembarcar pasajeros y sus equipajes, dinero y plata en barras, llevar las balijas de correos, formar depositos para carbon, establecer maquinas y talleres para reparar y carenar los vapores, y todos los demás favores que goce cualquiera otra sociedad

more understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

## ARTICLE XI.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic, and of which the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all the objects of this treaty, as a Peruvian vessel.

## ARTICLE XII.

The whale-ships of the United States shall have access to the port of Tumbes, as well as to the ports of entry in Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, *ad valorem*, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

ó compania. Conviene además las altas partes contratantes en que los vapores de cualquiera de ellas no estarán obligados á pagar en los puertos de la otra ninguna clase de derechos de tonelaje, puerto ni otros semejantes que los que pagan ó pagaren los de cualquiera otra sociedad ó compañía.

## ARTICULO XI.

Para la mejor inteligencia de los artículos precedentes y teniendo en consideracion el estado actual de la marina mercante del Perú se ha estipulado y convenido que todo buque perteneciente exclusivamente á ciudadano ó ciudadanos de dicha república, y cuyo capitan sea tambien ciudadano de ella, aunque la construccion y tripulacion del buque sean extranjeras, sera considerado para todos los efectos de este tratado, como buque Peruano.

What shall be considered a Peruvian vessel.

## ARTICULO XII.

Los buques balleneros de los Estados Unidos podrán entrar en el puerto de Tumbes, y en los puertos mayores del Perú, y pasar de uno á otro, con el objeto de tomar víveres y repararse, y les será permitido vender ó cambiar sus provisiones ó mercaderías, inclusive el aceite, hasta la cantidad de doscientos pesos *ad valorem* por cada buque, sin que estén obligados á pagar los derechos de toneladas, ó de puerto, ni derecho alguno ó impuesto por los artículos vendidos ó cambiados de esta manera. Se les permitirá además con la misma exencion de los derechos de toneladas y puerto, vender ó cambiar sus provisiones ó mercaderías, incluso el aceite, hasta la suma adicional de mil pesos *ad valorem* por cada buque, pagando por la parte adicional de dichos artículos los mismos derechos que se satisfacen por iguales provisiones ó mercaderías y aceite quando se importan en buques y por ciudadanos ó subditos de la nacion mas favorecida.

Privileges of whale-ships in Peruvian ports.

## ARTICLE XIII.

Commercial provisions.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise, or articles of commerce, imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

## ARTICLE XIV.

Privileges of Peruvians in the mines of California.

Peruvian citizens shall enjoy the same privileges, in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

## ARTICLE XV.

Right to dispose of property.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their heirs or representatives, being citizens of the other party, shall succeed to their said

## ARTICULO XIII.

Los negociantes, capitanes, de buques, y todos los ciudadanos de cada una de las Partes Contratantes, tendrán en los territorios de la otra plena libertad para manejar por sí sus negocios ó encomendarlos á la persona que quieran emplear como agente, corredor, factor, ó interprete. No se les obligará á que empléen personas determinadas para el desempeño de estos servicios, ni tampoco á dar ningun salario, ó remuneracion á quien no quieran ocupar. Gozarán de libertad absoluta, así para consignar y vender sus mercaderias y artículos de comercio, como para comprar los retornos, descargar, cargar, y despachar sus buques. El comprador y vendedor tendrán plena libertad para arreglar entre sí y fijar el precio de cualquiera mercancia ó efectos de comercio que se hayan de importar ó de exportar de los territorios de cualquiera de ambas partes contratantes observandose, en todo caso los reglamentos de comercio vijentes en los respectivos paises.

## ARTICULO XIV.

Los ciudadanos del Perú gozarán los mismos privilejios que se conceden ó se puedan conceder en adelante por los Estados Unidos de América á los ciudadanos ó subditos de la nacion mas favorecida, cuando concurren á las minas y extraigan ó busquen el oro en las tierras públicas situadas en el Estado de California.

## ARTICULO XV.

Los ciudadanos de cada una de las [Altas] Partes Contratantes podran disponer de sus efectos personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ó de cualquier otro modo, y sus herederos ó representantes, si son ciudadanos de la otra parte succederán en los susodichos efectos personales, ya sea por testamento, ó *ab intesta-*

personal property and effects whether by testament or *ab intestato*, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in like cases. Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevented from entering into possession of the inheritance, they shall be allowed the term of three years to dispose of the same and withdraw and export the proceeds, which they may do without any hindrance, and without paying any other dues or charges than those which are established by the laws of the country.

## ARTICLE XVI.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict, on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners, or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in the like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

## ARTICLE XVII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the ves-

to, y pueden tomar posesion de ellos, bien por si mismos, ó por otros que obren en su nombre, y disponer de ellos á su voluntad; pagando unicamente aquellos derechos á que en tales casos están sujetos los habitantes del pais donde se hallan los efectos precitados. Y si, en el caso de ser bienes raices, estuviesen impedidos los susodichos herederos de entrar en posesion de la herencia, en razon de ser extranjeros, se les concederá el termino de tres años, para que dispongan de ellos segun lo estimen conveniente, y para exportar su producto; lo cual podrán hacer sin obstaculo y sin pagar otros derechos ó impuestos que aquellos de que en general imponen las leyes del pais.

## ARTICULO XVI.

En caso que un buque perteneciente á ciudadanos de cualquiera de las [Altas] Partes Contratantes naufragase, sufriese averia, ó fuese abandonado (derelicto) en las costas, ó cerca de las costas, de la otra, se dará á dicho buque y á su tripulacion toda asistencia y proteccion; y el buque, cualquiera parte de el, todos los articulos que le pertenecen, y las mercaderías que de él se salvaren, ó el producto de los mismos, si se vendieren, serán fielmente entregados á sus dueños ó agentes, pagando unicamente los gastos hechos para conservar los efectos, y los derechos de salvamento que hubiera pagado en semejante caso un buque nacional. Y se permitirá en este caso, descargar las mercaderías ó efectos que se hallen á bordo con las precauciones necesarias para prevenir su ilícita introduccion, sin que se exija ningun impuesto ó contribucion, con tal de que sean exportados.

Provisions in case of wrecks, &c.

## ARTICULO XVII.

Quando á causa de mal tiempo, falta de agua ó de viveres, persecucion de enemigos ó de piratas,

Same subject.

sels of one of the high contracting parties, whether of war (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs; and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

## ARTICLE XVIII.

Property re-  
captured from  
pirates, to be re-  
stored.

All vessels, merchandise, and effects, belonging to the citizens of either of the high contracting parties, which may be captured by pirates, either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or the agents of the respective governments.

## ARTICLE XIX.

Personal rights  
of citizens of  
either nation in  
the other.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attor-

los buques de una de las Altas Partes Contratantes de guerra ó mercantes, ó empleados en la pesca, se vean obligados á buscar abrigo en los puertos, rios, ó lugares de los dominios de la otra, serán recibidos y tratados con humanidad; se les concederá el tiempo suficiente para que terminen sus reparos, y mientras cualquier buque se halle en este caso no se le exigirá que descargue en todo ó en parte, á no ser preciso, prestandole todo favor y proteccion para que se proporcione auxilios y se ponga en estado de proseguir su viaje sin obstaculo ó molestia.

## ARTICULO XVIII.

Todos los buques, mercaderias, y efectos pertenecientes á ciudadanos de una de las altas partes contratantes, que sean apresados por piratas, bien en alta mar ó dentro de los limites de su jurisdiccion, y que fuesen llevados ó encontrados en los rios, radas, ó bahias, puertos, ó dominios de la otra, serán entregados á los dueños ó a sus agentes, con tal que prueben en propia y debida forma, sus derechos ante los tribunales competentes: debiendo entenderse que el reclamo ha de hacerse dentro del termino de dos años por las mismas partes, sus agentes ó los de sus respectivos gobiernos.

## ARTICULO XIX.

Las Altas Partes Contratantes ofrecen y se comprometen á dar la mas cúmplida proteccion á las personas y propiedades de los ciudadanos de una ú otra, de todas clases y ocupaciones, que puedan estar en los territorios sujetos á su respectiva jurisdiccion, ya sean transeuntes ó domiciliados; dandoles libre acceso ante los tribunales de justicia para sus recursos judiciales, en los mismos terminos que son de uso y costumbre con los naturales ó ciudadanos del pais en donde se hallen; para cuyo efecto podrán emplear en defensa de sus derechos

neys, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti*; and they shall in all cases be brought before a magistrate, or other legal authority, for examination, within twenty-four hours after arrest; and if not so examined the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised towards them.

## ARTICLE XX.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

## ARTICLE XXI.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or

los abogados, procuradores, escribanos, y agentes, de cualquier clase que crean conveniente. Dichos ciudadanos no podrán ser presos sin que preceda un auto de prision y en vista de una orden firmada por una autoridad legal, excepto en los casos de delito infraganti, y siempre se les hará comparecer ante un juez ú otra autoridad legal para tomarle declaraciones dentro del termino de veinticuatro horas despues del arresto, y si en ese tiempo no se le han tomado declaraciones, el acusado será puerto inmediatamente en libertad. Cuando se detenga á los dichos ciudadanos, se les tratará con humanidad durante su prision y no se empleará con ellos ningun rigor innecesario.

## ARTICULO XX.

Se conviene asi mismo en que los ciudadanos de las dos Partes Liberty of conscience. Contratantes disfrutarán entera y perfecta libertad de conciencia en los países sometidos á la jurisdiccion de la una y de la otra, sin estar sujetos á ser perturbados ó molestados á causa de su creencia religiosa, en tanto que respeten las leyes y usos establecidos del país. Además los cuerpos de los ciudadanos de una de las partes contratantes Rights of burial. que murieren en los territorios de la otra, serán enterrados en los lugares de costumbre ó en otros lugares propios y decentes, y serán protegidos de toda violacion ó falta de respeto.

## ARTICULO XXI.

Los ciudadanos de la República del Perú y los de los Estados Unidos de America, podrán navegar con sus buques en perfecta libertad y seguridad, sin que se haga distincion de quienes sean los dueños de las mercaderias que tengan á su bordo, de cualquier puerto ó lugar á los puertos y lugares de aquellos que en la actualidad son ó fueren en lo sucesivo enemigos de una de las partes contratantes. Será asi mismo lícito á los predichos ciudadanos navegar con los buques y mercaderias arriba mencionadas, y Provision respecting trade with enemies.

of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or under several. And it is agreed that free ships shall give freedom to goods, and that every thing shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not that of others.

## ARTICLE XXII.

Provisions respecting neutral goods, — enemies' vessels.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without

comerciar con la misma libertad y seguridad, de los lugares, puertos, y bahías de aquellos que son enemigos de una de las dos partes, ó de ambas, sin ninguna oposicion ó impedimento, no solo directamente de los lugares del enemigo ya nombrado á los lugares neutrales, sino tambien de un lugar perteneciente á un enemigo á otro puerto tambien del enemigo, bien sea que estén bajo la jurisdiccion de una misma potencia, ó bajo la de varias: y queda convenido que los buques libres harán libres las mercaderías y que se reputará libre todo lo que se encuentre á bordo de los buques pertenecientes á los ciudadanos de cualquiera de las partes contratantes, aunque todo el cargamento, ó una parte de el pertenezca á enemigos de la otra, exceptuandose siempre los efectos de contrabando de guerra. La misma libertad se estenderá á las personas que estén á bordo de un buque libre, de suerte que dichas personas no podrán ser arrestadas ni sacadas de esos buques aunque sean enemigos de una de las partes ó de ambas á menos que sean oficiales ó soldados y en actual servicio del enemigo. Y se conviene, que las estipulaciones contenidas en este artículo, declarando que el pabellon cubrirá la propiedad son applicables á aquellas potencias solamente que reconocen este principio; pero si alguna de las partes contratantes estuviere en guerra con una tercera, y la otra fuere neutral, el pabellon del neutral cubrirá la propiedad de aquellos enemigos cuyos gobiernos reconocen este principio y no de los otros.

## ARTICULO XXII.

En los casos en que el pabellon neutral de una de las partes contratantes proteja la propiedad de los enemigos de la otra, en virtud de la precedente estipulacion, la propiedad neutral que se hallare á bordo de los buques del enemigo se considerara del mismo modo como propiedad enemiga, y estara sujeta a detencion y confiscacion a menos que hubiere sido puesta a bordo de tales buques antes de la declaracion de

knowledge of such declaration; but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

## ARTICLE XXIII.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise except the articles called contraband of war, under which name shall be comprehended:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and every thing belonging to the use of these arms.

2. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form, and for military use.

3. Calvary belts and horses, with their harness.

4. And generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

## ARTICLE XXIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or

la guerra, o aun despues si se hubiere hecho sin conocimiento de la tal declaracion; pero las partes contratantes convienen que no podra alegarse ignorancia seis meses despues de la declaracion de la guerra. Por el contrario en aquellos casos en que el pabellon del neutral no proteje la propiedad enemiga que se encuentre á bordo, los efectos y mercaderias del neutral embarcadas en tales buques enemigos seran libres.

## ARTICULO XXIII.

La libertad de comercio y navegacion estipulada en los articulos anteriores se estendera a toda especie de mercaderias, exceptuandose únicamente aquellos articulos que se llaman contrabando de guerra, bajo cuya denominacion se comprenden:

1°. Cañones, morteros, obuses, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, granadas, y bombas, polvora, mechas, balas con las demas cosas correspondientes al uso de estas armas:

2°. Escudos, casquetes, corazas, cotas de malla, fornituras, y vestidos hechos en forma y para uso militar:

3°. Bandoleras y caballos junto consus arneses:

4°. Y generalmente toda especie de armas ofensivas y defensivas hechas de hierro, acero, bronce, cobre, y otros materiales manufacturadas, preparadas, y formadas expresamente para hacer la guerra por mar ó por tierra.

## ARTICULO XXIV.

Cualesquiera otras mercaderias y cosas no comprendidas en los articulos de contrabando explicitamente enumerados y clasificados arriba, se tendran y consideraran libres y materia de libre y lejítimo comercio; de manera que puedan ser llevadas y transportadas en el modo mas libre por las dos partes contratantes, aun a los lugares pertenecientes a un enemigo, exceptu

Definition of  
contraband arti-  
cles.

All other goods  
to be free, ex-  
cept to places be-  
sieged or block-  
aded.

Blockade and siege defined. blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

## ARTICLE XXV.

Provisions for the case of contraband, among free articles.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

## ARTICLE XXVI.

Provisions respecting blockades and sieges.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo may think

and únicamente aquellos lugares que estén en aquel tiempo sitiados o bloqueados; y para evitar toda duda sobre el particular, se declara que únicamente se consideraran sitiados o bloqueados aquellos lugares que se hallen a la sazón atacados por una fuerza capaz de impedir la entrada del neutral.

## ARTICULO XXV.

Los artículos de contrabando, ó los ya enumerados y clasificados que se encuentren en un buque destinado á un puerto enemigo, estarán sujetos á detencion y confiscacion; pero el resto del cargamento y el buque se dejaran libres para que los dueños puedan disponer de ellos segun estimen conveniente. Ningun buque de ninguna de las partes contratantes será detenido en alta mar por tener á bordo artículos de contrabando, siempre que el maestre, capitán, ó sobre-cargo del susodicho buque entregue los artículos de contrabando al apresador; á menos que sea tan grande y de tanto volumen la cantidad de los tales artículos que no puedan recibirse á bordo del buque apresador sin gran inconveniente; pero en este y en todos los otros casos de justa detencion, el buque detenido será enviado al puerto mas inmediato, cómodo, y seguro, para ser juzgado con arreglo á las leyes.

## ARTICULO XXVI.

Y como frecuentemente sucede que navegan buques para un puerto ó lugar perteneciente á un enemigo, sin saber que él mismo esta sitiado, bloqueado, ó atacado, se conviene que todo buque que se halle en este caso, sea rechazado del tal puerto ó lugar, pero no detenido, ni confiscada ninguna parte de su cargamento que no sea contrabando, á menos que despues de notificarsele el bloqueo ó ataque por el oficial que mande un buque que forme parte de las fuerzas bloqueadoras intentase de nuevó entrar; pero se le permitirá ir á cualquiera otro puerto ó lugar que juzgue oportuno el maestre ó sobre-cargo. Y á nin-

proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established, and attempt to depart, she may be warned by the blockading forces to return to the blockaded port, and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

## ARTICLE XXVII.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall,

gun buque de una ú otra parte que hubiere entrado en un puerto ó lugar ántes de que el mismo fuese sitiado, bloqueado, ó atacado por la otra, se le impedirá que salga con su cargamento; ni si se encontrase allí ántes ó despues de la reduccion y entrega estará sujeto el tal buque ó su cargamento á apresamiento, confiscacion ó demanda alguna por causa de redencion o restitution, sino que se dejará á sus dueños en tranquila posesion de su propiedad. Y si algun buque que hubiere entrado en el puerto ántes de tener lugar el bloqueo, tomase carga á bordo despues de establecido el bloqueo, é intentase salir, se le podrá intimar por las fuerzas bloqueadoras que vuelva el puerto bloqueado y descargue su cargamento; y si despues de recibir la dicha intimacion insistiere el buque en salir con el cargamento, estará sujeto á las mismas consecuencias á que lo estaria una embarcacion que intentase entrar en un puerto bloqueado, despues de ser intimada por las fuerzas bloqueadoras.

## ARTICULO XXVII.

Para impedir todo género de desorden é irregularidad en la visita y examen de los buques y cargamentos de las dos partes contratantes en alta mar, han convenido mutuamente, que cuando un buque de guerra, público ó particular encontrare á un neutral de la otra parte contratante, el primero permanecerá á la mayor distancia que sea compatible con la posibilidad y la seguridad de hacer la visita, atendidas las circunstancias del viento y de la mar, y el grado de sospecha que inspire el bajel que ha de ser visitado, y enviara uno de sus botes pequeños sin mas jente que la necesaria para tripularlo, con el objeto de ejecutar el predicho examen de los papeles relativos á la propiedad y cargamento del buque, sin causar la menor extorsion, violencia, ó maltratamiento; respecto á lo cual los comandantes de los susodichos buques armados serán, responsables con sus personas y proprie-

Right of visitation and search regulated.

before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

#### ARTICLE XXVIII.

Papers with which vessels of either party must be provided, when the other is at war.

Both contracting parties likewise agree that when one of them shall be engaged in war, the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner, and master, or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessels, being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates, containing the particulars of the cargo and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

#### ARTICLE XXIX.

Vessels under convoy.

The preceding stipulations relative to the visit and examination of vessels, shall apply only to those

dades; para cuyo fin los comandantes de los predichos buques particulares armados, ántes de recibir sus comisiones, darán la suficiente seguridad para responder por todos los daños y perjuicios que cometieren. Y se conviene expresamente que en ningún caso se requerirá que la parte neutral vaya á bordo del buque que hace la visita, ni para exhibir sus papeles ni para ningún otro objeto.

#### ARTICULO XXVIII.

Ambas partes contratantes convienen que en el caso que una de ellas estuviere empeñada en guerra, los buques de la otra deben estar provistas de letras de mar, patentes, ó pasaportes, en que se expresen el nombre y tamaño del buque, como tambien el nombre y el lugar de la residencia de su dueño, maestre, ó capitán, á fin de que aparezca por ellos que el susodicho buque pertenece real y verdaderamente á ciudadanos de la dicha otra parte. Y han convenido así mismo en que los dichos buques estando cargados, llevarán además de las mencionadas letras de mar, patentes, ó pasaportes, manifestos, ó certificados que contengan los diferentes pormenores del cargamento, y el lugar donde fué embarcado; de manera que se sepa si hay á su bordo efectos prohibidos ó de contrabando, dichos certificados seran espedidos por las autoridades del lugar de donde salió el buque en la forma acostumbrada, sin cuyos requisitos, el susodicho buque puede ser detenido para ser adjudicado por los tribunales competentes y puede ser declarado presa legal, á menos que se pruebe el precitado defecto proviene de accidente, ó sea satisfecho ó suplido por un testimonio del todo equivalente, en la opinion de los susodichos tribunales, á cuyo fin se concederá un término suficiente para proporcionárselo.

#### ARTICULO XXIX.

Las estipulaciones arriba expresadas relativas á la visita y examen de los buques, se aplicarán sola-

which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

## ARTICLE XXX.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

## ARTICLE XXXI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting, or coöperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

## ARTICLE XXXII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have

mente á aquellos que navegan sin convoy; y cuando los dichos buques fueren convoyados, la declaracion verbal del comandante del convoy, bajo su palabra de honor, de que los bajeles que estan bajo su proteccion pertenecen á la nacion cuya bandera tremola él, y cuando su destino es á un puerto enemigo, de que no tienen a bordo efectos de contrabando, será considerada suficiente.

## ARTICULO XXX.

Se conviene así mismo que, en todo caso de presas los tribunales establecidos para tales causas en el país á que puedan ser conducidas las presas, serán los únicos que tomen conocimiento de ellas. Y siempre que semejantes Tribunales de una ú otra parte pronunciaren sentencia contra algun buque, efectos, ó propiedad reclamados por ciudadanos de la otra parte, la sentencia ó descision mencionará las razones ó motivos en que se ha fundado, y se entregara al comandante ó agente del dicho buque o propiedad sin escusa ó demora alguna, si él lo pidiere, una copia autentica de la sentencia o decision, y de todos los procedimientos del caso, con tal que pague por ello los derechos ó gastos legales.

Prize cases,  
provisions as to.

## ARTICULO XXXI.

Siempre que una de las partes contratantes estuviere empeñada en guerra con otra nacion, ningun ciudadano de la otra parte contratante aceptará comision ó letra de marca con el objeto de ayudar ó coöperar hostilmente con el susodicho enemigo, contra la predicha parte que está en guerra, so pena de ser tratado como pirata.

Citizens of  
either nation not  
to serve against  
the other.

## ARTICULO XXXII.

Si, lo que no es de esperar, llegase á haber en cualquier tiempo un rompimiento entre las dos naciones contratantes y se empeñaren en guerra una con otra, han convenido

Rights of citizens,  
in case of  
war between the  
two nations.

Right to order  
their removal,  
how to be exer-  
cised.

agreed now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offence against the laws.

And in case their acts should render them justly suspected, and, having thus forfeited this privilege, the respective governments should think proper to order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

#### ARTICLE XXXIII.

Property, debts,  
&c., not to be  
confiscated by  
war.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

#### ARTICLE XXXIV.

Rights of en-  
voys, &c.

The high contracting parties, desiring to avoid all inequality in their public communications and

ahora para entonces, que los comerciantes, traficantes, y otros ciudadanos de todas profesiones, de cualquiera de las partes que residen en las ciudades, puertos, y dominios de la otra, tendrán el privilegio de permanecer allí y de continuar su comercio y negocios y serán respetados y mantenidos en el pleno y tranquilo goce de su libertad personal y de su propiedad, en tanto que se conduzcan pacíficamente de un modo arreglado, y no cometan ofensa alguna contra las leyes. Y en caso de que su conducta los hiciere justamente sospechosos y habiendo perdido así este privilegio, los respectivos gobiernos juzgaren oportuno mandarlos salir del país, se les concederá el término de doce meses, contados desde la publicación ó intimación de la orden, para que en el puedan arreglar y ordenar sus negocios y retirarse con sus familias, efectos, y propiedades; á cuyo fin, se les dará el necesario salva conducto, que sirva de suficiente protección hasta que lleguen al puerto designado, y en él se embarquen. Pero este favor no se extenderá á aquellos que obraran de un modo contrario á las leyes establecidas. Debe no obstante entenderse, que á las personas así sospechosas, pueden los gobiernos respectivos mandarlas retirar inmediatamente á lo interior, á aquellos lugares que tengan por conveniente designar.

#### ARTICULO XXXIII.

En el caso de una guerra ó de una interrupción de la cordial inteligencia de las dos Altas Partes Contratantes, la propiedad en dinero, duedas entre particulares, acciones en los fondos públicos, ó en los bancos públicos o privados, ó cualquiera otra propiedad perteneciente á las ciudadanos de una de las partes en el territorio de la otra no podrá ser secuestrada ó confiscada en ningún caso.

#### ARTICULO XXXIV.

Deseando las dos partes contratantes evitar toda desigualdad con relacion á sus comunicaciones púb-

official intercourse, agree to grant to their envoys, ministers, *chargés d'affaires*, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, that those of the most favored nations do or shall enjoy; it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the envoys, ministers, *chargés d'affaires*, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

## ARTICLE XXXV.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them, in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their *exequatur*; after receiving which they shall be acknowledged, in their official characters, by the authorities, magistrates, and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls or vice-consuls may not seem convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

licas, y á su correspondencia oficial, han convenido y convienen, en conceder á sus Enviados, Ministros, Encargados de Negocios, y otros Agentes públicos, los mismos favores, inmunidades, y exenciones que hoy disfrutan ó en adelante disfrutaren los de la nacion mas favorecida; entendiendose, que cualesquiera favores, inmunidades, ó privilegios que la República del Perú y los Estados Unidos de América tuvieran por conveniente conceder á los Enviados, Ministros, Encargados de Negocios, y Agentes diplomaticos de cualquiera otra potencia, serán por el mismo acto estendidos y concedidos á los de las partes contratantes respectivamente.

## ARTICULO XXXV.

A fin de hacer mas efectiva la proteccion que la República del Perú y los Estados Unidos de América concedieren en lo futuro al comercio y navegacion de sus respectivos ciudadanos, la República del Perú y los Estados Unidos de América convienen en recibir y admitir Consules y Vice-Consules en todos los puertos abiertos al comercio extranjero; los cauales disfrutarán dentro de sus respectivos distritos consulares, todos los derechos, prerogativas, é inmunidades de los Consules y Vice-Consules de la nacion mas favorecida. Pero para que los Consules y Vice-Consules de las dos partes contratantes, puedan disfrutar de los derechos, prerogativas, é inmunidades que les pertenecen por su caracter público, presentarán ántes de ejercer sus funciones, su nombramiento ó patente, en debida forma al gobierno cerca del cual seán acreditados, á fin de obtener el *exequatur*; y recibido este serán tenidos y considerados como tales Consules ó Vice-Consules, por todas las autoridades, majistrados, y habitantes del distrito consular donde residan. Queda sin embargo cada una de las partes contratantes en libertad de exceptuar aquellos puertos y lugares en donde no se crea conveniente la admission y residencia de tales funcionarios, bien entendido que en tal

Provisions respecting consuls, &c.

## ARTICLE XXXVI.

Consuls, &c. to  
be exempted  
from taxes, &c.

Archives and  
papers of, to be  
inviolable.

The consuls, vice-consuls, their officers, and persons employed in their consulates, shall be exempt from all public service and from all kinds of taxes, imposts, and contributions, except those which they shall lawfully be held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with, or seize them.

## ARTICLE XXXVII.

Deserters, re-  
clamation of.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody of deserters from the vessels of war or merchant vessels of their nation; and where the deserters claimed shall belong to a merchant vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving, by the ship's roll or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or,

caso la exclusion ó negativa á admitirlos deberá ser comun ó jeneral para todas las naciones.

## ARTICULO XXXVI.

Los Consules, Vice-Consules, oficiales, y personas empleadas en sus consulados estarán esentos de todo servicio público, y tambien de todo género de contribuciones, pechos, é impuestos, excepto aquellos que estuvieren obligados á pagar á causa de su comercio ó de sus propiedades, y á los que estan sujetos los ciudadanos y otros habitantes del pais en que residen, estando ellos por lo demás sometidos á las leyes de los respectivos paises. Los archivos y papeles de los Consulados, serán inviolablemente respetados, y bajo de ningun pretesto se apoderará de ellos ó intervendrá en manera alguna con ellos, ningun majistrado, ni cualquiera otra persona.

## ARTICULO XXXVII.

Los Consules y Vice-Consules tendrán la facultad de requerir el auxilio de las autoridades del pais en que residan para el arresto, detencion y custodia de los desertores de los buques de guerra y mercantes de su nacion; y cuando los desertores reclamados pertenezcan á un buque mercante, los Consules y Vice-Consules podrán dirigirse ellos mismos á las autoridades competentes y pedir por escrito los susodichos desertores, manifestando el rol del búque ú otros documentos públicos para probar con ellos que los hombres pedidos forman parte de la tripulacion del buque de donde se alega que desertaron: pero si los individuos reclamados perteneciesen á la tripulacion de un buque de guerra, bastará la palabra de honor del comandante de dicho buque para identificar á los desertores y en cualquier caso que se pruebe por estos medios la reclamacion de los consules ó vice-consules, no se rehusará la entrega de los desertores. Una vez arrestados los tales desertores, se tendrán á disposicion de los suso dichos

at the request of these, shall be put in the public prisons and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

## ARTICLE XXXVIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

## ARTICLE XXXIX.

Until the conclusion of a consular convention, the high contracting parties agree that, in the absence of the legal heirs or representatives, the consuls or vice-consuls of either party shall be *ex officio* the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace, or other local authority, to assist in taking an inventory of the effects and property left by the deceased; after which, the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their re-

Consules, y pueden ponerse en las prisiones públicas á peticion y costo de aquellos que los reclaman para ser enviados á los buques á que pertenecen ó á otros de la misma nacion; pero si no fuesen así enviados dentro de los dos meses que deberán contarse desde el dia de su arresto, serán puestos en libertad y no volverán á ser arrestados por la misma causa. Las altas partes contratantes convienen en que no podrá legalmente ninguna autoridad pública ni otra persona cualquiera amparar ó proteger á tales desertores dentro de sus respectivos dominios.

## ARTICULO XXXVIII.

Con el objeto de proteger de un modo mas efectivo su comercio y navegacion, las dos partes contratantes convienen por la presente en formar, mas adelante, tan pronto como á ambas les convenga, una convencion consular en que se declaren especialmente las facultades é inmunidades de los Consules y Vice-Consules de las partes respectivas.

Consular convention to be formed.

## ARTICULO XXXIX.

Hasta que se concluya una convencion consular, queda estipulado entre las altas partes contratantes; que en ausencia de los herederos legales ó sus representantes, los Consules ó Vice-Consules de cualquiera de las partes serán "*ex officio*" los albaceas ó administradores de los ciudadanos de su nacion que mueran dentro de sus distritos consulares; y de aquellos que mueran en la mar, y cuya propiedad pueda ser llevada á algun puerto ó lugar dentro de los mismos distritos. Los dichos Consules ó Vice-Consules podrán presentarse á un juez de paz, ó á cualquier otra autoridad local, y pedir que se haga el inventario de los efectos y propiedades que ha dejado el difunto, y despues de hecho, esos efectos quedarán en poder del Consul ó Vice-Consul, el que estará autorizado para vender inmediatamente áquellos efectos o propiedades que puedan sufrir de-

Rights of consuls, &c., to take charge of estates in case of decease of citizens of their own country in the other, or at sea.

spective governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased, shall have the right to present their claims or demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property, in accordance with the instructions from their own governments.

#### ARTICLE XL.

The United States of America and the Republic of Peru, desiring to make as durable as circumstances will permit, the relations established between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

This treaty to remain in force ten years, and till twelve months' notice afterwards.

1. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same—each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and determine.

Acts of private citizens, not to disturb amicable relations.

2. If any citizen or citizens of either party shall infringe any of

terioro, y para disponer del resto segun las instrucciones de sus respectivos gobiernos. Y cuando el difunto haya estado consagrado al comercio ó á otros negocios, los Consules ó Vice-Consules guardarán los efectos y propiedades que hayan quedado durante el plazo de doce meses, á fin de que si hay acreedores contra el difunto puedan presentar sus reclamaciones ó demandas contra los dichos bienes, y todas las cuestiones que se susciten por tales reclamaciones ó demandas se descidirán segun las leyes del pais en donde los dichos ciudadanos hayan fallecido. Se entiende, sin embargo, que si ninguna reclamacion ó demanda se ha hecho contra los bienes de un individuo que haya fallecido de esa manera, los Consules ó Vice-Consules, al fin del plazo de los doce meses podrán concluir la testamentaria y disponer de los bienes conforme á los instrucciones de sus propios gobiernos.

#### ARTICULO XL.

La República del Perú y los Estados Unidos de América deseando hacer tan durables como las circunstancias lo permitan las relaciones establecidas entre ambas Partes, en virtud de este Tratado de Amistad, Comercio, y Navegacion, declaran solemnemente, y convienen en lo que sigue:

1º. El presente Tratado durará por el término de diez años, contados desde el dia del canje de las ratificaciones, y mas hasta el fin de un año despues que cualquiera de las dos partes contratantes haya notificado á la otra su intencion de cancelarlo, reservandose cada una el derecho de hacer esa notificacion a la otra, al fin de dicho plazo de diez años. Y se conviene además entre las partes que á la espiracion de un año despues que se haya recibido esa notificacion por una de ellas, hecha por la otra parte como se ha mencionado, este tratado concluirá y terminará enteramente.

2º. Si cualquier ciudadano ó cualesquier ciudadanos de una ú otra

the articles of the treaty, such citizen or citizens shall be held personally responsible therefor; and the harmony and good understanding between the two nations shall not be interrupted thereby — each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

3. Should unfortunately any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4. Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the authorization of the Congress thereof; and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima on the

parte, quebrantasen cualquier artículo de este tratado, dichos ciudadanos ó ciudadanos serán responsables personalmente, y la armonia y buena inteligencia entre las dos naciones no se interrumpirán por ese motivo; y cada parte se compromete á no proteger de ninguna manera al infractor ó infractores, ó á sancionar tal violacion, so pena de hacerse la misma responsable por las consecuencias de ella.

3°. Si desgraciadamente la esstipulaciones de este tratado fuesen violadas de otra manera, se conviene espresamente en que ninguna de las partes contratantes ordenará ó autorizará ningun acto de represalia, ni declarará la guerra á la otra por quejas de agravios ó perjuicios que de allí resulten, hasta que la parte que se considere agraviada haya presentado primeramente á la otra una relacion ó representacion de tales agravios ó perjuicios, apoyados en suficientes pruebas, y haya pedido reparacion y satisfacion, y que esta se le haya rehusado ó retardado sin razon.

4°. Nada de lo contenido en este tratado se entenderá de manera que pueda producir un efecto contrario a los tratados anteriores y vijentes celebrados con otras naciones ó soberanos.

El presente tratado de amistad, comercio, y navegacion será aprobado y ratificado por el Presidente de la República del Perú, con la autorizacion del Congreso del Perú, y por el Presidente de los Estados Unidos de América, con el parecer y acuerdo del Senado de los Estados Unidos; y las ratificaciones serán canjeadas en Washington a los diez y ocho meses de esta fecha, ó ántes si es posible.

En fé de lo cual, los plenipotenciarios de la República del Perú y de los Estados Unidos de América hemos firmado y sellado el presente.

Hecho en Lima el veintiseis de

Offenders to be punished.

War not to be declared for infringement of this treaty, until redress has been demanded.

This treaty not to contravene former treaties with other nations.

Exchange of ratifications.

## TREATY WITH PERU. JULY 26, 1851.

twenty-sixth day of July, in the	Julio del año del Señor de mil
year of our Lord one thousand	ochocientos cincuenta y uno.
eight hundred and fifty-one.	J. CMO. TORRICO, [L. s.]
J. RANDOLPH CLAY, [L. s.]	J. RANDOLPH CLAY, [L. s.]
J. CMO. TORRICO, [L. s.]	

And whereas, the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the sixteenth instant, by WILLIAM HUNTER, Acting Secretary of State of the United States, and Señor Don JUAN Y. DE OSMA, Chargé d'Affaires of the Republic of Peru, on the part of their respective governments :

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of  
 [ L. s. ] July, in the year of our Lord one thousand eight hundred  
 and fifty-two, and of the independence of the United States  
 the seventy-seventh.

MILLARD FILLMORE.

BY THE PRESIDENT :

W. HUNTER, *Acting Secretary of State.*

## TREATIES.

MILLARD FILLMORE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

July 23, 1851.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING,

WHEREAS a treaty was made and concluded at Traverse des Sioux, in the Territory of Minnesota, on the twenty-third day of July, one thousand eight hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, acting as Commissioners, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, which treaty is in the words following, to wit:

Preamble.

Articles of a treaty made and concluded at Traverse des Sioux, upon the Minnesota River, in the Territory of Minnesota, on the twenty-third day of July, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, commissioners duly appointed for that purpose, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians.

ARTICLE 1. It is stipulated and solemnly agreed, that the peace and friendship now so happily existing between the United States and the aforesaid bands of Indians, shall be perpetual.

Peace to exist.

ARTICLE 2. The said See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, agree to cede, and do hereby cede, sell, and relinquish to the United States, all their lands in the State of Iowa; and, also, all their lands in the Territory of Minnesota, lying east of the following line, to wit: Beginning at the junction of the Buffalo River with the Red River of the north; thence along the western bank of said Red River of the north, to the mouth of the Sioux Wood River; thence along the western bank of said Sioux Wood River to Lake Traverse; thence, along the western shore of said lake, to the southern extremity thereof; thence in a direct line, to the junction of Kameska Lake with the Tchan-kas-an-data or Sioux River; thence along the Western bank of said river to its point of intersection with the northern line of the State of Iowa; including all the islands in said rivers and lake.

Cession of land to the United States.

ARTICLE 3.\* In part consideration of the foregoing cession, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, all that tract of country on either side of the Minnesota River from the Western boundary of the lands herein ceded, east to the Tchatam-bay River on the north, and to the Yellow Medicine River on the south side, to extend, on each side, a distance of not less than ten miles from the general course of said river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever deemed expedient by the President, and in such manner as he shall direct.

Land to be set apart in lieu thereof.

ARTICLE 4. In further and full consideration of said cession, the United States agree to pay to said Indians, the sum of one million, six hundred and sixty-five thousand dollars (\$1,665,000,) at the several times, in the manner and for the purposes following, to wit:

Payment of money to said Indians.

\* This article was stricken out. See amendments, *post*, p. 951.

Proviso.

1st. To the Chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagement; and in consideration of their removing themselves to the country set apart for them as above, which they agree to do within two years or sooner, if required by the President, without further cost or expense to the United States, and in consideration of their subsisting themselves the first year after their removal, which they agree to do without further cost or expense on the part of the United States, the sum of two hundred and seventy-five thousand dollars (\$275,000): *Provided*, That said sum shall be paid to the Chiefs in such manner, as they, hereafter, in open Council shall request, and as soon after the removal of said Indians to the home set apart for them, as the necessary appropriation therefor shall be made by Congress.

2d. To be laid out under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars (\$30,000.)

The balance of said sum of one million six hundred and sixty-five thousand dollars (\$1,665,000) to wit: One million, three hundred and sixty thousand dollars (\$1,360,000,) to remain in trust with the United States, and five per cent. interest thereon to be paid, annually, to said Indians for the period of fifty years, commencing the first day of July, eighteen hundred and fifty-two (1852,) which shall be in full payment of said balance, principal and interest, the said payment to be applied under the direction of the President, as follows to wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars (\$12,000.)

4th. For educational purposes, the sum of six thousand dollars, (\$6,000.)

5th. For the purchase of goods and provisions, the sum of ten thousand dollars, (\$10,000.)

6th. For money annuity, the sum of forty thousand dollars (\$40,000.)

Laws respecting liquor to remain in force in said district.

ARTICLE 5. The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the Territory hereby ceded and lying in Minnesota until otherwise directed by Congress or the President of the United States.

Rules may be prescribed.

ARTICLE 6. Rules and regulations to protect the rights of persons and property among the Indians, parties to this Treaty, and adapted to their condition and wants, may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct.

In testimony whereof, the said Commissioners, Luke Lea and Alexander Ramsey, and the undersigned Chiefs and Headmen of the aforesaid See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, have hereunto subscribed their names and affixed their seals, in duplicate, at Traverse des Sioux, Territory of Minnesota, this twenty-third day of July, one thousand eight hundred and fifty-one.

L. LEA, [SEAL.]  
ALEX. RAMSEY, [SEAL.]

Een-yang-ma-nee, (Running Walker or "the Gun,")	Wa-ma-ksoon-tay, ("Walnut," or Blunt headed arrow,)
Wee-tchan-h'pee-ee-tay-toan, (the Star face or the "Orphan,")	Ma-za-sh'a, (Metal Sounding,)
Ee-tay-wa-keen-yan, ("Limping Devil" or "Thunder Face,")	Ya-shoa-pee, (The wind instrument,)
Eesh-ta-hum-ba, ("Sleepy Eyes,")	Noan-pa keen-yan, (Twice Flying,)
Oo-pee-ya-hen-day-a, (Extending his train,)	Wash-tay-da, (Good, a little,)
	Wa-keen-yan-ho-ta, (Grey Thunder,)
	Wa-shee-tchoon-ma-za, (Iron French-man,)

Hoak-shec-dan-wash-tay, (Good Boy,)	Ta-pe-ta-tan-ka, (His Big fire,)
Ee-tay-tcho-ka, (Face in the midst,)	Ma-h'pee-ya-h'na-shkan-shkan, (Moving Cloud,)
Hay-ha-hen-day-ma-za, (Metal Horn,)	Wa-na-pay-a, (The pursuer,)
Am-pay-too-sha, (Red Day,)	Ee-tcha-shkan-shkan-ma-nee, (Who walks shaking,)
Eesh-ta-humba-koash-ka, (Sleepy Eyes young,)	Ta-wa-kan-he-day-ma-za, (His Metal Lightning,)
A na-wang-ma-nee, (Who goes galloping on,)	Ee-tay doo-ta, (Red Face,)
Ma-h'pee-wee-tchash-ta, (Cloud man,)	Henok-marpi-yahdi-nape, (Reappearing Cloud,)
Tan-pa-hee-da, (Sounding Moccasin,)	Tchan-hedaysh-ka-ho-toan-ma-nee, (the moving sounding Harp)
Eenk-pa, (the upper end,)	Ma-zaku-te-ma-ni, (Metal walks shooting,)
Wee-yoa-kee-yay, (Standard,)	A-kee-tchee-ta, (Standing Soldier.)
Wa-kan-ma-nee, (Walking Spirit,)	
Ee-tay-sha, (the one that reddens his face,)	
Ta-ka-ghay, (Elk maker,)	

Signed in presence of Thomas Foster, Secretary. Nathaniel McLean, Indian Agent. Alexander Faribault, Stephen R. Riggs, Interpreters. A. S. H. White; Thos. S. Williamson; W. C. Henderson; A. Jackson; James W. Boal; W. G. Le Duc; Alexis Bailly; H. L. Dousman; Hugh Tyler.

To the Indian names are subjoined marks.

AND WHEREAS the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-third day of June, one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 23d, 1852.

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and concluded at Traverse des Sioux, upon the Minnesota River, in the Territory of Minnesota, on the twenty-third day of July, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, Commissioners duly appointed for that purpose, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians with the following

#### AMENDMENTS:

Strike out the third article of the treaty and add the following supplemental article. Supplemental article.

1st. The United States do hereby stipulate to pay the Sioux bands of Indians, parties to this treaty, at the rate of ten cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words: Payment for land ceded.

"ARTICLE 3. In part consideration of the foregoing cession, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, all that tract of country on either side of the Minnesota River, from the western boundary of the lands herein ceded, east, to the Tchay-tam-bay River on the north, and to Yellow Medicine River on the south side, to extend, on each side, a distance of not less than ten miles from the general course of said river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever deemed expedient by the President, and in such manner as he shall direct:" which article has been stricken out of the treaty by the Senate, the said payment to be in lieu of said reservation: the amount when ascertained under instructions from the Department of the Interior, to be added to the trust fund provided for in the Fourth article.

2d. It is further stipulated, that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon Land to be set apart for said Indians.

Proviso.

after they shall have given their assent to the foregoing *article*, as may be convenient, to cause to be set apart by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the First [2d] article of the treaty as may be satisfactory for their future occupancy and home: *Provided*, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient.

Attest—

ASBURY DICKINS, *Secretary*.

AND WHEREAS, the said amendments having been submitted and explained to the said See-see-toan and Wah-pay-toan bands of Sioux Indians, the said Indians did, on the eighth day of September, one thousand eight hundred and fifty-two, assent to the said treaty as amended by the Senate, in words following, to wit:

We, the undersigned, Chiefs and Headmen of the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, parties to the treaty made and concluded at Traverse des Sioux, upon the Minnesota River, on the twenty-third day of July, eighteen hundred and fifty-one, trusting to the justice, liberality, and humanity of the President and the Congress of the United States, that such tracts of country will be set apart for our future occupancy and home as will be to us acceptable and satisfactory, do hereby give our free and voluntary assent to the foregoing treaty of July 23, 1851, as amended by the resolution of the Senate of the United States, on the twenty-third day of June, eighteen hundred and fifty-two, the same having been submitted to us by Alexander Ramsey, Superintendent of Indian Affairs for the Territory of Minnesota, and Commissioner on the part of the United States, and fully and fairly explained by him to us in Council assembled.

In testimony whereof the undersigned, Chiefs and Headmen of the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, have hereunto subscribed their names, in duplicate, at the office of the Superintendent of Indian Affairs, in the town of Saint Paul, Territory of Minnesota, this eighth day of September, eighteen hundred and fifty-two.

Een-yang-ma-nee,  
Ee-tay-wa-keen-yan,  
Eesh-ta-hum-ba, (by his nephew,)  
Mah-pec-ya-wee-tchasta,  
Eesh-ta-hum-ba-koash-ka,  
Mah-kat-een-day,  
Yah-zhoa-pee,  
Wa-me-dec-o-to-mo-nee,  
Oo-pec-ya-hen-da-ya,  
Noam-pa-keen-yan,  
Wash-tay-day,  
Hay-a-he-day-ma-za, (by his father)  
Wa-keen-yah-doo-ta,

A-na-wang-ma-nee,  
Eenk-pa, (by his son)  
Tape-ta-tank-ka,  
Mah-pee-yanhna-shkan-shkan,  
No hope-for,  
Wo-tone-ho-wash-ta,  
Moza-ku-te-ma-ni,  
Tchan-ka-ha-too,  
Wah-pah-ha-nah,  
Wah-m'pee-dee-dootah,  
Ho-hah-tchoko-ma-za,  
Ta-wa-kan-he-day-ma-za,  
Wa-kah-han-dee-topa,  
Wa-kah-'ndee-ka-ta.

Witness: Nathaniel McLean, Indian Agent. Wallace B. White, Secretary. Philander Prescott, Interpreter. Jos. Laframboise, Interpreter. Henry M. Rice.

To the Indian names are subjoined marks.

The foregoing assent was signed in presence of myself, and the witnesses whose names are annexed.

ALEX. RAMSEY, *Commissioner*.

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of June, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight  
[L. s.] hundred and fifty-three, and of the Independence of the United States the seventy-seventh.

(Signed)

MILLARD FILLMORE.

BY THE PRESIDENT:

(Signed)

EDWARD EVERETT, *Secretary of State.*

## MILLARD FILLMORE,

August 5, 1851.

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, one thousand eight hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, acting as commissioners, and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, commissioners duly appointed for that purpose, and the Med-ay-wa-kan-toan and Way-pay-koo-tay bands of Dakota and Sioux Indians.

Peace and  
friendship.

ARTICLE 1. The peace and friendship existing between the United States and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, shall be perpetual.

Cession of lands  
in Minnesota and  
Iowa.

ARTICLE 2. The said Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Indians do hereby cede and relinquish all their lands and all their right, title and claim to any lands whatever, in the Territory of Minnesota, or in the State of Iowa.

Certain lands  
set apart for said  
Indians.

ARTICLE 3. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them, as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota River, and bounded on the West by the Tchay-tam-bay and Yellow Medicine Rivers, and on the East by the Little Rock River, and a line running due South from its mouth to the Waraju River; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: *Provided*, That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands or either of them, and the United States.\*

Proviso.

Payment for  
said cession.

ARTICLE 4. In further and full consideration of said cession and relinquishment, the United States agree to pay to said Indians the sum of one million four hundred and ten thousand dollars, (\$1,410,000,) at the several times, in the manner and for the purposes following, to wit:

1st. To the Chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagements; and in consideration of their removing themselves to the country set apart for them as above, (which they agree to do within one year after the ratification of this treaty, without further cost or expense to the United States,) and in consideration of their subsisting themselves the first year after their removal, (which they agree to do without further cost or expense on the part of the United States,) the sum of two hundred and twenty thousand dollars (\$220,000.) *Provided*, That said sum shall be paid, one half to the Chiefs of the Med-ay-wa-kan-toan band, and one half to the Chief

\* This article was changed. See amendments, *post*, p. 957.

and Headmen of the Wah-pay-koo-tay band, in such manner as they, hereafter, in open Council, shall respectively request, and as soon after the removal of said Indians to the home set apart for them as the necessary appropriations therefor shall be made by Congress.

2d. To be laid out, under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars (\$30,000.)

The balance of said sum of one million four hundred and ten thousand dollars, (\$1,410,000,) to wit: One million, one hundred and sixty thousand dollars (\$1,160,000,) to remain in trust with the United States, and five per cent. interest thereon to be paid annually to said Indians for the period of fifty years, commencing on the first day of July, eighteen hundred and fifty two (1852,) which shall be in full payment of said balance, principal and interest: said payments to be made and applied, under the direction of the President as follows, to wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars, (\$12,000.)

4th. For educational purposes, the sum of six thousand dollars, (\$6000.)

5th. For the purchase of goods and provisions, the sum of ten thousand dollars, (\$10,000.)

6th. For money annuity, the sum of thirty thousand dollars, (\$30,000.)

ARTICLE V. The entire annuity, provided for in the first section of the second article of the treaty of September twenty-ninth, eighteen hundred and thirty seven (1837,) including any unexpended balance that may be in the treasury on the first of July, eighteen hundred and fifty-two, (1852,) shall thereafter be paid in money. The annuity provided in treaty (vol. vii. p. 539), to be paid in money.

ARTICLE VI. The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the Territory hereby ceded and lying in Minnesota, until otherwise directed by Congress or the President of the United States. Spirituous liquors.

ARTICLE VII. Rules and Regulations to protect the rights of persons and property among the Indians parties to this Treaty, and adapted to their condition and wants, may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct. Rules and regulations.

ARTICLE VIII. The Half-Breeds of the Sioux Nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie du Chien on the fifteenth of July, eighteen hundred and thirty, it is hereby agreed at their request, that, in lieu of the tract of land set apart for the occupancy of said Half-Breeds there shall be paid to them, by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars (\$150,000): *Provided*, That the non-ratification of this article shall, in no manner affect the other provisions of this Treaty.\* Payment to the Half-Breeds in lieu of provision in treaty, (vol. vii. p. 330.)

In witness whereof, the said Luke Lea and Alexander Ramsey, Commissioners on the part of the United States and the undersigned Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, have hereunto set their hands, at Mendota, in the Territory of Minnesota, this fifth day of August, Anno Domini, one thousand eight hundred and fifty-one.

L. LEA.

ALEX. RAMSEY.

\* This article was struck out. See amendments, *post*, p. 957.

<i>Med-ay-wa-kan-toans.</i>		Headmen Hoak-shee-dan-doo-ta, (Scarlet Boy,)	
Chief	Ta-oya-te-duta, (his scarlet people, or "Little Crow,")	"	Am-pay-sho-ta, (Smoky Day,)
Headmen	Wa-kan-o-zhan, (Sacred Light, or Medicine Bottle,)	"	Ha-ha-ka-ma-za, (Metal Elk,)
"	Tee-tchay, (Top of the Lodge or "Jim," or "Old Thad,")	"	Ta-tay-h'moo-he-ya-ya, ("Whistling Wind,")
"	Ta-tchan-h'pee-sa-pa, (His "Black Tomahawk,")	"	Wa-pa-ma-nee, (He strikes walking,)
"	Ma-ka-na-ho-toan-ma-nee, (At whose tread the earth resounds,)	"	Ma-h'pee-ya-wa-kan, (Sacred Cloud,)
"	H'-da-ec-yan-kay, (he runs rattling,)	"	Ta-tchan-h'pee-ma-za, (His Iron War Club,)
"	Too-kan-a-hena-ma-nee, (Walker on the Medicine Boulders or Stones,)	Chief	Ma-za-ho-ta, (Gray Metal,)
"	Wa-m'dee-doo-ta, (Scarlet War Eagle,)	Headmen	Wa-soo-mee-tchash-ta-shnee, (Wicked or "Bad Hail,")
"	Na-ghee-yoo-shkan, (He moves the Ghosts or Shadows,)	"	Oan-ketay-hee-dan, (Little Water-God or "Little Whale,")
"	Shoank'-a-ska, ("White Dog,")	"	Tcha-noon-pay-sa, (The Smoker,)
"	Hoo-sa-nee-ghee, (one leg yellow or orange colored,)	"	Ta-tay-to-kay-tcha, (Other wind,)
"	Wa-keen-yan-wash-tay, ("Good Thunder,")	"	Ka-ho, (The Rambler about,)
Chief	Wa-pa-sha, (The Standard, or "Red Leaf,")	Chief	Ta-tchan-koo-wash-tay, (Good Road,)
Headmen	Wa-kan-hendee-o-ta, (Many Lightnings,)	Headmen	Ta-tay-o-wo-teen-ma-nee, (Roaring Wind that walks,)
"	Tchan-h'pee-yoo-ka, (He has a war club,)	"	O-yay-tchan-ma-nee, (Track Maker,)
"	Heen-han-doo-ta, (Red Owl,)	"	Ta-shoark-ay, (His Dog,)
"	Ma-ka-ka-ee-day, (He sets the Earth on fire,)	Chief	Sha-k'pay, ("Six,")
"	Ee-a-hee-herday, (He bursts out speaking,)	Headmen	A-no-ghee-ma-zheen, (He that stands on both sides,)
Chief	Wa-koo-tay, (The "Shooter,")	"	Hoo-ya-pa, (Eagle Head,)
Headmen	Ma-h'pee-ya-ma-za, (Metal cloud,)	"	Ta-tay-mee-na, (Round Wind,)
"	Ta-ma-za-ho-wash-tay, (his good iron voice,)	"	Ka-t'pan-t'pan-oo, (He comes pounding to pieces,)
"	Ma-ka ta-na-zheen, (He stands on the earth,)	"	Ma-h'pee-ya-henda-keen-yan, (Walking across a cloud,)
"	Ee-wan-kam-ee-na-zhan, (He stands above,)	"	Wa-pee-ghee, (The orange red speckled cloud,)
"	Wa-kan-ta-pay-ta, (The Spirit's Fire,)	"	Ma-za-wa-menoo-ha, (Gourd shell metal medicine rattle,)
"	Na-ghee-mee-tcha-keetay, (He kills the Ghosts,)	Chief	Hay-ee-tcha-h'moo-ma-nee, (Horn whistling walking,)
"	Een-yan-sha-sha, (Red Stones,)	Headmen	Pay-pay, (Sharp,)
"	Ee-day-wa-kan, (Sacred Blaze,)	"	Ta-wo-ta-way-doo-ta, (His Scarlet Armor,)
"	Ta-sag-yay-ma-za, (His metal Staff,)	"	Hay-pee, (Third Son,)
Chief	Ma-h'pee mee-tchash-tay, (man of the sky,)	"	A-pay-ho-ta, (Grey mane or crest,)
Headmen	Wee-tchan-h'pee, (The Star,)	"	Ho-tan-cen, (His voice can be heard,)
"	Ta-tay-na-zhec-na, (Little standing Wind,)	"	Ma-h'pee-ya-shee-tcha, (Bad Cloud,)
		"	Ta-wa-tcheen, (His mind,)
		"	Han-yay-too-ko-kee-pa-pee, (Night which is feared,)

In presence of Thomas Foster, Secretary. Nathaniel McLean, Indian Agent. Alexander Faribault, P. Prescott, G. H. Pond, Interpreters. David Olmstead; W. C. Henderson; Alexis Bailey; Richard Chute; A. Jackson; A. L. Larpenteur; W. H. Randall, Sr.; A. S. H. White; H. L. Dousman; Frederic B. Sibley; Marten McLeod; Geo. H. Faribault.

To the Indian names are subjoined marks.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-third day of June, one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

## IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 23d, 1852.

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, Commissioners duly appointed for that purpose, and the Med-ay-wa kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians with the following:

## AMENDMENTS:

Strike out the third article of the treaty and add the following supplemental article.

1st. The United States do hereby stipulate to pay the Sioux bands of Indians, parties to this treaty, at the rate of ten cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words: Payment for said cession.

"ARTICLE III. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota River, and bounded on the west by the Tchay-tam-bay and Yellow Medicine Rivers, and on the east by the Little Rock River, and a line running due south from its mouth to the Waraju River; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: *Provided*, That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands, or either of them and the United States," which article has been stricken out of the treaty by the Senate. The said payment to be in lieu of said reservation: the amount when ascertained under instructions from the Department of the Interior to be added to the trust fund provided for in the fourth article. Tract of land to be set apart.  
  
To be occupied in common.

2d. It is further stipulated, that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing article, as may be convenient, to cause to be set apart by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the First article of the treaty as may be satisfactory for their future occupancy and home: *Provided*, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient.

Strike out of the Treaty the following article.

## ARTICLE VIII.

"The Half-Breeds of the Sioux nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie Du Chien, on the fifteenth of July, 1830, it is hereby agreed, at their request, that in lieu of the tract of land set apart for the occupancy of said Half-Breeds, there shall be paid to them by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars: (\$150,000,) *Provided*, That the non-ratification of this article shall in no manner affect the other provisions of this treaty."

Attest —

ASBURY DICKINS, *Secretary*.

## TREATY WITH THE SIOUX. AUGUST 5, 1851.

AND WHEREAS, the said amendments having been submitted and explained to the said Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, the said Indians did, on the fourth day of September, one thousand eight hundred and fifty-two, assent to the said treaty as amended by the Senate, in words following, to wit:

We the undersigned, Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, parties to the treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, confiding in the justice, liberality, and humanity of the President and the Congress of the United States, that such tracts of country will be set apart for our future occupancy and home as will be to us acceptable and satisfactory, do hereby give our free and voluntary assent to said treaty of August 5, 1851, as amended by the resolution of the Senate of the United States, on the twenty-third day of June, eighteen hundred and fifty-two, the same having been submitted to us by Alexander Ramsey, Superintendent of Indian Affairs for the Territory of Minnesota, and Commissioner on the part of the United States, and fully and fairly explained by him to us in Council assembled.

In testimony whereof the undersigned, Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, have hereunto subscribed their names, in duplicate, at the office of the Superintendent of Indian Affairs, in the town of St. Paul, Territory of Minnesota, this fourth day of September, eighteen hundred and fifty-two.

Wa pa-shaw,  
Ta-o-ya-te-duta,  
Wa-koo-tay, (by his nephew,)  
Ta-tchan-koo-wash-tay,  
Ma h'pee wa-tchash-tay,  
Sha-k-pay,  
Ma-za ho-ta, (by his brother,)  
We-tchan-h'pee,  
Hoo-shah-shah,  
Tci-an-h'pee-yoo-ka,  
Wa-kan-hendee-o-ta,  
Heen-han-doo-ta,  
Wa-kan-o-zhan-zhan,  
Too-kan-a-hena-ma-nee,  
Wa-m'dee-doota,  
Hoo-ya-pa,  
Ta-ma-za-ho-wash-tay,  
Ma ka-ta-ne-na-zha,  
Ta-sa-gee-a-ma-zha,  
Mah-kah-to,  
Ta-tay-o-wo-teen-ma-nee,  
Ta-shoank-ay,  
O-no-gheec-na-zheen,

Ee-wan-kam-ee-na-zheen,  
O-tcho-kah-doo-tah,  
Hoch-shee-dan-doo-tah,  
Ta-tay-h'moo-he-ya-ya,  
Hay-pee-dah,  
Ta-tchan-koo,  
Wa-soo-he-y'dah,  
Oan-kec-ta-hec-dan,  
Wa-soo-wee-tchasta-shnee,  
Tcha-noon-pa-sa,  
Kah-hec-dah,  
Tee-tchay,  
Ta-tchan-h'pee-sa-pa,  
Ta-mo-hah,  
Na-pay-wa-kan-da-pay,  
Nah-pay-shnee,  
Ta-sha-kah,  
Wa-kan-dee-ka-ha,  
Wee-ohn-da,  
Ta-han-pee-doo-tah,  
Om-patoo-doo-tah,  
Pa-pay.

Witness: Henry M. Rice. Philander Prescott, U. S. Interpreter. Wallace B. White, Secretary. C. L. Emerson; Samuel John Findley.

To the Indian names are subjoined marks.

The foregoing assent was signed in presence of myself, and the witnesses whose names are annexed.

ALEX. RAMSEY, *Commissioner.*

Now, therefore, be it known that I, MILLARD FILLMORE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of June, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fourth day of  
[L. s.] February, in the year of our Lord one thousand eight  
hundred and fifty-three, and of the Independence of the  
United States the seventy-seventh.

(Signed)

MILLARD FILLMORE.

BY THE PRESIDENT:

(Signed)

EDWARD EVERETT, *Secretary of State.*



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. April 30, 1852.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, was concluded and signed by their respective Plenipotentiaries at the City of Washington, on the thirtieth day of April, one thousand eight hundred and fifty-two; which Convention, being in the English and German languages, is word for word as follows:

Convention for the mutual extension of the jurisdiction of Consuls, between the United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck.

The United States of America, and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, having agreed to extend, in certain cases, the jurisdiction of their respective Consuls, and to increase the powers granted to said Consuls by existing Treaty stipulations, have named for this purpose, as their respective Plenipotentiaries, to wit: the President of the United States of America, Daniel Webster, Secretary of State of the United States, and the Senate of the Free and Hanseatic City of Hamburg, the Senate of the Free and Hanseatic City of Bremen, and the Senate of the Free and Hanseatic City of Lubeck, Albert Schumacher, Consul-General of Hamburg and Bremen in the United States; who, having exchanged their full powers, found in due and proper form, have agreed to and signed the following articles:

## ARTICLE I.

The Consuls, Vice-Consuls, commercial and vice-commercial agents of each of the high contracting parties shall have the right, as such, to

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Vertrag über die gegenseitige Ausdehnung der richterlichen Befugnisse der Consuln zwischen den Hanseatischen Freistaaten Hamburg, Bremen und Lübeck und den Vereinigten Staaten von Nord-Amerika.

Nachdem die Hanseatischen Freistaaten Hamburg, Bremen und Lübeck und die Vereinigten Staaten von Nord-Amerika übereingekommen, in gewissen Fällen die richterlichen Befugnisse ihrer respectiven Consuln auszudehnen und die denselben vermittelt bestehender Vertrags-Bestimmungen gewährten Rechte zu erweitern, so sind zu dem Ende von beiden Seiten Bevollmächtigte ernannt worden, nämlich: von Seiten des Senats der Republik und freien Hansestadt, Hamburg, des Senats der Republik und freien Hansestadt Bremen und des Senats der Republik und freien Hansestadt Lübeck, Herr Albert Schumacher, General-Consul von Hamburg und Bremen in den Vereinigten Staaten, und von Seiten des Präsidenten der Vereinigten Staaten von Nord-Amerika, Herr Daniel Webster, Staats-Secretair der Vereinigten Staaten, welche nach vollzogener Auswechselung ihrer in gültiger Form befundenen Vollmachten die folgenden Artikel festgesetzt und unterzeichnet haben:

## ARTIKEL I.

Die Consuln, Vice-Consuln, Handels und Vice-Handels Agenten sollen das Recht haben, als solche, bei Streitigkeiten welche zwischen den Consuls to act in cases between masters and crews.

sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

#### ARTICLE II.

Limitation of  
this convention.

The present Convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months, after the Government of the United States on the one part, or the Free and Hanseatic Republics of Hamburg, Bremen, or Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of twelve years; and it is hereby agreed, that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this Convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that, if one or more of the Free and Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date of the ratification of the Convention, give or receive notice of the termination of the same, it shall, nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republics or Repub-

Capitainen und Mannschaften der Schiffe der Nation, deren Interessen sie wahrzunehmen beauftragt sind, entstehen mögen, als Richter und Schiedsmänner zu handeln, ohne Dazwischenkunft der Orts-Behörden, wenn nicht etwa das Benehmen der Mannschaften oder des Capitains die Ordnung oder Ruhe des Landes stört, oder die besagten Consuls, Vice-Consuls, Handels-Agenten oder Vice-Handels-Agenten deren Beistand zu Vollziehung oder Aufrechthaltung ihrer Entscheidungen in Anspruch nehmen. Es versteht sich jedoch dass diese Art von Urtheil oder schiedsrichterlicher Entscheidung die streitenden Theile nicht des ihnen zustehenden Rechts berauben soll, bei ihrer Zurückkunft an die richterliche Behörde ihres eigenen Landes sich zu wenden.

#### ARTIKEL II.

Der gegenwärtige Vertrag soll vom Tage der Ratifications-Urkunden an gerechnet, zwölf Jahre in in Kraft bleiben und überdem bis nach Ablauf von zwölf Monaten, nachdem die eine oder die andere der Regierungen der Hanseatischen Freistaaten Hamburg, Bremen und Lübeck einerseits, oder die Regierung der Vereinigten Staaten, andererseits ihre Absicht, ihn zu endigen, der andern angekündigt haben wird; indem jeder der contrahirenden Theile sich gegen den andern die Befugniß vorbehält, am Ende der bestimmten Frist von zwölf Jahren eine solche Erklärung abzugeben. Es ist dabei zwischen ihnen verabredet, dass mit dem Ablaufe der zwölf Monate, nachdem eine solche Erklärung des einen Theils bei dem andern eingegangen, dieser Vertrag und alle seine Bestimmungen in Bezug auf die Staaten welche diese Erklärung abgegeben und erhalten haben, ihre verbindliche Kraft verlieren sollen, welches verabredetmassen so zu verstehen, dass wenn einer oder mehrere der genannten Hanseatischen Freistaaten bei Ablauf der zwölf Jahre vom Tage der Ratification die Erklärung über das Aufhören dieses Vertrages abgeben

lic, which may not have given or received such notice.

oder erhalten sollte, derselbe dessen ungeachtet in voller Kraft und Wirkung in Bezug auf diejenigen oder denjenigen der Hanseatischen Freistaaten bleiben soll, welche eine solche Erklärung weder abgegeben noch erhalten haben.

## ARTICLE III.

This Convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Senates of the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in quadruplicate, at the City of Washington, on the thirtieth day of April, A. D., one thousand eight hundred and fifty-two, in the seventy-sixth year of the Independence of the United States of America.

DAN'L WEBSTER, [L. s.]  
A. SCHUMACHER, [L. s.]

## ARTIKEL III.

Gegenwärtiger Vertrag ist abgeschlossen worden vorbehaltlich der Ratification der Senate der Hanseatischen Freistaaten Hamburg, Bremen und Lübeck und vorbehaltlich der Ratification des Präsidenten der Vereinigten Staaten von Nord-Amerika unter Beirath und Zustimmung des Senates; die Ratificationen sollen innerhalb zwölf Monaten vom heutigen Tage an gerechnet, oder früher, wenn es geschehen kann, in Washington ausgetauscht werden.

Urkundlich dessen, haben die beiderseitigen Bevollmächtigten obestehende Artikel sowohl in deutscher als englischer Sprache unterzeichnet und ihre Siegel beigedrückt.

In vierfachen Exemplaren ausgefertigt in der Stadt Washington den dreissigsten April des Jahres Eintausend acht hundert und zwei und fünfzig, und im sechs und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten von Nord-Amerika.

A. SCHUMACHER, [L. s.]  
DAN'L WEBSTER, [L. s.]

Ratification.

Date.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the twenty-fifth of February last, by Edward Everett, Secretary of State of the United States, and Albert Schumacher, Consul-General of the Hanse Towns, in the United States, on the part of their respective Governments:

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this sixth day of June, in the year of our Lord, one thousand eight hundred and fifty-three,  
[L. s.] and of the Independence of the United States of America the seventy-seventh.

BY THE PRESIDENT:

FRANKLIN PIERCE.

W. L. MARCY, *Secretary of State.*

July 16, 1852. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and Prussia and other States of the Germanic Confederation, was concluded and signed at the City of Washington, by their respective Plenipotentiaries, on the sixteenth day of June, one thousand eight hundred and fifty-two; and whereas an Additional Article to the said Convention was agreed to and signed by the Plenipotentiaries of the parties on the sixteenth day of November, one thousand eight hundred and fifty-two; which Convention and Additional Article being in the English and German languages, are word for word as follows:

Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States, on the one part, and Prussia and other States of the Germanic Confederation, on the other part.

Vertrag zwischen den Vereinigten Staaten von Nord-Amerika einerseits und Preussen und anderen Staaten des deutschen Bundes andererseits, wegen der in gewissen Fällen zu gewährenden Auslieferung der vor der Justiz flüchtigen Verbrecher.

### Preamble.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and Constitution of Prussia, and of the other German States, parties to this Convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the Convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part, the United States of America, and on the other part, His Majesty the King of Prussia, in His own name as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eise-

Da es Behüfs besserer Verwaltung der Rechtspflege und zur Verhütung von Verbrechen innerhalb des Gebietes und der Gerichtsbarkeit der contrahirenden Theile zweckmässig befunden worden ist, dass Individuen, welche gewisse schwere Verbrechen begehen und vor der Justiz flüchtig geworden sind, unter Umständen gegenseitig ausgeliefert werden, auch das die betreffenden Verbrechen namentlich aufgezählt werden; und da die Gesetze und Verfassung Preussens und der anderen deutschen Staaten, welche diesen Vertrag contrahiren, ihnen nicht gestatten, ihre eigenen Unterthanen einer auswärtigen Jurisdiction zu überliefern, also die Regierung der Vereinigten Staaten mit Rücksicht darauf, dass der Vertrag unter strenger Reciprocität geschlossen wird, gleicherweise von jeder Verpflichtung frei sein soll, Bürger der Vereinigten Staaten auszuliefern; so haben einerseits die Vereinigten Staaten von Nord Amerika und andererseits Seine Majestät der König von Preussen, sowohl für Sich als im Namen Seiner Majestät des Königs von Sach-

### Parties.

nach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince of Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention — that is to say:

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in His own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

## ARTICLE I.

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in, or which may hereafter

sen, Seiner Königlichen Hoheit des Kurfürsten von Hessen, Seiner Königlichen Hoheit des Grossherzogs von Hessen und bei Rhein, Seiner Königlichen Hoheit des Grossherzogs von Sachsen-Weimar-Eisenach, Seiner Hoheit des Herzogs von Sachsen-Meiningen, Seiner Hoheit des Herzogs von Sachsen-Altenburg, Seiner Hoheit des Herzogs von Sachsen-Koburg-Gotha, Seiner Hoheit des Herzogs von Braunschweig, Seiner Hoheit des Herzogs von Anhalt-Dessau, Seiner Hoheit des Herzogs von Anhalt-Bernburg, Seiner Hoheit des Herzogs von Nassau, Seiner Durchlaucht des Fürsten von Schwarzburg-Rudolstadt, Seiner Durchlaucht des Fürsten von Schwarzburg-Sondershausen, Ihrer Durchlaucht der Fürstin und Regentin von Waldeck, Seiner Durchlaucht des Fürsten von Reuss älterer Linie, Seiner Durchlaucht des Fürsten von Reuss jüngerer Linie, Seiner Durchlaucht des Fürsten zu Lippe, Seiner Durchlaucht des Landgrafen von Hessen-Homburg, sowie der freien Stadt Frankfurt, beschliessen, über diesen Gegenstand zu verhandeln und zu diesem Behufe ihre respectiven Bevollmächtigten ernannt, um eine Uebereinkunft zu verhandeln und abzuschliessen; nämlich:

Der Präsident der Vereinigten Staaten von Nord-Amerika den Staats-Sekretair Daniel Webster, und Seine Majestät der König von Preussen in Seinem eigenen Namen sowohl, als Namens der andern, oben aufgezählten Deutschen Souveräne und der freien Stadt Frankfurt, Allehöchst Ihren Minister-Residenten bei der Regierung der Vereinigten Staaten, Friedrich Carl Joseph von Gerolt, welche nach gegenseitiger Mittheilung ihrer respectiven Vollmachten, die folgenden Artikel vereinbart und unterzeichnet haben:

## ARTIKEL I.

Man ist dahin überein gekommen, dass die Vereinigten Staaten und Preussen nebst den andern Staaten des Deutschen Bundes, die

Negotiations.

Persons charged with certain crimes to be mutually surrendered.

Proceedings  
before surrender.

accede to this convention, shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

in diese Uebereinkunft miteingeschlossen sind oder die derselben später beitreten mögen, auf gegenseitige Requisitionen, welche respective selbst oder ihre Gesandten, Beamten oder Behörden erlassen, alle Individuen der Justiz ausliefern sollen, welche beschuldigt, das Verbrechen des Mordes, oder eines Angriffs in mörderischer Absicht, oder des Seeraubs oder der Brandstiftung, oder des Raubes, oder der Fälschung, oder des Ausgebens falscher Documente, oder der Verfertigung, oder Verbreitung falschen Geldes, sei es gemünztes oder Papier-Geld, oder des Defects oder der Unterschlagung öffentlicher Gelder, innerhalb der Gerichtsbarkeit eines der beiden Theile begangen zu haben, in dem Gebiete des andern Theils eine Zuflucht suchen oder dort aufgefunden werden: mit der Beschränkung jedoch, dass dies nur auf solche Beweise für die Strafbarkeit geschehen soll, welche nach den Gesetzen des Orts, wo der Flüchtling oder das so beschuldigte Individuum aufgefunden wird, dessen Verhaftung und Stellung vor Gericht rechtfertigen würden, wenn das Verbrechen oder Vergehen dort begangen wäre; und die respectiven Richter und andere Behörden der beiden Regierungen sollen Macht, Befugniss und Autorität haben, auf eidlich erhärtete Angabe einen Befehl zur Verhaftung des Flüchtlings oder so beschuldigten Individuums zu erlassen, damit er vor die gedachten Richter oder andern Behörden zu dem Zwecke gestellt werde, dass der Beweiss für die Strafbarkeit gehört und in Erwägung gezogen werde; und wenn bei dieser Vernehmung der Beweis für ausreichend zur Aufrechthaltung der Beschuldigung erkannt wird, so soll es die Pflicht des prüfenden Richters oder der Behörde sein, selbigen für die betreffende executive Behörde festzustellen, damit ein Befehl zur Auslieferung eines solchen Flüchtlings erlassen werden könne. Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Theil getragen und erstattet werden, welcher die Requisition erlässt und den Flüchtling in Empfang nimmt.

## ARTICLE II.\*

The stipulations of this Convention shall be applied to any other State of the Germanic Confederation, which may hereafter declare its accession thereto.

## ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

## ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this Convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

## ARTICLE V.

The present Convention shall continue in force until the 1st of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said first day of January, 1858.

## ARTICLE VI.

The present Convention shall be

## ARTIKEL II.

Die Bestimmungen dieser Uebereinkunft sollen auf jeden andern Staat des Deutschen Bundes Anwendung finden, der später seinen Beitritt zu derselben erklärt.

Other States may accede hereto.

## ARTIKEL III.

Keiner der contrahirenden Theile soll gehalten sein, in Gemässheit der Bestimmungen dieser Uebereinkunft seine eigenen Bürger oder Unterthanen auszuliefern.

No State to surrender its own citizens.

## ARTIKEL IV.

Wenn ein Individuum, das eines der in dieser Uebereinkunft aufgezählten Verbrechen angeklagt ist, ein neues Verbrechen in dem Gebiete des Staates begangen haben sollte, wo er eine Zuflucht gesucht hat oder aufgefunden wird, so soll ein solches Individuum nicht eher in Gemässheit der Bestimmungen dieser Uebereinkunft ausgeliefert werden als bis dasselbe vor Gericht gestellt worden sein und die auf ein solches neues Verbrechen gesetzte Strafe erlitten haben oder freigesprochen worden sein wird.

No surrender to be made till the provision where the person demanded has committed crimes in the State where he is found.

## ARTIKEL V

Die gegenwärtige Uebereinkunft soll bis zum 1sten Januar 1858, in Kraft bleiben, und wenn kein Theil dem andern sechs Monate vorher Mittheilung von seiner Absicht macht, dieselbe dann aufzuheben, so soll sie ferner in Kraft bleiben bis zu dem Ablauf von zwölf Monaten, nachdem einer der hohen contrahirenden Theile dem andern von einer solchen Absicht Kenntniss gegeben; wobei jeder der hohen contrahirenden Theile sich das Recht vorbehält, dem andern eine solche Mittheilung zu jeder Zeit nach dem Ablauf des gedachten ersten Januar, 1858, zugehen zu lassen.

Limitation of this treaty.

## ARTIKEL VI.

Die gegenwärtige Uebereinkunft

Ratifications.

\* See post pp. 970, 971, 972 for declarations of accession.

ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Prussia, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed our seals.

Done in triplicate at Washington the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

DANIEL WEBSTER,  
[L. s.]  
FR. v. GEROLT,  
[L. s.]

Additional Article to the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States, on the one part, and Prussia and other States of the Germanic Confederation, on the other part, at Washington, the 16th day of June, one thousand eight hundred and fifty-two.

Whereas it may not be practicable for the ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other States of the Germanic Confederation, signed at Washington, on the 16th day of June, 1852, to be exchanged within the time stipulated in said Convention; and whereas both parties are desirous that it should be carried into full and complete effect, the President of the United States of America has fully empowered on his part Edward Everett, Secretary of State of the United States, and His Majesty the King of Prussia, in His own name, as well as in the name of the other German Sovereigns enumerated in the aforesaid

soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten und von der Preussischen Regierung, und die Ratificationen sollen zu Washington innerhalb sechs Monaten von dem heutigen Datum, oder wo möglich früher, ausgewechselt werden.

Zu Urkund dessen haben wir, die respectiven Bevollmächtigten, diesse Uebereinkunft unterzeichnet und hierunter unsere Siegel beigedrückt.

In dreifacher Ausfertigung geschehen zu Washington den sechszehnten Juni, 1852, im 76ten Jahre der Unabhängigkeit der Vereinigten Staaten.

FR. v. GEROLT,  
[L. s.]  
DANIEL WEBSTER,  
[L. s.]

Additional-Artikel zu dem am 16ten Juni Eintausend acht hundert und zwei und fünfzig zu Washington zwischen den Vereinigten Staaten von Nord-Amerika, einerseits, und Preussen und anderen Staaten des Deutschen Bundes, andererseits abgeschlossenen Verträge wegen der in gewissen Fällen gegenseitig zu gewährenden Auslieferung der vor der Justiz flüchtigen Verbrecher.

Da es nicht thunlich sein möchte, dass die Ratificationen des am 16ten Juni, 1852, zu Washington unterzeichneten Vertrages zwischen den Vereinigten Staaten einerseits und Preussen und anderen Staaten des Deutschen Bundes andererseits, wegen der in gewissen Fällen zu gewährenden gegenseitigen Auslieferung der vor der Justiz flüchtigen Verbrecher innerhalb der im genannten Verträge verabredeten Frist ausgewechselt werden, und da beide Theile wünschen dass derselbe zur vollständigen Ausführung gelange, so hat zu dem Ende der Präsident der Vereinigten Staaten von Nord Amerika seinerseits den Staats-Secretair der Vereinigten Staaten Edward Everett, und Seine Majestät der König von Preussen

Convention, has likewise fully empowered Frederick Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who have agreed to and signed the following article:

The ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner, should it be possible.

The present additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof, we the respective Plenipotentiaries, have signed this agreement and have hereunto affixed our seals.

Done at Washington, this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the Independence of the United States.

EDWARD EVERETT,  
[L. s.]  
FR. v. GEROLT,  
[L. s.]

in Seinem eigenen Namen sowohl, als Namens der anderen in dem vorgenannten Vertrage erwähnten deutschen Souveraine, Allerhöchst Ihren Minister-Residenten bei der Regierung der Vereinigten Staaten Friedrich Carl Joseph von Gerolt mit der nöthigen Vollmacht versehen, welche den folgenden Artikel vereinbart und unterzeichnet haben:

Die Ratificationen des an 16ten Juni, 1852, abgeschlossenen Vertrages wegen der in gerwissen Fällen zu gewährenden gegenseitigen Auslieferung der vor der Justiz flüchtigen Verbrecher, sollen zu Washington innerhalb eines Jahres von dem Datum dieser Uebereinkunft an gerechnet, oder womöglich früher, ausgewechselt werden.

Der gegenwärtige Additional Artikel soll dieselbe Kraft und Wirkung haben, als ob er Wort für Wort in vorgenannten Vertrag vom 16ten Juni, 1852, mitaufgenommen worden wäre und soll in der in demselben vorgeschriebenen Weise genehmigt und ratificirt werden.

Zu Urkund dessen haben wir, die respectiven Bevollmächtigten, diese Uebereinkunft gezeichnet und unsere Siegel hier beigedrückt.

Geschehen zu Washington den sechszehnten November Eintausend acht hundert zwei und fünfzig und im sieben und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

EDWARD EVERETT,  
[L. s.]  
FR. v. GEROLT,  
[L. s.]

And whereas the said Convention and Additional Article have been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the 30th ultimo, by WILLIAM L. MARCY, Secretary of State of the United States, and FREDERIC CHARLES JOSEPH VON GEROLT, Minister Resident of his Majesty the King of Prussia in the United States, on the part of their respective Governments:

Now, therefore, I, FRANKLIN PIERCE, President of the United States of America, have caused the said Convention and Additional Article to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

## TREATY WITH PRUSSIA, &amp;c. JUNE 16, 1852.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of June, in the  
(L. s.) year of our Lord one thousand eight hundred and fifty-three,  
and of the Independence of the United States of America  
the seventy-seventh.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

June 16, 1852. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

Bremen.

And whereas the Free Hanseatic city of Bremen has declared its accession to the said Convention, and the exchange of the said declaration for my acceptance of the same was made at Washington on the 14th instant, by Rudolph Schleiden, Minister Resident of the said Free Hanseatic city of Bremen, and William L. Marcy, Secretary of State of the United States, on behalf of their respective governments :

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Free Hanseatic city of Bremen by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington, the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the independence  
[L. s.] of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

June 16, 1852. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

Mecklenburg-  
Strelitz.

And whereas the Government of Mecklenburg-Strelitz has declared its accession to the said Convention, and has caused the said declaration to be lodged in the Department of State of the United States :

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Government of Mecklenburg-Strelitz by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence  
[L. s.] of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. June 16, 1852.

### A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th of June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

And whereas the government of Wurtemberg has declared its accession to the said Convention, and has caused the said declaration to be lodged in the Department of State of the United States :

Wurtemberg.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the government of Wurtemberg by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and fifty-three, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. June 16, 1852.

### A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

And whereas the Government of Mecklenburg-Schwerin has declared its accession to the said Convention, and has caused the said declaration to be lodged in the Department of State of the United States :

Mecklenburg-Schwerin.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Government of Mecklenburg-Schwerin by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the sixth day of January, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the  
[L. s.] United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. June 16, 1852.

### A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th June, 1852, between the United States and Prussia, and other States of the

Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

Oldenburg.

And whereas the Government of Oldenburg has declared its accession to the said Convention, and has caused the said declaration to be lodged in the Department of State of the United States :

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Government of Oldenburg by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-first day of March, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence [L. s.] of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

June 16, 1852. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided by the second article of the Convention of the 16th June, 1852, between the United States and Prussia, and other States of the Germanic Confederation; for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto :

Schaumburg-Lippe.

And whereas the Government of Schaumburg-Lippe has declared its accession to the said Convention, and has caused the said declaration to be lodged in the Department of State of the United States :

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Government of Schaumburg-Lippe by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence [L. s.] of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY, *Secretary of State.*



## MILLARD FILLMORE,

June 22, 1852.

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

## Preamble.

WHEREAS a Treaty was made and concluded at the City of Washington on the 22d day of June, 1852, between Kenton Harper, Commissioner on the part of The United States, and Colonel Edmund Pickens, Benjamin S. Love, and Sampson Folsom, Commissioners duly appointed for that purpose, by the Chickasaw tribe of Indians, which treaty is in the words and figures following, to wit:

Articles of a treaty concluded at Washington, on the 22d day of June, 1852, between Kenton Harper, Commissioner on the part of the United States, and Colonel Edmund Pickens, Benjamin S. Love, and Sampson Folsom, Commissioners duly appointed for that purpose, by the Chickasaw tribe of Indians.

Agent to reside among the Chickasaws.

ARTICLE 1. The Chickasaw tribe of Indians acknowledge themselves to be under the guardianship of the United States, and as a means of securing the protection guaranteed to them by former treaties, it is agreed that an Agent of the United States shall continue to reside among them.

Sale of the Chickasaw lands.

ARTICLE 2. The expenses attending the sale of the lands ceded by the Chickasaws to the United States, under the treaty of 1832, having, for some time past, exceeded the receipts, it is agreed that the remnant of the lands so ceded and yet unsold, shall be disposed of as soon as practicable, under the direction of the President of the United States in such manner and in such quantities, as, in his judgment, shall be least expensive to the Chickasaws, and most conducive to their benefit: *Provided*, That a tract of land, including the grave-yard near the town of Pontotoc, where many of the Chickasaws and their white friends are buried, and not exceeding four acres in quantity, shall be, and is hereby set apart and conveyed to the said town of Pontotoc to be held sacred for the purposes of a public burial-ground forever.

Burial-ground in Pontotoc.

Settlement of title of Chickasaws to a tract in Tennessee.

ARTICLE 3. It is hereby agreed that the question of the right of the Chickasaws, so long contended for by them, to a reservation of four miles square on the River Sandy, in the State of Tennessee, and particularly described in the 4th article of the treaty concluded at Oldtown, on the 19th day of October, 1818, shall be submitted to the Secretary of the Interior who shall decide, what amount, if any thing, shall be paid to the Chickasaws for said reservation: *Provided, however*, That the amount so to be paid shall not exceed one dollar and twenty-five cents per acre.

Proviso.

Settlement of certain Chickasaw claims.

ARTICLE 4. The Chickasaws allege that in the management and disbursement of their funds by the Government, they have been subjected to losses and expenses which properly should be borne by the United States. With the view, therefore, of doing full justice in the premises, it is hereby agreed that there shall be, at as early a day as practicable, an account stated, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys which, from time to time, have been placed in the Treasury to the credit of the Chickasaw nation, resulting from the treaties of 1832, and 1834, and all the disbursements made therefrom. And said account, as stated, shall be submitted to the Chickasaws, who shall have the privilege, within a reasonable time, of filing exceptions thereto, and any exceptions so filed shall be referred to the Secretary of the Interior, who shall adjudicate the same according to the

principles of law and equity, and his decision shall be final and conclusive on all concerned.

It is also alleged by the Chickasaws that there are numerous cases in which moneys held in trust by the United States for the benefit of orphan and incompetent Chickasaws, have been wrongfully paid out to persons having no right to receive the same. It is therefore further agreed, that all such cases shall be investigated by the Agent of the United States under the direction of the Secretary of the Interior. And if it shall appear to the satisfaction of said Secretary, that any of the orphans and incompetents have been defrauded by such wrongful payment, the amount thus misapplied shall be accounted for by the United States, as if no such payment had been made.\*

ARTICLE 5. The Chickasaws are desirous that the whole amount of their national fund shall remain with the United States, in trust for the benefit of their people, and that the same shall on no account be diminished. It is, therefore, agreed that the United States shall continue to hold said fund, in trust, as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw nation: *Provided*, That so much of said fund as the Chickasaws may require for the purpose of enabling them to effect the permanent settlement of their tribe as contemplated by the treaty of 1834, shall be subject to the control of their General Council.

Chickasaw fund to be held in trust.

Proviso.

Vol. vii. p. 451.

ARTICLE 6. The powers and duties conferred on certain persons particularly mentioned in the 4th article of the treaty of 1834, and their successors in office, shall hereafter be vested in and performed by the General Council of the Chickasaws, or such officers as may be by said Council appointed for that purpose; and no certificate or deed given or executed by the persons aforesaid, from which the approval of the President of the United States has once been withheld, shall be hereafter approved unless the same shall first receive the sanction of the Chickasaw Council, or the officers appointed as aforesaid, and of the agent of the United States for said Chickasaw nation.

ARTICLE 7. No claim or account shall hereafter be paid by the Government of the United States out of the Chickasaw fund, unless the same shall have first been considered and allowed by the Chickasaw General Council: *Provided, however*, That this clause shall not affect payments upon claims under existing contracts made by the authority of the Chickasaw General Council, or interfere with the due administration of the acts of Congress, regulating trade and intercourse with the Indian tribes.

Payments out of the Chickasaw funds restricted.

Proviso.

ARTICLE 8. It is further agreed, that regular semiannual accounts of the receipts and disbursements of the Chickasaw fund shall be furnished the Chickasaw Council by the Government of the United States.

Accounts.

ARTICLE 9. The sum of fifteen hundred dollars shall be paid the Chickasaw nation, in full of expenses incurred by their commissioners in negotiating this treaty.†

Expenses of the treaty.

In witness whereof the contracting parties have hereto set their hands and seals, the day and year above written.

KENTON HARPER,

*Commissioner for the United States.*

[SEAL.]

EDMUND PICKENS, his x mark

[SEAL.]

BENJAMIN S. LOVE,

[SEAL.]

SAMPSON FOLSOM,

[SEAL.]

*Commissioners for the Chickasaws.*

\* See Proviso added in amendment, *post*, p. 976.

† See Art. 10 added in amendment *post* p. 976.

In presence of—

CHARLES E. MIX, *Chief Clerk, Office Indian Affairs,*

L. R. SMOOT,

T. R. CRUTTENDEN,

H. MILLER,

AARON V. BROWN, *Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the thirteenth day of August, one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*August 13th 1852.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty concluded at Washington on the 22d of June, eighteen hundred and fifty-two, between Kenton Harper, Commissioner on the part of the United States, and Colonel Edmund Pickens, Benjamin S. Love, and Sampson Folsom, Commissioners duly appointed for that purpose by the Chickasaw tribe of Indians; with the following

#### AMENDMENTS:

At the end of the Fourth Article add the following:

Proviso.

*Provided*, That the provisions of this article shall not be so construed as to impose any obligation on the United States to reimburse any expenditures heretofore made in conformity with the stipulations contained in the treaties of 1832 and 1834: *And provided further*, That the United States shall not be liable to repay moneys held in trust for the benefit of orphan and incompetent Chickasaws, in any case in which payment of such moneys has been made upon the recommendation or certificate of the persons appointed for that purpose in the Fourth Article of the Treaty of 1834, or of their successors, and in other respects in conformity with the provisions of that article: *And provided further*, That the United States shall not be held responsible for any reservation of land or of any sale, lease, or other disposition of the same, made, sold, leased, or otherwise disposed of, in conformity with the several provisions of said treaties of 1832 and 1834.

After Article Nine add the following new article:

Payments: to  
whom to be  
made.

ARTICLE 10. And it is further stipulated, That in no case hereafter, shall any money due or to be paid under this treaty or any former treaty between the same contracting parties be paid to any agent or attorney; but shall in all cases be paid directly to the party or parties primarily entitled thereto.

Attest,—

ASBURY DICKINS, *Secretary.*

And whereas the said amendments having been submitted and explained to the Chickasaw Indians in Council assembled, the said Chickasaws did, on the sixteenth day of October, one thousand eight hundred and fifty-two, assent to said treaty as amended by the Senate, in words following, to wit:

Whereas by an act of the General Council of the Chickasaws, passed 7th February, 1852, Colonel Edmund Pickens, Benjamin S. Love, and Sampson Folsom, were appointed Commissioners on behalf of the Chickasaw people to negotiate a Treaty with the United States, and the said Commissioners having, on the 22d June, 1852, concluded a Treaty with

Kenton Harper, Commissioner on the part of the United States, and the said Treaty having been ratified on the 13th August, 1852, by the Senate of the United States, with certain amendments thereto, and said amendments having been duly considered and fully understood by the Council: Therefore, be it enacted by the Chickasaws in Council assembled, that the said Chickasaws do consent to and ratify said amendments, and hereby make the same as binding on the Chickasaw people as though the same had been a part of the original Treaty.

Approved by the Council unanimously, Oct. 16th, 1852.

JAMES N. McLISH, *President of Council.*

Attest—

DOUGHERTY COLBERT, *F. C.*

H. COLBERT, *Secretary.*

CHICKASAW AGENCY, Dec. 25, 1852.

I hereby certify that the foregoing act of the Council ratifying certain amendments to a treaty concluded at Washington, on the 22d June, 1852, has been officially communicated to me by D. Colbert, Financial Chief of the Chickasaws, as an act passed by the late Chickasaw Council, and that the same is authentic. Given under my hand the day and year above written.

A. J. SMITH, *Chickasaw Agent.*

Now, therefore, be it known that I, MILLARD FILLMORE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirteenth day of August, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord, one thousand eight hundred and fifty-three, and of the Independence of the United States the seventy-seventh.

(Signed)

MILLARD FILLMORE.

BY THE PRESIDENT:

(Signed)

EDWARD EVERETT, *Secretary of State.*



## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

July 1, 1852.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at Santa Fé, New Mexico, on the first day of July, in the year of our Lord one thousand eight hundred and fifty-two, by and between Col. E. V. Sumner, U. S. A., commanding the 9th Department, and in charge of the Executive Office of New Mexico, and John Greiner, Indian Agent in and for the Territory of New Mexico, and acting Superintendent of Indian Affairs of said Territory, representing the United States, and Cuentas Azules, Blancito, Negrito, Captain Simon, Captain Vuelta, and Mangus Colorado, chiefs, acting on the part of the Apache nation of Indians, situate and living within the limits of the United States, which treaty is in the words following, to wit:

Preamble.

Articles of a Treaty made and entered into at Santa Fé, New Mexico, on the first day of July in the year of our Lord one thousand eight hundred and fifty-two, by and between Col. E. V. Sumner, U. S. A., commanding the 9 Department and in charge of the Executive Office of New Mexico, and John Greiner, Indian Agent in and for the Territory of New Mexico, and acting Superintendent of Indian Affairs of said Territory, representing the United States, and Cuentas, Azules, Blancito, Negrito, Capitan Simon, Capitan Vuelta, and Mangus Colorado, chiefs, acting on the part of the Apache Nation of Indians, situate and living within the limits of the United States.

ARTICLE 1. Said nation or tribe of Indians through their authorized Chiefs aforesaid do hereby acknowledge and declare that they are lawfully and exclusively under the laws, jurisdiction, and government of the United States of America, and to its power and authority they do hereby submit.

Authority of United States acknowledged.

ARTICLE 2. From and after the signing of this Treaty hostilities between the contracting parties shall forever cease, and perpetual peace and amity shall forever exist between said Indians and the government and people of the United States; the said nation, or tribe of Indians, hereby binding themselves most solemnly never to associate with or give countenance or aid to any tribe or band of Indians, or other persons or powers, who may be at any time at war or enmity with the government or people of said United States.

Peace to exist.

The Apaches not to assist other tribes in hostilities.

ARTICLE 3. Said nation, or tribe of Indians, do hereby bind themselves for all future time to treat honestly and humanely all citizens of the United States, with whom they may have intercourse, as well as all persons and powers, at peace with the said United States, who may be lawfully among them, or with whom they may have any lawful intercourse.

Good treatment of citizens of the United States by nations at peace with them.

ARTICLE 4. All said nation, or tribe of Indians, hereby bind themselves to refer all cases of aggression against themselves or their property and territory, to the government of the United States for adjustment, and to conform in all things to the laws, rules, and regulations of said government in regard to the Indian tribes.

Cases of aggression on them to be referred to government.

Laws to be conformed to.

ARTICLE 5. Said nation, or tribe of Indians, do hereby bind themselves for all future time to desist and refrain from making any "incursions within the Territory of Mexico" of a hostile or predatory character; and that they will for the future refrain from taking and conveying into

Provisions against incursions into Mexico.

captivity any of the people or citizens of Mexico, or the animals or property of the people or government of Mexico; and that they will, as soon as possible after the signing of this treaty, surrender to their agent all captives now in their possession.

Persons injuring the Apaches to be tried and punished.

ARTICLE 6. Should any citizen of the United States, or other person or persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Apache Indian or Indians, he or they shall be arrested and tried, and upon conviction, shall be subject to all the penalties provided by law for the protection of the persons and property of the people of the said States.

Free passage over the Apache territory.

ARTICLE 7. The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

Military posts, agencies, and trading houses to be established.

ARTICLE 8. In order to preserve tranquillity and to afford protection to all the people and interests of the contracting parties, the government of the United States of America will establish such military posts and agencies, and authorize such trading houses at such times and places as the said government may designate.

Territorial boundaries to be adjusted.

ARTICLE 9. Relying confidently upon the justice and the liberality of the aforesaid government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Apache's that the government of the United States shall at its earliest convenience designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

Presents to the Apaches.

ARTICLE 10. For and in consideration of the faithful performance of all the stipulations herein contained, by the said Apache's Indians, the government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures as said government may deem meet and proper.

When treaty to be binding.

ARTICLE 11. This Treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Apache Indians shall not be held responsible for the conduct of others, and that the government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

How construed.

In faith whereof we the undersigned have signed this Treaty, and affixed thereunto our seals, at the City of Santa Fé, this the first day of July in the year of our Lord one thousand eight hundred and fifty-two.

#### WITNESSES :

F. A. CUNNINGHAM,  
*Paymaster, U. S. A.*

E. V. SUMNER, [SEAL.]  
*Bvt. Col. U. S. A. com'g 9th Dept. In charge of Executive Office of New Mexico.*

J. C. McFERRAN,  
*1st Lt. 3d Inf. Act. Ast. Adj. Gen.*

JOHN GREINER, [SEAL.]  
*Act. Supt. Indian Affairs, New Mexico.*

CALEB SHERMAN.

CAPITAN VUELTA, his x mark [SEAL.]

FRED. SAYNTON.

CUENTAS AZULES, his x mark [SEAL.]

CHAS. McDougall,  
*Surgeon, U. S. A.*

BLANCITO —, his x mark [SEAL.]

S. M. BAIRD,

NEGRITO —, his x mark [SEAL.]

*Witness to the signing of Mangus Colorado.*

JOHN POPE,  
*Bvt. Capt. T. E.*

CAPITAN SIMON, his x mark [SEAL.]  
MANGUS COLORADO, his x mark [SEAL.]

AND WHEREAS the said Treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twenty-third day of March, one thousand eight hundred and fifty-

three, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*March 23d, 1853.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and entered into at Santa Fé, New Mexico, on the first day of July, in the year of our Lord, 1852, by and between Colonel E. V. Sumner, United States Army, commanding the 9th Department, and in charge of the Executive Office of New Mexico, and John Greiner, Indian Agent in and for the Territory of New Mexico, and acting Superintendent of Indian Affairs of said Territory, representing the United States, and Cuentas Azules, Blancito, Negrito, Capitan Simon, Capitan Vuelta, and Mangus Colorado, chiefs, acting on the part of the Apache nation of Indians, situate and living within the limits of the United States.

Attest —

ASBURY DICKINS, *Secretary*.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of March, one thousand eight hundred and fifty-three, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fifth day of March,  
in the year of our Lord one thousand eight hundred and  
[L. s.] fifty-three, and of the Independence of the United States the  
seventy-seventh.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State*.

August 26, 1852.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a Supplementary Commercial Convention between the United States of America and His Majesty the King of the Netherlands, was concluded and signed by their Plenipotentiaries, in this city, on the twenty-sixth day of August last, which Supplementary Convention is, word for word, as follows :—

Preamble. The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their plenipotentiaries for that purpose: that is to say: the President of the United States of America, Daniel Webster, Secretary of State of the United States, and His Majesty the King of the Netherlands, François Mathieu Wenceslas Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands, and of the Grand Ducal Order of the White Falcon, third class; Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America; who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation, signed at Washington on the 19th of January, 1839, between the high contracting parties, the following articles shall be substituted:

Vol. viii. p. 524.

## ARTICLE I.

Provisions respecting duties.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States, from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the

De Vereenigde Staten van Amerika en Zijne Majesteit de Koning der Nederlanden, den handel, tusschen de beide landen wenshende, te brengen op eenen voet van grootere wederkeerige gelijkheid, hebben daartoe tot hunne Gevolmagtigden benoemd, te weten: de President der Vereenigde Staten van Amerika, Daniel Webster, Secretaris van Staat der Vereenigde Staten; en Zijne Majesteit de Koning der Nederlanden, Francois Mathieu Wenceslas Baron Testa, Kommandeur der Orde van de Eikenkroon van Luxemburg, Ridder der Orde van den Nederlandschen Leeuw, Ridder der groot Kertogelyke Orde van den Witten Valk, 3d klasse, Raad van Legatie en Hoogstdeszelfs Zaakgelastigde bij de Regering der Vereenigde Staten van Amerika; dewelke, na elkander hunne in goeden en behoorlyken vorm bevondene wederzydsche volmagten te hebben medegedeeld, zyn overeengekomen dat, voor en ter vervanging van het eerste en tweede artikel van het handels-en scheepvaartverdrag, den 19 January, 1839, te Washington, tusschen de hooge contracterende partijen geteekend, de volgende artikelen zullen worden in de plaats gesteld:

## ARTIKEL I.

Goederen en koopwaren, overschillig welke derzelver herkomst zy, met Nederlandsche schepen wordende in of uit gevoerd, in of de havens der Vereenigde Staten, van en naar elk ander land, zullen geene hoogere noch andere regten betalen,

like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands, from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels.

The bounties, drawbacks, and other privileges of this nature, which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

#### ARTICLE II.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands, shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

#### ARTICLE III.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries,

dan zullen worden geheven op gelijke goederen en koop waren in— of nitgevoerd met nationale schepen. Wederkeerig, zullen goederen en koopwaren, onverschillig welke derzelve herkomst zij, met schepen van de Vereenigde Staten wordende in of nitgevoerd in of uit de havens der Nederlanden, van en naar elk ander land, geene hoogere of andere regten betalen, dan zullen worden geheven op gelyke goederen en koopwaren in of nitgevoerd met nationale schepen.

De premien teruggave van regten en andere voorregten van dien aard, in de Staten van eene der contracterende partyen aan—den in of nitvoer met nationale schepen toegekend, zullen insgelyks en op dezelfde wyze verleend worden aan goederen in of nitgevoerd met schepen van het andere land.

Bounties, drawbacks, &c.

#### ARTIKEL II.

De voormelde wederkeeringe gelykstelling van de vlaggen der beide Staten strekt zich almede uit tot de havens der Nederlandsche kolonien en overzeesche Bezittingen, in welke havens goederen en koopwaren, onverschillig welke derzelve herkomst zij, in of nitgevoerd van en naar elk ander land met schepen van de Vereenigde Staten geene hoogere of andere regten zullen betalen, dan geheven zullen worden op gelyke goederen en koopwaren van of naar dezelfde plaatsen met Nederlandsche schepen in of nitgevoerd.

Reciprocity to extend to colonies.

De premien, teruggave van regten en andere voorregten van dien aard, aldaar toegekend aan goederen en koopwaren met Nederlandsche schepen in of uit gevoerd, zullen insgelyks en op dezelfde wyze verleend worden aan goederen en koopwaren met schepen van de Vereenigde Staten wordende in of nitgevoerd.

#### ARTIKEL III.

Geene der partyen zal op de schepen der andere hetzij dezelve ladingen aan brengen of in ballast aankomen, van een der beide landen

Tonnage, &c., duties.

or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

## ARTICLE IV.

Coasting trade  
and fisheries ex-  
cepted.

Their disposi-  
tion.

The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels: it being moreover understood, that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent, to the other party. It being, however, expressly understood and agreed, that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

of van elk ander land, eenige regten heffen voor tonnen, haven, baken, berg of reddingloon, loods, quarantaine of havengelden, van welke soort of benaming ook, welke in gelyke gevallen niet zullen worden gelegd op nationale schepen.

## ARTIKEL IV.

De tegenwoordige overeenkomst strekt zich niet nit tot den kusthandel en tot de visscheryen van elk der beide landen, welke nitsluitend vergund zyn aan nationale schepen; zynde men daarenboven overeengekomen, dat, met, opzigt tot den Nederlandschen Oost Indischen Archipel, de handel van het eene eiland op het andere beschouwd wordt als kusthandel, en evenzoo, met opzigt tot de Vereenigde Staten, de handel tusschen de havens dier Staten aan den Atlantischen oceaen en die aan de Stille Zuidzee gelegen; byaldien echter te eeniger tyd, hetzý de Nederlanden, hetzý de Vereenigde Staten, aan eenige andere natie den geheelen of eenig gedeelte van gezegden kusthandel, zullen toestaan, dan zal diezelfde handel op gelyken voet en in dezelfde nitgestrektheid ook aan de andere Partý, worden toegestaan, Niettemin is nitdrukkelyk over eengekomen en goedgevonden, dat niets van het in dit artikel bepaalde de schepen der beide natien zal verhinderen een gedeelte van hunne ten nivoer bestemde lading in eene haven van de andere natie binnen te brengen en te lossen, en daarna naar eene andere haven of naar andere havens van dezelfde natie te vertrekken, om aldaar het overige der lading binnen te voeren en te lossen; noch hen zal beletten, op gelyke wyze, een gedeelte van hunne ten nitvoer bestemde lading in eene haven binnen te nemen, en dan naar eene andere haven of naar andere havens te vertrekken, om hunne lading aante-vullen; moetende zoodauig lossen of laden geschieden volgens de verordeningen en bepalingen als door de beide Regeringen respectivelyk zullen zyn vastgesteld voor hunne nationale schepen in gelyke gevallen.

## ARTICLE V.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce, shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

## ARTICLE VI.

The present convention shall be considered as additional to the above-mentioned treaty of the 19th of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and, further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention,

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## ARTIKEL V.

De voormelde wederkeerige gelijkstelling, met opzigt tot de vlaggen der beide Landen, wordt niet beschouwd het Nederlandsche gouvernement te beletten, differentiele regten van in of nitvoer te heffen ten gunste van het regtstreeksche verkeer tusschen Nederland en zyne Kolonien en Overzeesche Bezittingen; doch Amerikaansche schepen, tot dat regtstreeksche verkeer gebezigd, zullen gerechtigd zyn tot alle de voordeelen en vrystellingen, met opzigt tot de regten van in en nitvoer, als anderszins, welke door schepen onder Nederlandsche vlag varende worden of zullen worden genoten. Evenzoo zullen de Vereenigde Staten voortgaan te heffen de differentiele regten by het tegenwoordig tarief gelegd op thee en koffy ten gunste van den regtstreekschen invoer dier artikelen van de plaats hunner voortbrenging; maar zonder, evenmin, onderscheid te maken tusschen de vlaggen der beide Landen. En, byaldien, te eeniger tyd, Nederland of de Vereenigde Staten mogten besluiten gezegde differentiele regten afte-schaffen, zoo is men evereengekomen, dat die regten op dezelfde wyze zullen afgeschaft zynook met betrekking tot den handel van het andere land.

Discriminating duties in favor of certain trade may be imposed.

## ARTIKEL VI.

De tegenwoordige overeenkomst zal beschouwd worden als te behooren tot het boven vermelde traktaat van 19 January, 1839, en zal, met en benevens de ongewijzigde artikelen van dat traktaat in kracht blyven voor den tyd van twee jaren, aanvangende zes weken na de nitwisseling der ratificatie, en verder tot aan het eind van twaalf maanden, na dat eene der beide contracterende Partijen aan de andere kennis zal gegeven hebben van hare bedoeling om de overeenkomst te doen eindigen; behoudende elke van de contracterende Partijen zich het regt voor, om na het eindigen van den opgemelden termijn van twee jaren, zoodanige kennisgeving aan

This treaty to be additional to that of 1839, Jan. 19, (vol. viii. p. 524,) and to continue two years, and until notice, &c.

Twelve months after, on such notice, both treaties to cease.

and all the provisions thereof, as well as the said treaty of 19th January, 1839, and the provisions thereof, shall at the end of the said twelve months altogether cease and determine.

## ARTICLE VII.

## Ratifications.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done, in duplicate, at the City of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

DANIEL WEBSTER.

[SEAL.]

FS. TESTA.

[SEAL.]

de andere Partij te doen. En is men hierby wederzyds overeengekomen, dat, in geval van zoodanige kennisgeving, deze overeenkomst en het traktaat van 19 January, 1839, met het einde der bovengedachte twaalf maanden gezamenlyk zullen ophouden en vervallen.

## ARTIKEL VII.

De tegenwoordige overeenkomst zal bekrachtigd worden, en de ratificatien zullen nitgewisseld worden, te Washington, binnen zes maanden na de teekening of, zoo mogelijk vroeger.

Fer oorkonde waarvan de wederzydsche Gevolmagtigden dezelve hebben geteekend, en hunne cachetten daarop gesteld.

Gedaan in duplicaat, in de stad Washington, den zes en twintigsten dag van de maand Augustus, van het jaar van onzen Heer een duizend acht honderd en twee en vyftig.

DANIEL WEBSTER.

[SEAL.]

FS. TESTA.

[SEAL.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the twenty-fifth instant, by EDWARD EVERETT, Secretary of State of the United States, and J. C. ZIMMERMAN, Consul-General of His Majesty the King of the Netherlands, in the United States, on the part of their respective Governments:

Now, therefore, be it known, that I, MILLARD FILLMORE, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and fifty-  
[L. s.] three, and of the Independence of the United States the seventy-seventh.

MILLARD FILLMORE.

BY THE PRESIDENT:

EDWARD EVERETT, *Secretary of State.*



Feb. 8, 1853. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and Her Britannic Majesty, was concluded and signed by their respective Plenipotentiaries at London on the eight day of February last, which Convention is, word for word, as follows :

### Preamble.

Whereas claims have, at various times since the signature of the Treaty of Peace and Friendship between the United States of America and Great Britain, concluded at Ghent on the 24th of December, 1814, been made upon the Government of the United States on the part of corporations, companies, and private individuals, subjects of her Britannic Majesty, and upon the Government of her Britannic Majesty on the part of corporations, companies, and private individuals, citizens of the United States ; and whereas some of such claims are still pending, and remain unsettled, the President of the United States of America, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon — that is to say —

### Negotiators.

The President of the United States of America, Joseph Reed Ingersoll, Envoy Extraordinary and Minister Plenipotentiary of the United States to her Britannic Majesty ;

And her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable John Russell, (commonly called Lord John Russell,) a member of her Britannic Majesty's Most Honorable Privy Council, a member of Parliament, and her Britannic Majesty's Principal Secretary of State for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows :

## ARTICLE I.

All claims, on either party, to be referred to commissioners.

The High Contracting Parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of her Britannic Majesty, and all claims on the part of corporations, companies, or private individuals, subjects of her Britannic Majesty, upon the Government of the United States, which may have been presented to either government for its interposition with the other since the signature of the Treaty of Peace and Friendship, concluded between the United States of America, and Great Britain at Ghent, on the 24th of December, 1814, and which yet remain unsettled, as well as any other such claims, which may be presented within the time specified in article III, hereinafter, shall be referred to two commissioners, to be appointed in the following manner — that is to say : One commissioner shall be named by the President of the United States, and one by her Britannic Majesty. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States, or her Britannic Majesty, respectively, shall forthwith name another person to act as

How appointed.

commissioner in the place or stead of the commissioner originally named.

The commissioners, so named, shall meet at London at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and of her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

Place of meeting.

Declaration of the commissioners.

The commissioners shall then, and before proceeding to any other business, name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person; and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen to be arbitrator or umpire, shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such arbitrator or umpire, another and different person shall be named as aforesaid to act as such arbitrator or umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Umpire.

His declaration.

Provision for his not acting.

## ARTICLE II.

The commissioners shall then forthwith conjointly proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims, in such order, and in such manner, as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective governments, in support of, or in answer to, any claim; and to hear, if required, one person on each side, on behalf of each government, as counsel or agent for such government, on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the arbitrator or umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such arbitrator or umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally, and without appeal. The decision of the commissioners, and of the arbitrator or umpire, shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Investigation of claims.

Agent.

The President of the United States of America, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, hereby solemnly and sincerely engage to consider the decision of the commissioners

Decision made final.

conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of any transaction of a date prior to the 24th of December, 1814, shall be admissible under this Convention.

### ARTICLE III.

Limitation of  
time for present-  
ing claims.

Every claim shall be presented to the commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the arbitrator or umpire, in the event of the commissioners differing in opinion thereupon; and then, and in any such case, the period for presenting the claim may be extended to any time not exceeding three months longer.

Decisions.

*Post*, p. 1103.

The commissioners shall be bound to examine and decide upon every claim within one year from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the arbitrator or umpire, if they differ, to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

### ARTICLE IV.

Payment of  
sums awarded.

All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid by the one government to the other, as the case may be, within twelve months after the date of the decision, without interest, and without any deduction, save as specified in article VI. hereinafter.

### ARTICLE V.

Proceedings of  
the commission-  
ers to be in full  
of all claims.

The High Contracting Parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present Convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

### ARTICLE VI.

Record.

The commissioners, and the arbitrator or umpire, shall keep an accurate record, and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ a clerk, or other persons, to assist them in the transaction of the business which may come before them.

Salary of com-  
missioners.

Each government shall pay to its commissioner an amount of salary not exceeding three thousand dollars, or six hundred and twenty pounds sterling, a year, which amount shall be the same for both governments.

The amount of salary to be paid to the arbitrator (or arbitrators, as the case may be) shall be determined by mutual consent at the close of the commission.

The salary of the clerk shall not exceed the sum of fifteen hundred dollars, or three hundred and ten pounds sterling, a year. Salary of clerk.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission; provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded. Expenses of the commission.

The deficiency, if any, shall be defrayed in moieties by the two governments.

#### ARTICLE VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the eighth day of February, in the year of our Lord one thousand eight hundred and fifty-three.

J. R. INGERSOLL. [L. s.]

J. RUSSELL. [L. s.]

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London on the twenty-sixth ultimo, by JOSEPH R. INGERSOLL, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of St. James, and the Earl of Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. s.] Done at the City of Washington, this twentieth day of August, in the year of our Lord one thousand eight hundred and fifty-three, and of the Independence of the United States, the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

Feb. 23, 1853. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a Consular Convention between the United States of America and His Majesty the Emperor of the French, was concluded and signed in this city, by their respective plenipotentiaries, on the twenty-third day of February last, which Convention as amended by the Senate of the United States, and being in the English and French languages, is word for word, as follows:

Consular Convention between the United States of America and his Majesty the Emperor of the French.

Convention Consulaire entre Sa Majesté L'Empereur des Français et les Etats Unis d'Amérique.

Preamble.

The President of the United States of America, and his Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations, and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges, and duties of the consuls of the two countries.

Sa Majesté L'Empereur des Français et le Président des Etats Unis d'Amérique, également désireux de resserrer les liens d'amitié entre les deux nations et d'assurer aux relations de commerce établies entre elles un nouveau et plus ample développement, ont jugé à propos pour atteindre ce but, de conclure une convention spéciale qui déterminât d'une manière précise et réciproque les droits privilèges et devoirs des consuls des deux pays;

Negotiators.

Accordingly they have named —  
The President of the United States:

The Honorable Edward Everett, Secretary of State of the United States;

A cet effet ils ont nommé —  
Sa Majesté L'Empereur des Français:

M. Le Comte de Sartiges, commandeur de l'ordre Impérial de la Legion d'honneur, &c., &c., son Envoyé Extraordinaire et Ministre Plenipotentiaire à Washington;

Le Président des Etats Unis:

His Majesty the Emperor of the French:

The Count de Sartiges, Commander of the Imperial order of the Legion of Honor, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

L'honorable M. Edouard Everett, Secrétaire d'Etat des Etats Unis;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Les quels après s'être communiqués leurs pleins pouvoirs trouvés en bonne et due forme sont convenus des articles suivants:

### ARTICLE I.

### ARTICLE I.

Exequaturs.

The consuls general, consuls, and vice-consuls, or consular agents of

Les consuls généraux, consuls, vice-consuls ou agents consulaires

the United States and France, shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once, and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

## ARTICLE II.

The consuls general, consuls, vice-consuls, or consular agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether federal, State, or municipal. If, however, the said consuls general, consuls, vice-consuls, or consular agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property, or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

nommés par la France et les Etats Unis seront réciproquement admis et reconnus, en présentant leurs provisions sous la forme établie dans les pays respectifs. On leur délivrera, sans aucun frais, l'exequatur nécessaire à l'exercice de leurs fonctions, et sur l'exhibition de cet exequatur, les autorités territoriales, fédérales, ou d'Etat, judiciaires et administratives des ports, villes et lieux de leur résidence et arrondissement consulaire les y feront jouir aussitôt et sans difficulté des prérogatives accordées réciproquement. Le gouvernement, qui accorde l'exequatur, aura la faculté de le retirer en indiquant les motifs, pour les quels il juge convenable de le faire.

## ARTICLE II.

Les consuls généraux, consuls, vice-consuls ou agents consulaires Français et des Etats Unis, jouiront, dans les deux pays, des privilèges généralement attribués à leurs fonctions, tels que l'immunité personnelle, hormis le cas de crime, l'exemption des logemens militaires, du service de la milice ou de la garde nationale et autres charges de la même nature, et celle de toutes les contributions directes et personnelles, fédérales d'Etat, ou municipales: si toutefois les dits consuls généraux, consuls, vice-consuls ou agents consulaires étaient citoyens du pays de leur résidence, s'ils y étaient ou y devenaient propriétaires, ou qu'ils y fissent le commerce, ils seraient soumis, sous le bénéfice du traitement accordé aux agents commerciaux, à la même juridiction que les autres citoyens du pays propriétaires ou commerçants, et aux mêmes taxes et impositions que ceux-ci.

Immunities  
and privileges  
of consuls, &c.

Ils pourront placer, au dessus de la porte extérieure de leurs chancelleries ou de leurs maisons d'habitation, un tableau aux armes de leur nation avec une inscription portant ces mots: Consul de France, ou Consul des Etats Unis: ils pourront aussi y arborer le drapeau de leur pays.

How their evidence is to be taken.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular pupils.

Consular pupils shall enjoy the same personal privileges and immunities as consuls general, consuls, vice-consuls, or consular agents.

Provision in case of death of consular agents.

In case of death, indisposition, or absence of the latter, the chancellors, secretaries, and consular pupils attached to their offices, shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy whilst thus acting, the prerogatives granted to the incumbents.

Immunities of their offices, dwellings, and papers.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

### ARTICLE III.

### ARTICLE IV.

Complaints of infractions of treaties.

The consuls general, consuls, vice-consuls, or consular agents, of both countries, shall have the right to complain to the authorities of the respective governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no diplomatic agent of their nation, they shall be authorized, in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

Ils ne pourront jamais être contraints à comparaître comme témoins devant les tribunaux: quand la justice du pays aura quelque déclaration juridique ou déposition à recevoir d'eux, elle les invitera par écrit à se présenter devant elle et, en cas d'empêchement, elle devra leur demander leur témoignage par écrit, ou se transporter à leur domicile, pour l'obtenir de vive voix.

Les élèves consuls jouiront des mêmes privilèges et immunités personnelles que les consuls généraux, consuls, vice-consuls ou agents consulaires.

En cas de décès, d'empêchement ou d'absence de ces derniers, leurs élèves consuls, chancelliers et secrétaires seront de plein droit admis à gérer par *interim* les affaires des postes respectifs, et jouiront, pendant la durée de cette gestion intérimaire, des prérogatives accordées aux titulaires.

### ARTICLE III.

### ARTICLE IV.

Les chancelleries et habitations consulaires seront inviolables. Les autorités locales ne pourront les envahir, sous aucun prétexte. Elles ne pourront, dans aucun cas, visiter ni saisir les papiers qui y seront renfermés. Elles ne sauraient, dans aucun cas, servir de lieux d'asile.

Les consuls généraux, consuls, vice-consuls ou agents consulaires de l'un et l'autre pays auront le droit de s'adresser aux autorités territoriales, fédérales ou locales, judiciaires et administratives, dans toute l'étendue de leur arrondissement consulaire, pour réclamer contre toute infraction aux traités ou conventions existant entre la France et les Etats Unis et pour protéger officieusement les droits et les intérêts de leurs nationaux, notamment en cas d'absence: à défaut d'agent diplomatique de leur nation, ils seront, au besoin autorisés à recourir au gouvernement général ou fédéral du pays dans lequel ils exercent leurs fonctions.

ARTICLE V.

The respective consuls general, and consuls, shall be free to establish, in such parts of their districts as they may see fit, vice-consuls, or consular agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the consul by whom they are named, and under whose orders they are to act.

ARTICLE VI.

The consuls general, consuls, vice-consuls, or consular agents, shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned, or on board ship, the declarations of captains, crews, passengers, merchants, or citizens of their country, and of executing there, all requisite papers.

The respective consuls general, consuls, vice-consuls, or consular agents, shall have the right, also, to receive at their offices, or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and [the] citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the consul or the agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the consuls general, consuls, vice-consuls, or consular agents, and sealed with the official seal of their consulate or consular agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

ARTICLE V.

Les consuls généraux et consuls respectifs seront libres d'établir, dans tels lieux de leur arrondissement où ils le jugeront utile, des vice-consuls ou agents consulaires, qui pourront être choisis indistinctement parmi les Français, les Américains des États Unis ou les citoyens des autres pays. Ces agents, dont la nomination sera soumise, bien entendu, à l'approbation des gouvernements respectifs, seront munis d'un brevet délivré par le consul, qui les aura institués et sous les ordres du quel ils agiront.

Vice-consuls and agents.

ARTICLE VI.

Les consuls généraux, consuls, vice-consuls ou agents consulaires, auront le droit de recevoir dans leurs chancelleries ou bureaux, au domicile des parties ou à bord des bâtimens, les déclarations des capitaines, équipages, passagers, négociants ou citoyens de leur pays, et tous les actes qu'ils voudront y passer.

To receive protests, &c.

Les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs auront, en outre, le droit de recevoir conformément aux lois et réglemens de leur pays, dans leurs chancelleries ou bureaux tous actes conventionnels passés entre des citoyens de leur pays et des citoyens ou habitants du pays, où ils résident, et même tous actes de ces derniers pourvu que ces actes aient rapport à des biens situés, ou à des affaires à traiter sur le territoire de la nation, à la quelle appartiendra le consul ou l'agent devant lequel ils seront passés.

Les expéditions des dits actes dûment légalisées par les consuls généraux, consuls, vice-consuls ou agents consulaires et munies du cachet officiel de leur consulat ou agence consulaire, feront foi en justice dans tous les tribunaux de France et des États Unis, comme le feraient les originaux eux mêmes.

Copies authenticated by them to be received as evidence.

## ARTICLE VII.

Right to hold property in the respective countries.

In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States, the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens.

## ARTICLE VIII.

Consuls to have cognizance of differences between captains, officers, and crews, of their own nation.

The respective consuls general, consuls, vice-consuls, or consular agents, shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the consuls, when they may ask it, to arrest and imprison all persons com-

## ARTICLE VII.

Dans tous les Etats de l'Union où les lois actuelles le permettent, aussi longtemps que les dites lois resteront en vigueur, et avec leur même portée, les Français jouiront du droit de posséder des biens meubles et immeubles, au même titre et de la même manière que les citoyens des Etats Unis: ils pourront en disposer librement et sans réserve, à titre gratuit ou onéreux, par donation, testament ou autrement, comme les habitants eux-mêmes et ne seront, dans aucun cas, soumis à des droits de mutation, de succession ou autres différents de ceux payés par ces derniers, ou à des taxes qui ne leur seraient pas également imposées.

Quant aux Etats de l'Union, dont la législation actuelle ne permet pas aux étrangers de posséder des biens immeubles, le Président s'engage à leur recommander de passer les lois nécessaires pour leur conférer ce droit.

De même et en se réservant toutefois la faculté d'appliquer ultérieurement la réciprocité, en matière de possession et de succession, le gouvernement Français reconnaît aux citoyens des Etats Unis le droit de jouir en France, en matière de propriété mobilière, immobilière et de succession, du traitement identique dont jouissent en France en pareille matière, les citoyens Français.

## ARTICLE VIII.

Les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs seront exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation et connaîtront seuls de tous les différents qui se seront élevés en mer ou s'élèveront dans les ports, entre le capitaine, les officiers et les hommes inscrits sur le rôle d'équipage, à quelque titre que ce soit, particulièrement pour le règlement des salaires et l'exécution des engagements réciproquement consentis; les autorités locales ne pourront s'immiscer à aucun titre, dans ces différents, et devront prêter main forte

posing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the consuls. Their release shall be granted at the mere request of the consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the consuls.

#### ARTICLE IX.

The respective consuls general, consuls, vice-consuls, or consular agents, may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war, or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the consuls of France in the United States, shall apply to the magistrates designated in the act of Congress, of May 4, 1826—that is to say, indiscriminately to any of the federal, State, or municipal authorities; and the consuls of the United States in France, shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and

aux consuls lors qu'ils la requerront, pour faire arrêter et conduire en prison ceux des individus inscrits sur le rôle d'équipage, à quelque titre que ce soit, qu'ils jugeront à propos d'y envoyer. Ces individus seront arrêtés sur la seule demande des consuls adressée par écrit à l'autorité locale et appuyée d'un extrait officiel du registre de bord ou rôle d'équipage et seront tenus, pendant tout le temps de leur séjour dans le port, à la disposition des consuls. Leur mise en liberté s'effectuera sur une simple demande des consuls faite par écrit. Les frais occasionnés par l'arrestation et la détention de ces individus seront payés par les consuls.

#### ARTICLE IX.

Les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs pourront faire arrêter les officiers, matelots et toutes les autres personnes faisant partie des équipages, à quelque titre que ce soit, des bâtimens de guerre ou de commerce de leur nation, qui seraient prévenus ou accusés d'avoir déserté des dits bâtimens, pour les renvoyer à bord, ou les transporter dans leurs pays. A cet effet ils s'adresseront, les consuls de France aux Etats Unis aux magistrats désignés dans l'acte du Congrès du 4 Mai, 1826, c'est à dire indistinctement à toutes les autorités fédérales, d'Etat ou municipales; les consuls des Etats Unis en France, à toutes les autorités compétentes; et leur feront par écrit la demande de ces déserteurs, en justifiant, par l'exhibition des registres du bâtiment ou du rôle d'équipage ou par d'autres documents officiels, que les hommes qu'ils réclament faisaient partie du dit équipage. Sur cette seule demande ainsi justifiée, et sans qu'aucun serment puisse être exigé des consuls, la remise des déserteurs ne pourra leur être refusée, à moins qu'il ne soit dûment prouvé qu'ils étaient citoyens du pays, où l'extradition est réclamée, au moment de leur inscription sur le rôle ou de leur arrivée au port du débarquement: il leur sera donné toute aide et pro-

Case of desertors from vessels.

kept in the prisons of the country at the request and at the expense of the consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

## ARTICLE X.

Protests, &amp;c.

The respective consuls general, consuls, vice-consuls, or consular agents, shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

Charged with  
repairs of ves-  
sels.

## ARTICLE XI.

Salvage in  
case of wrecks.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the consuls general, consuls and vice-consuls of the United States in France, and by the consuls general, consuls, and vice-consuls of France in the United States, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary mea-

tes for the recherche, la saisie et l'arrestation de ces déserteurs, les quels seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais des consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de trois mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

## ARTICLE X.

Les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs recevront les déclarations, protestations et rapports de tous capitaines de batiments de leur nation, pour raison d'avaries essayées à la mer; ils feront procéder à la constatation de l'arrimage, et ils seront, à moins de stipulations contraires entre les armateurs, les chargeurs et les assureurs, chargés du soin de régler ces avaries. Si des habitants du pays, où résident les consuls, ou des citoyens d'une tierce nation se trouvaient intéressés dans les dites avaries, et que les parties ne pussent s'entendre à l'amiable, le recours à l'autorité locale compétente serait de droit.

## ARTICLE XI.

Toutes les opérations relatives au sauvetage des navires Français naufragés sur les côtes des États Unis, et des navires Américains naufragés sur les côtes de France seront respectivement dirigées par les consuls généraux, consuls, vice-consuls de France aux États Unis, et par les consuls généraux, consuls et vice-consuls Américains en France, et jusqu'à leur arrivée par les agents consulaires respectifs là où il existera une agence; dans les lieux et ports où il n'existerait pas d'agence, les autorités locales auront, en attendant l'arrivée du consul, dans l'arrondissement du quel le naufrage aurait, en lieu et qui devrait être immédiatement prévenu, à prendre toutes les mesures néces-

sures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be reexported, and, if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

#### ARTICLE XII.

The respective consuls general, consuls, vice-consuls, or consular agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

#### ARTICLE XIII.

The present convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof, the respective plenipotentiaries have signed this convention, and hereunto affixed their respective seals.

Done at the city of Washington,

saires pour la protection des individus et la conservation des effets naufragés.

Les autorités locales n'auront d'ailleurs à intervenir que pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer, l'exécution des dispositions à observer, pour l'entrée et la sortie des marchandises sauvées.

Il est bien entendu que ces marchandises ne seront tenues à aucun droit de douane, si elles doivent être réexportées, et que, si elles sont admises à la consommation, on leur accordera les modérations de droits consacrées par la législation douanière des pays respectifs.

#### ARTICLE XII.

Les consuls généraux, consuls, vice-consuls ou agents consulaires respectifs, ainsi que leurs élèves consuls, chanceliers et secrétaires jouiront dans les deux pays de tous les autres privilèges, exemptions et immunités qui pourraient par la suite être accordés aux agents de même rang de la nation la plus favorisée.

Consuls, &c., to enjoy all immunities which shall be granted to those of any other nation.

#### ARTICLE XIII.

La présente convention restera en vigueur pendant dix ans à partir de l'échange des ratifications, les quelles seront données conformément aux constitutions respectives des deux pays, et échangées à Washington dans le délai de six mois au plutôt, si faire se peut: dans le cas où aucune des parties n'aurait notifié douze mois avant l'expiration de la dite période de dix ans son intention d'en faire cesser les effets, la convention continuera à rester en vigueur encore une année, et ainsi de suite d'année en année, jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des parties l'aura dénoncée.

Duration of this convention.

En foi de quoi les plenipotentiaries respectifs l'ont signée et y ont apposé leurs cachets respectifs.

Fait à Washington, le vingt-trois

## CONSULAR CONVENTION WITH FRANCE. FEB. 23, 1853.

the twenty-third day of February, Anno Domini one thousand eight hundred and fifty-three.	de Fevrier, Anno Domini mille huit cent cinquante-trois.
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EDWARD EVERETT. [L. s.]  
SARTIGES. [L. s.]

SARTIGES. [L. s.]  
EDWARD EVERETT. [L. s.]

And whereas the said Convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eleventh instant, by WILLIAM L. MARCY, Secretary of State of the United States, and the Count de Sartiges, Commander of the Imperial Order of the Legion of Honor, &c., &c., &c., and Envoy Extraordinary and Minister Plenipotentiary of his Majesty the Emperor of the French, near the Government of the United States, on the part of their respective Governments :

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twelfth day of August, in  
[L. s.] the year of our Lord one thousand eight hundred and fifty-  
three, and of the Independence of the United States the  
seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT :

W. L. MARCY *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 10, 1853.

## A PROCLAMATION.

WHEREAS a Treaty, between the United States of America and the Argentine Confederation, was concluded and signed by their respective Plenipotentiaries, at San José de Flores, on the tenth day of July, eighteen hundred and fifty-three; which treaty, being in the English and Spanish languages, is, word for word, as follows: —

Treaty for the Free Navigation of the Rivers Paraná and Uruguay, between the United States and the Argentine Confederation.

Tratado para la Libre Navegacion de los Rios Paraná y Uruguay, entre la Confederacion Argentina y los Estados Unidos.

The President of the United States and his Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the Rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation.

With this object they have named as their plenipotentiaries, that is to say — the President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation; and his Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga; who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles: —

El Excelentísimo Señor Director Provisorio de la Confederacion Argentina y el Presidente de los Estados Unidos, deseando estrechar los vinculos de amistad que tan felizmente existen entre sus Estados y paises respectivos, y convencidos que de ningun modo podrian mejor alcanzar ese resultado que tomando de comun acuerdo todas las medidas propias á facilitar y desarrollar las relaciones comerciales, han resuelto fijar por un tratado las condiciones de la libre navegacion de los rios Paraná y Paraguay, y apartar asi los obstáculos que hasta ahora han embarazado esta navegacion.

Preamble.

Con ese objeto han nombrado por sus plenipotenciarios, á saber — el Excelentísimo Señor Director Provisorio de la Confederacion Argentina á los Señores Doctor Don Salvador Maria del Carril, y el Doctor Don José Benjamin Gorostiaga; y el Presidente de los Estados Unidos á Robert C. Schenck, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos al Brasil, y á John S. Pendleton, Encargado de Negocios de los Estados Unidos á la Confederacion Argentina; quienes, despues de haberse comunicado sus plenos poderes y hallado los en buena y debida forma, han convenido en los articulos siguientes: —

Negotiators.

## ARTICLE I.

Free navigation  
of the Paraná  
and Uruguay  
conceded.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the Rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the national authority of the Confederation.

## ARTICLE II.

Loading and  
unloading.

Consequently, the said vessels shall be admitted to remain, load, and unload in the places and ports of the Argentine Confederation which are open for that purpose.

## ARTICLE III.

Beacons and  
marks.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

## ARTICLE IV.

Uniform system  
for collection of  
duties and dues.

A uniform system shall be established by the competent authorities of the Confederation, for the collection of the custom-house duties, harbor, lights, police, and pilotage dues, along the whole course of the waters which belong to the Confederation.

## ARTICLE V.

Government  
and possession of  
the island of Mar-  
tin Garcia.

The high contracting parties, considering that the island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluent of the River Plata, agree to use their influence to prevent the possession of the said island from being retained or held by any State of the River Plata, or its confluent which shall not have given its adhesion to the principle of their free navigation.

## ARTICLE VI.

If it should happen (which God

## ARTICULO I.

La Confederacion Argentina, en el ejercicio de sus derechos soberanos, permite la libre navegacion de los rios Paraná y Uruguay, en toda la parte de su curso que le pertenezca, á los buques mercantes de todas las naciones, con sujecion unicamente á las condiciones que establece este tratado, y á los reglamentos sancionados, ó que en adelante sancionare la autoridad nacional de la Confederacion.

## ARTICULO II.

Por consiguiente, ditos buques serán admitidos á permanecer, cargar y descargar en los lugares y puertos de la Confederacion Argentina habilitados para ese objeto.

## ARTICULO III.

El Gobierno de la Confederacion Argentina, deseando proporcionar toda facilidad á la navegacion interior, se compromete á mantener valizás y marcas que señalen los canales.

## ARTICULO IV.

Se establecerá por las autoridades competentes de la Confederacion, un sistema uniforme para la recandacion de los derechos de aduana, puerto, fanal, policia, y pilotage, en todo el curso de las aguas que pertenecen á la Confederacion.

## ARTICULO V.

Las altas partes contratantes, reconociendo que la isla de Martin Garcia puede, por su posicion, embarazar y impedir la libre navegacion de los confluentes del Rio de la Plata, convienen en emplear su influjo para que la posesion de dicha isla no sea retenida ni conservada por ningun Estado del Rio de la Plata ó de sus confluentes que no hubiera dado su adhesion al principio de su libre navegacion.

## ARTICULO VI.

Si sucediere (lo que Dios no per-

forbid) that war should break out between any of the States, Republics, or Provinces of the River Plate or its confluent, the navigation of the Rivers Paraná and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon balls.

## ARTICLE VII.

Power is expressly reserved to his Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay, and the Oriental State of Uruguay, to become parties to the present treaty, in case they should be disposed to apply its principles to the parts of the Rivers Paraná, Paraguay, and Uruguay, over which they may respectively possess fluvial rights.

## ARTICLE VIII.

The principal objects for which the Rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

## ARTICLE IX.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by his Excellency the Provisional Director of the Argentine Confederation, who shall present it to the first Legislative Congress of the Confederation, for their approbation.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation, within the term of eighteen months.

In witness whereof the respective

mita) que la guerra estallase entre cualesquiera de los Estados, Repúblicas, ó Provincias del Rio de la Plata ó de sus confluentes, la navegacion de los Rios Paraná y Uruguay quedará libre para el pabellon mercantil de todas las naciones. No habrá excepcion á este principio sino en lo relativo á las municiones de guerra, como son las armas de toda clase, la polvera, el plomo, y las balas de cañon.

Navigation of said rivers in time of war.

Exception.

## ARTICULO VII.

Se reserva espresamente á su Majestad el Emperador del Brasil, y á los Gobiernos de Bolivia, del Paraguay, y del Estado Oriental del Uruguay el poder de hacerse partes al presente tratado, en el caso de que fueren dispuestos á aplicar sus principios á las partes de los rios Paraná, Paraguay, y Uruguay, en las cuales puedan poseer respectivamente derechos fluviales.

South American Governments may accede to this treaty.

## ARTICULO VIII.

Los principales objetos, en vista de los cuales los rios Paraná y Uruguay que dan declarados libres para el comercio del mundo, siendo los de desenvolver las relaciones comerciales de sus paises rivereños, y de fomentar la inmigración, se conviene que no se concederá ningun favor ó inmunidad al pabellon ó al comercio de cualquiera otra nacion que no se estenderá igualmente á los de los Estados Unidos.

United States to have privileges of most favored nation.

## ARTICULO IX.

El presente tratado será ratificado por el Excelentísimo Señor Director Provisorio de la Confederacion Argentina á los dos dias de la fecha, debiendo presentarlo para su aprobacion al primer Congreso Legislativo de la Confederacion, y por parte del Gobierno de los Estados Unidos dentro de quince meses.

Ratifications.

Las ratificaciones deberán cangearse á los diez y ocho meses en el lugar de la residencia del Gobierno de la Confederacion Argentina.

En fé de lo cual los plenipoten-

plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José de Flores, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-three.

ROBT C. SCHENCK, [SEAL.]  
JNO. S. PENDLETON, [SEAL.]  
SALVADOR MA. DEL CARRIL, [SEAL.]  
JOSÉ B. GOROSTIAGA, [SEAL.]

ciarios respectivos han firmado este tratado y le han puesto sus sellos.

Hecho en San José de Flores al día diez de Julio, del año de nuestro Señor mil ochocientos cincuenta y tres.

SALVADOR MA. DEL CARRIL, [SEAL.]  
JOSÉ B. GOROSTIAGA, [SEAL.]  
ROBT C. SCHENCK, [SEAL.]  
JNO. S. PENDLETON, [SEAL.]

And, whereas, the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Paraná, on the thirtieth day of December last;

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this ninth day of April, in the year of our Lord, one thousand eight hundred and fifty-five, and of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By THE PRESIDENT :

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 27, 1853.

## A PROCLAMATION.

Whereas a Treaty, between the United States of America and the Argentine Confederation, was concluded and signed by their respective Plenipotentiaries, at San José, on the twenty-seventh day of July, eighteen hundred and fifty-three; which treaty being in the English and Spanish language, is, word for word, as follows:—

Treaty of Friendship, Commerce, and Navigation, between the United States and the Argentine Confederation.

Tratado de Amistad, Comercio y Navegacion, entre la Confederacion Argentina y los Estados Unidos.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the two governments, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signing of a treaty of friendship, commerce, and navigation. For this purpose they have nominated their respective plenipotentiaries, that is to say:—

The President of the United States, Robert C. Schenck, envoy extraordinary, and minister plenipotentiary of the United States to Brazil, and John S. Pendleton, chargé d'affaires of the United States to the Argentine Confederation; and his excellency the provisional director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

## ARTICLE I.

There shall be perpetual amity

Hallándose establecidas hace tiempo relaciones comerciales entre la Confederacion Argentina y los Estados Unidos, ha parecido conveniente, asi para la seguridad y fomento de aquella correspondencia comercial, como para mantener la buena inteligencia entre ambos gobiernos, que las relaciones que ahora existen entre ellos, sean regularmente conocidas y confirmadas por un tratado de amistad, comercio y navegacion. Con este objeto han nombrado sus respectivos plenipotenciarios á saber:—

Preamble.

El Exmo. Señor, director provisorio de la Confederacion Argentina, al Doctor Don Salvador Maria del Carril, y al Doctor Don José Benjamin Gorostiaga, y el Presidente de los Estados Unidos, á Roberto C. Schenck, enviado extraordinario y ministro plenipotenciario de los Estados Unidos á la corte del Brasil, y á Juan S. Pendleton, encargado de negocios de los Estados Unidos cerca de la Confederacion Argentina;

Negotiators.

Quienes, despues de haberse comunicado sus respectivos plenos poderes, hallados en buena y debida forma, han convenido en los articulos siguientes:

## ARTICULO I.

Habrá amistad perpétua entre la

Perpetual  
amity.

between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

#### ARTICLE II.

Reciprocal  
freedom of com-  
merce.

Protection of  
citizens, ships,  
&c.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of commerce. The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers, in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or State, are, or may be, permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses, for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures, and merchandise of lawful commerce; and generally to enjoy, in all their business, the most complete protection and security, subject to the general laws and usages of the two countries respectively. In like manner, the respective ships of war, and post-office or passenger packets of the two countries, shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and packets are, or may be, permitted to come; to enter into the same; to anchor and remain there and refit, subject always to the laws and usages of the two countries respectively.

Ships of war  
and post-office  
and passenger  
packets.

#### ARTICLE III.

"Most favored  
nation" clause.

The two high-contracting parties agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously,

Confederacion Argentina y sus ciudadanos por una parte, y los Estados Unidos y sus ciudadanos por la otra parte.

#### ARTICULO II.

Habr  una libertad r ciproca de comercio entre todos los territorios de la Confederacion Argentina y todos los territorios de los Estados Unidos. Los ciudadanos de ambos paises podr n libremente y con toda seguridad ir con sus buques y cargas   todos aquellos parages, puertos y r os en sus respectivos territorios,   donde sea   fuese permitido llegar   los buques   cargas de cualquier otra naci n   estado; podr n entrar, permanecer y residir en cualquiera parte de los dichos territorios respectivamente; podr n alquilar y ocupar casas y almacenes para su residencia y comercio; podr n negociar en toda clase de productos, manufacturas y mercanc as de comercio legal; y gozar n en todas sus ocupaciones de la mas completa proteccion y seguridad, sujetas   las leyes generales y costumbres de las dos naciones respectivas. Los buques de guerra de ambas naciones, buques correos y paquetes podr n asi mismo llegar libremente y con toda seguridad   todos los puertos, r os y puntos   donde entren   les sea permitido entrar   los buques de guerra   paquetes de cualquiera otra naci n; podr n entrar, anelar, permanecer y repararse, sujetos siempre   las leyes y costumbres de las dos naciones respectivas.

#### ARTICULO III.

Las dos altas partes contratantes, convienen que cualquier favor, exenc on, privilegio   inmunidad que una de ellas haya concedido   conceda mas adelante en punto   comercio   navegaci n   los ciudadanos   s bditos de cualquier otro gobierno, naci n,   estado, ser  estensivo en igualdad de casos y circunstancias   los ciudadanos de la otra parte contratante, y gratuita-

if the concession in favor of that other government, nation, or State, shall have been gratuitous; or, in return for an equivalent compensation, if the concession shall have been conditional.

## ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties, of any article of the growth, produce, or manufacture of the territories of the other contracting party, than are, or shall be, payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties, on the exportation of any article to the territories of the other, than such as are, or shall be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

## ARTICLE V.

No other or higher duties or charges, on account of tonnage, light or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed in the ports of the two contracting parties, on the vessels of the other, than those payable in the same ports on its own vessels.

## ARTICLE VI.

The same duties shall be paid, and the same drawbacks and bounties allowed, upon the importation or exportation of any article into or from the territories of the United States, or into or from the territories of the Argentine Confederation, whether such importation or exportation

mente, si la concesion en favor de ese otro gobierno, nacion ó estado ha sido gratuita, ó por una compensacion equivalente, si la concesion fué condicional.

## ARTICULO IV.

No se impondrán ningunos otros ni mayores derechos, en los territorios de cualquiera de las dos partes contratantes á la importacion de los articulos de produccion natural, industrial ó fabril de los territorios de la otra parte contratante, que los que se pagan ó pagáren por iguales articulos de cualquier otro pais extranjero; ni se impondrá otros ni mas altos derechos en los territorios de cualquiera de las partes contratantes á la exportacion de cualquier articulo á los territorios de la otra, que los que se pagan ó pagáren por la exportacion de iguales articulos á cualquier otro pais extranjero; ni se impondrá prohibicion alguna á la importacion de cualesquiera articulos de produccion natural, industrial ó fabril de los territorios de una de las partes contratantes á los territorios ó de los territorios de la otra, que no se extiendan tambien á iguales articulos de cualquier otro pais extranjero.

## ARTICULO V.

No se impondrán otros ni mas altos derechos por tonelage, farola, puerto, práctico, salvamento en caso de averia ó naufragio, ó cualesquiera otros gastos locales en ninguno de los puertos de cualesquiera de las dos partes contratantes á los buques de la otra, que aquellos que se pagan en los mismos puertos por sus propios buques.

## ARTICULO VI.

Se pagarán los mismos derechos y se concederán los mismos descuentos y premios por la importacion ó exportacion de cualquier articulo al territorio ó del territorio de la Confederacion Argentina, ó al territorio ó del territorio de los Estados Unidos, ya sea que dicha importacion

Provision against discriminating duties, on account of nationality of growth or produce.

Provision against discriminating duties, on account of nationality of vessels.

Same subject.

tation be made in vessels of the United States, or in vessels of the Argentine Confederation.

#### ARTICLE VII.

How nationality of vessels is to be settled.

The contracting parties agree to consider and treat, as vessels of the United States and of the Argentine Confederation, all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two governments, be recognized fully and *bonâ fide* as national vessels, by that country to which they respectively belong.

#### ARTICLE VIII.

Privileges of citizens as to trading and doing business.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases, to the buyer and seller, to bargain and fix the price of any goods, wares, or merchandise imported into, or exported from, the Argentine Confederation, as they shall see good — observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defence of their just

ó exportacion se efectuó en buques de la Confederacion Argentina ó en buques de los Estados Unidos.

#### ARTICULO VII.

Las partes contratantes se convienen en considerar y tratar como buques de la Confederacion Argentina, y de los Estados Unidos, todos aquellos que hallándose munidos por la competente autoridad, con un pasavante en debida forma ó patente, puedan, segun las leyes y reglamentos entonces existentes, ser reconocidos plenamente y *bonâ fide* como buques nacionales por aquel pais al que respectivamente pertenecan.

#### ARTICULO VIII.

Todos los comerciantes, comandantes de buque y demas ciudadanos de la Confederacion Argentina, tendrán plena libertad en todos los territorios de los Estados Unidos, para cuidar por si mismos de sus propios, negocios ó para confiados á la direccion de quien mejor les parezca como corredor, factor, agente ó intérprete; y no serán obligados á emplear otras personas para aquellos objetos, que aquellas empleadas por los ciudadanos de los Estados Unidos, ni á pagarles otro salario ó remuneracion que aquella que, en iguales casos se paga por los ciudadanos de dichos Estados Unidos. Y se concede absoluta libertad en todos los casos al comprador y vendedor para tratar y fijar el precio, cómo mejor les parezca, de cualquier efecto, género ó mercancia importado ó exportado de los Estados Unidos, con observancia de las leyes y usos establecidos en el pais. Los mismos derechos y privilegios en todos respectos se conceden en los territorios de la Confederacion Argentina á los ciudadanos de los Estados Unidos. Los ciudadanos de las dos partes contratantes recibirán y disfrutarán reciprocamente la mas completa y perfecta proteccion para sus personas y bienes, y tendrán acceso franco y libre á los tribunales de justicia en los respectivos paises para la prosecucion y defenza de

rights, and they shall be at liberty to employ in all cases such advocates, attorneys, or agents, as they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein, as native citizens.

## ARTICLE IX.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, and to the acquiring and disposing of property of every sort and denomination, either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties, and rights, as native citizens; and they shall not be charged in any of those respects, with any higher imposts or duties than those which are paid, or may be paid, by native citizens — submitting, of course, to the local laws and regulations of each country respectively. If any citizen of either of the two contracting parties shall die without will or testament, in any of the territories of the other, the consul-general, or consul of the nation to which the deceased belonged, or the representative of such consul-general or consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

## ARTICLE X.

The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions, or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions,

sus justos derechos, y tendrán la libertad de emplear en todos casos los abogados, apoderados ó agentes que mejor les parezca, y á este respecto tendrán los mismos derechos y privilegios que los ciudadanos nacionales.

## ARTICULO IX.

En todo lo relativo á la policia de puertos, carga y descarga de buques, seguridad de las mercaderias, géneros y efectos á la adquisicion y disposicion de la propiedad de toda clase y denominacion, ya sea por venta, donacion, permuta, testamento ó de cualquier otro modo que sea, como tambien á la administracion de justicia, los ciudadanos de las partes contratantes gozarán reciprocamente de los mismos privilegios, prerogativas y derechos que los ciudadanos nacionales; y no se les gravará en ninguno de esos casos con impuestos ó derechos mayores que aquellos que pagan ó pagáren los ciudadanos nacionales, sujetos siempre á las leyes locales y reglamentos de cada pais respectivamente. Si algun ciudadano de cualquiera de las dos partes contratantes falleciera intestado en alguno de los territorios de la otra, el consul general ó consul de la nacion á la que pertenezca el finado, ó sea el representante de dicho consul general ó consul, en ausencia de estos, tendrá el derecho de intervenir en la posesion, administracion y liquidacion judicial de los bienes del finado, conforme á las leyes del pais, en beneficio de sus acreedores y herederos legales.

Same subject.

Case of death of citizens in territory of the other

## ARTICULO X.

Los ciudadanos de la Confederacion Argentina residentes en los Estados Unidos, y los ciudadanos de los Estados Unidos residentes en la Confederacion Argentina, serán exentos de todo servicio militar obligatorio, ya sea por mar ó por tierra, así como de todo empréstito forzoso, requisiciones y ausilios militares; ni serán compelidos por ningun pretexto que sea, á pagar ningunas cargas ordinarias, requisiciones ó im-

Provision against military service, forced loans, taxes, &c.

or taxes, greater than those that are paid by native citizens, of the contracting parties respectively.

#### ARTICLE XI.

##### Consuls.

It shall be free for each of the two contracting parties to appoint consuls, for the protection of trade, to reside in any of the territories of the other party; but, before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

##### Their archives to be inviolate.

The archives and papers of the consulates of the respective governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize, or in any way interfere with them.

##### Diplomatic agents and consuls to have privileges and rights of those of the most favored nation.

The diplomatic agents and consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, or shall be, granted to agents of the same rank, belonging to the most favored nation; and, in like manner, the diplomatic agents and consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation, to the diplomatic agents and consuls of the most favored nation.

#### ARTICLE XII.

For the better security of commerce between the United States and the Argentine Confederation, it is agreed that if, at any time, any interruption of friendly commercial intercourse, or any rupture, should unfortunately take place between the two contracting parties, the citizens of either of them, residing

puestos mayores que los que pagan los ciudadanos naturales de las partes contratantes respectivamente.

#### ARTICULO XI.

Cada una de las dos partes contratantes podrá nombrar consules para la proteccion de su comercio, con residencia en cualquiera de los territorios de la otra parte; pero antes de funcionar como tales, serán aprobados y admitidos en la forma de costumbre, por el gobierno cerca del que están acreditados; y cualquiera de las partes contratantes podrá exceptuar de la residencia de consules, aquellos lugares particulares que juzgue conveniente exceptuar.

Los archivos y papeles de los consulados de los respectivos gobiernos, serán inviolablemente respetados, y bajo ningun pretesto podrá magistrado alguno, ni autoridad local alguna apoderarse de dichos archivos ó papeles, ni tener, de modo alguno, la menor ingerencia en ellos.

Los agentes diplomáticos y consules de los Estados Unidos gozarán en los territorios de la Confederacion Argentina, de todos los privilegios, exenciones é inmunidades que se conceden á los agentes del mismo rango de la nacion mas favorecida, y de igual modo, los agentes diplomáticos y consules de la Confederacion Argentina en los territorios de los Estados Unidos gozarán, conforme á la mas escrupulosa reciprocidad, de todos los privilegios, exenciones é inmunidades que se concede ó se concedan á los diplomáticos ó consules de la nacion mas favorecida.

#### ARTICULO XII.

Para la mayor seguridad del comercio entre la Confederacion Argentina y los Estados Unidos, se estipula que, en cualquier caso en que por desgracia aconteciese alguna interrupcion de las amigables relaciones de comercio, ó un rompimiento entre las dos partes contratantes, los ciudadanos de cual-

##### Treatment of citizens of the other party in time of war.

in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably, and commit no offence against the laws; and their effects and property, whether entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the State in which such citizens may reside.

## ARTICLE XIII.

The citizens of the United States, and the citizens of the Argentine Confederation, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons, and properties, the full protection of the government.

They shall not be disturbed, molested, nor annoyed in any manner, on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses, or in their own churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local government, interfering in no way with, but respecting the religion and customs of, the country in which they reside. Liberty shall also be granted to the citizens of either of the contracting parties, to bury those who may die in the territories of the other, in burial-places of their own, which, in the same manner, may be freely established and maintained.

## ARTICLE XIV.

The present treaty shall be ratified on the part of the government of the United States within fifteen months from the date, and within three days by his excellency, the provisional director of the Argentine Confederation, who will also

quiera de ellas, residentes en los territorios de la otra, tendrán el privilegio de permanecer y continuar su tráfico u ocupacion en ellos, sin interrupcion alguna, en tanto que se condujeren con tranquilidad, y no quebrantaren las leyes de modo alguno; y sus efectos y propiedades, ya fuesen confiados á particulares ó al Estado, no estarán sujetas á embargo ni secuestro, ni á ninguna otra exaccion que aquellas que puedan hacerse á igual clase de efectos ó propiedades pertenecientes á los naturales habitantes del Estado en que dichos ciudadanos residiesen.

## ARTICULO XIII.

Los ciudadanos de la Confederacion Argentina y los ciudadanos de los Estados Unidos residentes respectivamente en el territorio de una de las partes contratantes, gozarán en sus casas, personas y propiedades de la proteccion completa del gobierno.

No serán inquietados, molestados, ni incomodados de manera alguna con motivo de sus creencias religiosas, ni en el ejercicio de su culto particular, ya sea dentro de sus propias casas, ó en sus propias iglesias ó capillas, las que podrán libremente edificar y mantener en los sitios convenientes que sean aprobados por el gobierno local, respetando la religion y costumbres del pais donde tengan su residencia. Tambien será permitido enterrar á los ciudadanos que murieren de ambas partes contratantes, en el territorio de la otra, en sus propios cementerios, que podrán del mismo modo libremente establecer y conservar.

## ARTICULO XIV.

El presente tratado será ratificado por el excelentísimo señor director provisorio de la Confederacion Argentina, á los tres dias de la fecha, debiendo presentarlo para su aprobacion al primer Congreso legislativo de la Confederacion, y por parte del

Houses, persons, and property, protection of.

Religious privileges.

Burials.

Ratifications.

present it to the first legislative Congress of the Confederation, for their approval.

The ratifications shall be exchanged at the seat of government of the Argentine Confederation, within the term of eighteen months.

In witness whereof, the respective plenipotentiaries have signed this treaty, and affixed thereto their seals.

Done at San José, on the twenty-seventh day of July, in the year of our Lord one thousand eight hundred and fifty-three.

ROBERT C. SCHENCK. [L. s.]  
JNO. S. PENDLETON. [L. s.]  
SALVADOR MA. DEL  
CARRIL. [L. s.]  
JOSÉ B. GOROSTIAGA. [L. s.]

gobierno de los Estados Unidos, dentro de quince meses.

Las ratificaciones deberán canjearse á los diez y ocho meses en el lugar de la residencia del gobierno de la Confederacion Argentina.

En fé de lo cual, los plenipotenciarios respectivos han firmado este tratado y le han puesto sus sellos.

Hecho en San José el dia veintisiete de Julio del año de nuestro señor, mil ochocientos cincuenta y tres.

SALVADOR MA. DEL  
CARRIL. [L. s.]  
JOSÉ B. GOROSTIAGA. [L. s.]  
ROBERT C. SCHENCK. [L. s.]  
JNO. S. PENDLETON. [L. s.]

And, whereas, the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Paraná, on the thirtieth day of December last; —

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled by the United States, and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this ninth day of April, in  
[L. s.] the year of our Lord one thousand eight hundred and fifty-five, and of the Independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*

## TREATIES.

FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

July 27, 1853.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at Fort Atkinson, on the twenty-seventh day of July, A. D. one thousand eight hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian Agent, and sole commissioner duly appointed for that purpose, and the chiefs and headmen of the Camanche, Kiowa, and Apache tribes or nations of Indians, which treaty is in the words following, to wit:—

Articles of a Treaty, made and concluded at Fort Atkinson, in the Indian Territory, of the United States of America, on the 27th day of July, Anno Domini, eighteen hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian Agent, and sole commissioner, duly appointed for that purpose, and the Camanche, and Kiowa, and Apache tribes or nations of Indians, inhabiting the said territory south of the Arkansas River.

ARTICLE 1. Peace, friendship, and amity shall hereafter exist between the United States and the Camanche and Kiowa, and Apache tribes of Indians, parties to this treaty, and the same shall be perpetual.

Peace and amity to exist with U. S.

ARTICLE 2. The Camanche, Kiowa, and Apache tribes of Indians do hereby jointly and severally covenant that peaceful relations shall likewise be maintained amongst themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good-will and friendship.

Peace to exist between the tribes.

ARTICLE 3. The aforesaid Indian tribes do also hereby fully recognize and acknowledge the right of the United States to lay off and mark out roads or highways—to make reservations of land necessary thereto—to locate depots—and to establish military and other posts within the territories inhabited by the said tribes; and also to prescribe and enforce, in such manner as the President or the Congress of the United States shall from time to time direct, rules and regulations to protect the rights of persons and property among the said Indian tribes.

Certain rights of U. S. acknowledged.

ARTICLE 4. The Camanche, Kiowa, and Apache tribes, parties as before recited, do further agree and bind themselves to make restitution or satisfaction for any injuries done by any band or any individuals of their respective tribes to the people of the United States who may be lawfully residing in or passing through their said territories; and to abstain hereafter from levying contributions from, or molesting them in any manner; and, so far as may be in their power, to render assistance to such as need relief, and to facilitate their safe passage.

Restitution for injuries by Indians.

ARTICLE 5. And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the

Conduct to persons passing through the Indian country.

Preamble.

Provision  
against invasion  
of Mexican ter-  
ritory.

Captives to  
be restored.

Compensation  
to be made.

\$18,000 per  
annum to be paid  
to said tribes, in  
such mode as the  
President shall  
prescribe.

Protection of  
the Indians.

Annuities may  
be withheld for  
violation of this  
treaty.

Annuities, where  
and when to be  
paid.

depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression, therefore \* the Camanche and Kiowa, and Apache tribes of Indians, parties to this treaty, do hereby solemnly covenant and agree to refrain in future from warlike incursions into the said Mexican provinces, and from all depredations upon the inhabitants thereof; and they do likewise bind themselves to restore all captives that may hereafter be taken by any of the bands, war parties, or individuals of the said several tribes, from the Mexican provinces aforesaid, and to make proper and just compensation for any wrongs that may be inflicted upon the people thereof by them, either to the United States or to the Republic of Mexico, as the President of the United States may direct and require.

ARTICLE 6. In consideration of the foregoing agreements on the part of the Camanche and Kiowa, and Apache tribes, parties to this treaty—of the losses which they may sustain by reason of the travel of the people of the United States through their territories—and for the better support, and the improvement of the social condition of the said tribes—the United States do bind themselves, and by these presents, stipulate to deliver to the Camanche, Kiowa, and Apache tribes aforesaid, the sum of eighteen thousand dollars per annum, for and during the term of ten years next ensuing from this date, and for the additional term of five years, if, in the opinion of the President of the United States, such extension shall be advisable;—the same to be given to them in goods, merchandise, provisions, or agricultural implements, or in such shape as may be best adapted to their wants, and as the President of the United States may designate, and to be distributed amongst the said several tribes in proportion to the respective numbers of each tribe.

ARTICLE 7. The United States do moreover bind themselves, in consideration of the covenants contained in the preceding articles of this treaty, to protect and defend the Indian tribes, parties hereto, against the committal of any depredations upon them, and in their territories, by the people of the United States, for and during the term for which this treaty shall be in force, and to compensate them for any injuries that may result therefrom.

ARTICLE 8. It is also stipulated and provided, by and between the parties to this treaty, that should any of the Indian tribes aforesaid violate any of the conditions, provisions, or agreements herein contained, or fail to perform any of the obligations entered into on their part, then the United States may withhold the whole or a part of the annuities mentioned in the sixth article of this treaty, from the tribe so offending, until, in the opinion of the President or the Congress of the United States, proper satisfaction shall have been made, or until persons amongst the said Indians offending against the laws of the United States shall have been delivered up to justice.

ARTICLE 9. It is also consented to and determined between the parties hereto, that the annuities to be given on the part of the United States, as provided in the sixth article of this treaty, shall be delivered to the said Indian tribes collectively, at or in the vicinity of Beaver Creek, yearly, during the month of July in each year, until some other time and place shall have been designated by the President of the United States, in which event the said Indian tribes shall have due notice thereof, and the place of distribution which may be selected shall always be some point within the territories occupied by the said tribes.†

\* See amendment, *post*, p. 1015, 1016.

† For another article, see *post*, p. 1016.

In witness whereof, the said Thomas Fitzpatrick, Indian Agent, and sole commissioner on the part of the United States, and the undersigned chiefs and headmen of the Camanche and Kiowa, and Apache tribes or nations, have hereunto set their hands, at Fort Atkinson, in the Indian Territory of the United States, this twenty-seventh day of July, A. D. eighteen hundred and fifty-three.

THOMAS FITZPATRICK,  
*Indian Agent, and Commissioner on behalf of the United States.*

B. GRATZ BROWN, *Secty.*  
R. H. CHILTON.  
B. T. MOYLER.

WULEA-BOO, his x mark (Shaved Head) chief Camanche  
WA-YA-BA-TOS-A, his x mark (White Eagle) chief of band  
HAI-NICK-SEU, his x mark (The Crow) do  
PARO-SA-WA-NO, his x mark (Ten Sticks) do  
WA-RA-KON-ALTA, his x mark (Poor Cayote Wolf) do  
KA-NA-RE-TAH, his x mark (One that Rides the Clouds) chief of  
the southern Camanches.  
TO-HAU-SEN, his x mark (Little Mountain) chief Kiowas  
SI-TANK-KI, his x mark (Sitting Bear) war chief  
TAH-KA-EH-BOOL, his x mark (The Bad Smelling Saddle) headman  
CHE-KOON-KI, his x mark (Black Horse) "  
ON-TI-AN-TE, his x mark (The Snow Flake) "  
EL-BO-IN-KI, his x mark (Yellow Hair) "  
SI-TAH-LE, his x mark (Poor Wolf) chief Apache  
OH-AH-TE-KAH, his x mark (Poor Bear) headman  
AH-ZAAH, his x mark (Prairie Wolf) "  
KOOTZ-ZAH, his x mark (The Cigar) "

Witness:—

B. B. DAYTON,  
GEO. M. ALEXANDER,  
T. POLK,  
GEO. COLLIER, jr.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twelfth day of April, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles, with amendments thereto proposed, by a resolution in the words and figures following, to wit:

Assent of Senate with amendments.

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

"April 12, 1854.

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Fort Atkinson, in the Indian Territory of the United States of America, on the 27th day of July, Anno Domini 1853, between the United States of America, (by Thomas Fitzpatrick, Indian Agent, and sole commissioner duly appointed for that purpose,) and the Camanche, and Kiowa, and Apache tribes or nations of Indians inhabiting the said territory south of the Arkansas River, with the following amendments:—

"Article 5. Strike out the following words:—

"And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie

contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians, and to maintain the peace and security of the said provinces against all such hostile aggression; therefore.'

"Article 5, line 18, strike out the word 'said.'

"Add the following as a new article:—

Annuities may  
be changed into  
farms.

"ARTICLE 10. It is agreed between the United States and the Camanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

'Attest:—

ASBURY DICKINS, *Secretary.*"

And whereas the amendments proposed by the Senate, in their resolution of April twelfth, eighteen hundred and fifty-four, above recited, were duly presented for consideration to the chiefs and headmen of the said tribes of Indians, in council assembled, and were, in said council, accepted, ratified, and confirmed, in manner following, to wit:—

We, the undersigned chiefs, headmen, and braves of the Camanche, and Kiowa, and Apache tribes of Indians, parties to the treaty concluded at Fort Atkinson, on the 27th day of July, Anno Domini 1853, having had fully explained to us the amendment made to the same by the Senate of the United States, on the 12th day of April, 1854, which is in the following words, viz:—

#### "AMENDMENTS.

"Article 5: strike out the following words:—

Amendments.

"And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression; therefore.

"Article 5, line 18, strike out the word 'said.'

"Add the following as a new article:—

"ARTICLE 10. It is agreed between the United States and the Camanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefits of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose."—Do hereby accept and consent to the said amendments to the treaty aforesaid, and agree that the same may be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals, this 21st day of July, A. D. 1854.

#### CAMANCHES.

TO-CHE-RA-NAH-BOO,	(Shaved Head,)	his x mark.
WA-YA-BA-TO-SA,	(White Eagle,)	his x mark.
HAI-NICK-SEU,	(Crow,)	his x mark.
TY-HAR-RE-TY,	(One who runs after women,)	his x mark.
PARA-SAR-A-MAN-NO,	(Ten Bears,)	his x mark.

## KIOWAS.

TO-HAN-SEU,	(Little Mountain,)	his x mark.
TI-SANK-KI,	(Sitting Bear,)	his x mark.
KO-A-TY-KA,	(Wolf outside,)	his x mark.

Executed in presence of

AQUILLA T. RIDGELY, *Assistant Surgeon U. S. A.*

A. H. PLUMMER, *Bvt. 2 Lt. 6 Infy.*

PAUL CARREY.

JOHN KINNEY, *U. S. Interpreter.*

H. E. NIXON, *Clerk.*

I certify that the foregoing amendments to the treaty of 27th day of July, 1853, was read and explained to the chiefs, and that they consented to, and signed the same on the 21st day of July, 1854.

J. W. WHITFIELD, *Indian Agent.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of the Senate, as expressed in their resolution of April twelfth, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty, with the amendment.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this twelfth day of February,  
in the year of our Lord eighteen hundred and fifty-four.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and entered into at Table Rock, near Rogue River, in the Territory of Oregon, this 10th day of September, A. D. 1853, by and between Joel Palmer, Superintendent of Indian Affairs, and Samuel H. Culver, Indian Agent, on the part of the United States; and Jo-aps-er-ka-har, principal chief, Sam To-qua-he-ar, and Jim Ana-cha-a-rah, subordinate chiefs, and others, headmen of the bands of the Rogue River tribe of Indians, on the part of said tribe.

Cession of land  
in Oregon.

ARTICLE 1. The Rogue River tribe of Indians do hereby cede and relinquish, for the considerations hereinafter specified, to the United States, all their right, title, interest, and claim to all the lands lying in that part of the Territory of Oregon, and bounded by lines designated as follows, to wit:—

Commencing at a point one mile below the mouth of Applegate Creek, on the south side of Rogue River, running thence southerly to the highlands dividing the waters of Applegate Creek from those of Althouse Creek, thence along said highlands to the summit of the Siskiyou range of mountains, thence easterly to Pilot Rock, thence northeasterly to the summit of the Cascade Range, thence northerly along the said Cascade Range to Pitt's Peak, continuing northerly to Rogue River, thence westerly to the headwaters of Jump-off-jo Creek, thence down said creek to the intersection of the same, with a line due north from the place of beginning, thence to the place of beginning.

Indians to occupy a portion  
of the ceded land  
temporarily.

ARTICLE 2. It is agreed on the part of the United States that the aforesaid tribe shall be allowed to occupy temporarily that portion of the above-described tract of territory bounded as follows, to wit: Commencing on the north side of Rogue River at the mouth of Evan's Creek, thence up said creek to the upper end of a small prairie bearing in a northwesterly direction from Table Mountain, or Uppér Table Rock, thence through the gap to the south side of the cliff of the said mountain, thence in a line to Rogue River, striking the southern base of Lower Table Rock, thence down said river to the place of beginning. It being understood that this described tract of land shall be deemed and considered an Indian reserve, until a suitable selection shall be made by the direction of the President of the United States for their permanent residence and buildings erected thereon and provision made for their removal.

Permanent  
home to be selected.

Payment for  
said cession.

ARTICLE 3. For and in consideration of the cession and relinquishment contained in article 1st, the United States agree to pay to the aforesaid tribe the sum of sixty thousand dollars, fifteen thousand of which sum to be retained, (according to the stipulations of article 4th of a "treaty of peace made and entered into on the 8th day of September, 1853, between Genl. Jo Lane, commanding forces of Oregon Territory, and Jo. principal chief, Sam and Jim, subordinate chiefs, on the part of the Rogue River tribe of Indians,") by the Superintendent of Indian Affairs, to pay for the property of the whites destroyed by them during the late war; the amount of property so destroyed to be estimated by three disinterested commissioners, to be appointed by the Superintendent of Indian Affairs, or otherwise, as the President may direct. Five thousand dollars to be expended in the purchase of agricultural implements, blankets, clothing, and such other goods as may be deemed by the superintendent,

or agent most conducive to the comfort and necessities of said tribe, on or before the 1st day of September, 1854; and for the payment of such permanent improvements as may have been made by land claimants on the aforesaid reserve, the value of which to be ascertained by three persons appointed by the said superintendent.

The remaining forty thousand dollars to be paid in sixteen equal annual instalments, of two thousand five hundred dollars each, (commencing on or about the 1st day of September, 1854,) in blankets, clothing, farming utensils, stock, and such other articles as may be deemed most conducive to the interests of said tribe.

ARTICLE 4. It is further agreed that there shall be erected, at the expense of the United States, one dwelling-house for each of the three principal chiefs of the aforesaid tribe, the cost of which shall not exceed five hundred dollars each, the aforesaid buildings to be erected as soon after the ratification of this treaty as possible. And when the tribe may be removed to another reserve, buildings and other improvements shall be made on such reserve of equal value to those which may be relinquished; and upon such removal, in addition to the before-mentioned sixty thousand dollars, the United States agree to pay the further sum of fifteen thousand dollars, in five equal annual instalments, commencing at the expiration of the before-named instalments.

Buildings to be erected.

Additional payment on removal.

ARTICLE 5. The said tribe of Indians further agree to give safe conduct to all persons who may be authorized to pass through their reserve, and to protect, in their person and property, all agents or other persons sent by the United States to reside among them; they further agree not to molest or interrupt any white person passing through their reserve.

Protection of travellers.

ARTICLE 6. That the friendship which is now established between the United States and the Rogue River tribe of Indians shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured to the Indian agent; and it shall be the duty of the chiefs of the said tribe, that upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States; and in like manner if any violation, robbery, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and if found guilty, shall be punished according to the laws of the United States. And it is agreed that the chiefs of the said tribe shall, to the utmost of their power, exert themselves to recover horses or other property, which has or may be stolen or taken from any citizen or citizens of the United States, by any individual of said tribe; and the property so recovered shall be forthwith delivered to the Indian agent, or other person authorized to receive the same, that it may be restored to the proper owner.

Redress for individual grievances.

Restitution of stolen property.

And the United States hereby guarantee to any Indian or Indians of the said tribe a full indemnification for any horses or other property which may be stolen from them by any citizens of the United States: *Provided*, That the property stolen or taken cannot be recovered, and that sufficient proof is produced that it was actually stolen or taken by a citizen of the United States. And the chiefs and headmen of the said tribe engage, on the requisition or demand of the President of the United States, Superintendent of Indian Affairs, or Indian agent, to deliver up any white person or persons resident among them.

Guaranty for property stolen from Indians.

ARTICLE 7. [8] This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States by and with the advice and consent of the Senate.\*

\* For another Article 7, see p. 1020.

In testimony whereof the said Joel Palmer and Samuel H. Culver, on the part of the United States, and the chiefs and headmen of the Rogue River Indians aforesaid, have hereunto set their hands and seals, the day and year aforesaid.

JOEL PALMER, [L. s.]  
*Supt. Indian Affairs.*

SAMUEL H. CULVER, [L. s.]  
*Indian Agent.*

JO, his x mark, [L. s.]

APS-ER-KA-HAR, [L. s.]

SAM, his x mark, [L. s.]

TO-QUA-HE-AR, [L. s.]

JIM, his x mark, [L. s.]

ANA-CHAH-A-RAH, [L. s.]

JOHN, his x mark, [L. s.]

LYMPE, his x mark, [L. s.]

Signed in presence of

J. W. NESMITH, *Interpreter,*

R. B. METCALF,

JOHN, his x mark,

J. D. MASON, *Sec.*

T. T. TIERNEY.

Witness,

JOSEPH LANE,

AUGUST V. KAUTZ.

Assent of  
Senate with an  
amendment.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twelfth day of April, eighteen hundred and fifty-four, advise and consent to the ratification of its articles, with an amendment thereto proposed, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“April 12, 1854.

“Resolved, (two thirds of the senators present concurring) That the Senate advise and consent to the ratification of the stipulations of a treaty made and entered into at Table Rock, near Rogue River, in the Territory of Oregon, this 10th day of September, Anno Domini 1853, by and between Joel Palmer, Superintendent of Indian Affairs, and Samuel H. Culver, Indian Agent, on the part of the United States, and Jo. Aps-er-ka-har, principal chief, Sam. To-qua-he-ar, and Jim Ana-chah-a-rah, subordinate chiefs, and others, headmen of the bands of the Rogue River tribe of Indians, on the part of said tribe, with the following

#### “AMENDMENT:

“Add the following as a new article

Farms may be  
established.

“ARTICLE 7. It is agreed between the United States and the Rogue River tribe of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

“Change article 7 to article 8.

“Attest:

“ASBURY DICKINS, *Secretary.*”

And whereas the amendment proposed by the Senate in their resolution of April twelfth, eighteen hundred and fifty-four, as above recited, was duly presented for consideration, to the chiefs, subordinate chiefs, and headmen of the bands of the Rogue River tribe of Indians, and was by them accepted, ratified, and confirmed, in manner following, to wit: —

We the undersigned principal chief, subordinate chiefs and headmen of the bands of the Rogue River tribe of Indians, parties to the treaty concluded at Table Rock, near Rogue River, in the Territory of Oregon, on the 10th day of September, A. D. 1853, having had fully explained to us the amendment made to the same by the Senate of the United States, on the 12th day of April, 1854, which is in the following words, viz: —

#### AMENDMENT.

Add the following as a new article:

ARTICLE 7. It is agreed between the United States and the Rogue River tribe of Indians, that should it at any time hereafter be considered, by the United States, as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

Change article 7 to article 8.

Do hereby accept and consent to the said amendment to the treaty aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals, this 11th day of November, A. D. 1854.

APS-SO-KA-HAH, Horse-rider, or JO, his x mark.

[L. s.]

KO-KO-HA-WAH, Wealthy, or SAM, his x mark.

[L. s.]

TE-CUM-TOM, Elk Killer, or JOHN, his x mark.

[L. s.]

CHOL-CUL-TAH, Joquah Trader, or GEORGE, his x mark.

[L. s.]

Executed in presence of

EDWARD H. GEARY, *Secy.*

CRIS. TAYLOR,

JOHN FLETT,

R. B. METCALF, *Interpreter,*

JOEL PALMER, *Supt.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of the Senate, as expressed in their resolution of April twelfth, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty, with the amendment.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this fifth day of February,  
[L. s.] in the year of our Lord one thousand eight hundred and fifty-five.

FRANKLIN PIERCE.

By the President:

WM. L. MARCY, *Secretary.*

Sept. 12, 1853.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA :

## A PROCLAMATION.

WHEREAS a convention between the United States of America and the Kingdom of Bavaria was concluded and signed at London, by their respective plenipotentiaries, on the twelfth day of September, one thousand eight hundred and fifty-three; which convention, being in the English and German languages, is word for word, as follows:—

*Convention for the Mutual Extradition of Fugitives from Justice, in certain Cases, concluded between the Government of the United States, on the one part, and the Kingdom of Bavaria, on the other part.*

## Preamble.

The United States of America and his Majesty the King of Bavaria, actuated by an equal desire to further the administration of justice, and to prevent the commission of crimes in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the government of the United States shall be held equally free from any obligation to surrender citizens of the United States.

Citizens not to  
be surrendered.

Die Vereinigten Staaten von Nord-Amerika und Seine Majestät der König von Bayern, von dem gleichen Wunsche beseelt, in den beiderseitigen Staaten die Verwaltung der Rechtspflege und die Verhütung von Verbrechen zu befördern, in Erwägung, dass die verbesserten Verkehrs-Mittel zwischen Europa und Amerika das Entkommen von Verbrechern erleichtern und dass es daher einer gemeinschaftlichen Vorsorge bedarf, damit nicht die Zwecke der Gerechtigkeit vereitelt werden, dann in Berücksichtigung der Verfassung und Gesetzgebung Bayern's, welche es der Bayerischen Regierung nicht gestatten ihre eigene Unterthanen zur Aburtheilung vor fremden Gerichtshöfen auszuliefern, so wie in Berücksichtigung des Grundsatzes genauer Reciprocität, nach welchem auch die Regierung der Vereinigten Staaten eine Verbindlichkeit zur Auslieferung von Bürgern der Vereinigten Staaten gegenüber der Bayerischen Regierung nicht eingehen soll, haben Sich entschlossen eine Uebereinkunft abzuschliessen, welche in allen Fällen zur Richtschnur des Verfahrens hinsichtlich der Auslieferung solcher Personen dienen soll, welche in dem einen Lande gewisse hiernach namentlich aufgezählten Verbrechen verübt und sich sodann in das Gebiet des andern Staates geflüchtet haben.

For which purposes the high contracting powers have appointed as their plenipotentiaries:—

Zu diesem Zwecke haben die hohen contrahirenden Theile zu Ihren Bevollmächtigten ernannt:—

The President of the United States, James Buchanan, envoy extraordinary and minister plenipotentiary of the United States at the court of the United Kingdom of Great Britain and Ireland.

His Majesty the King of Bavaria, Augustus Baron de Cetto, his said Majesty's chamberlain, envoy extraordinary and minister plenipotentiary at the court of her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, knight commander of the order for merit of the Bavarian Crown and of the order for merit of St. Michael, knight grand cross of the royal Grecian order of our Saviour :

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles : —

#### ARTICLE I.

The government of the United States and the Bavarian government promise and engage, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or per-

Der Präsident der Vereinigten Staaten, James Buchanan, ausserordentlichen Gesandten und bevollmächtigten Minister der Vereinigten Staaten am Hofe des vereinigten Königreichs von Grossbritannien und Irland.

Seine Majestät, der König von Bayern, Herr August Freiherrn von Cetto, Allerhöchst Ihren Kämmerer, ausserordentlichen Gesandten und bevollmächtigten Minister an dem Hofe Ihrer Grossbritannischen Majestät, Commenthur des Verdienst-Ordens der Bayerischen Krone, und des Verdienst-Ordens vom heiligen Michael, Grosskreutz des Königlich-Griechischen Erlöser-Ordens :

Welche nach gegenseitiger Mittheilung ihrer einschlägigen, in guter und gehöriger Form befundenen Vollmachten über folgende Artikel übereingekommen sind : —

#### ARTIKEL I.

Die Regierung der Vereinigten Staaten und die Königlich Bayerische Regierung versprechen und machen sich verbindlich, auf gegenseitige Requisitionen, welche respective sie selbst, oder ihre Gesandten, Beamten, oder Behörden erlassen, alle Individuen der Justiz auszuliefern, welche beschuldigt, das Verbrechen des Mordes, oder eines Angriffs in mörderischer Absicht, oder des Seeraubes, oder der Brandstiftung, oder des Raubes, oder der Fälschung, oder des Ausgebens falscher Documente, oder der Verfälschung oder Verbreitung falschen Geldes, sei es gemünztes oder Papiergeld, oder des Defectes, oder der Unterschlagung öffentlicher Gelder innerhalb der Gerichtsbarkeit eines oder beiden Theile, begangen zu haben, in dem Gebiete des anderen Theiles eine Zufluchtsuchen oder dort aufgefunden werden : mit der Beschränkung jedoch, dass diess nur auf solche Beweise fuer die Strafbarkeit geschehen soll, welche nach den Gesetzen des Ortes, wo der Flüchtling, oder das so beschuldigte Individuum aufgefunden wird dessen Verhaftung und Stellung vor Gericht rechtfertigen würden wenn das Ver-

Engagement  
for extradition.

Warrants.

son so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

**Expenses.** The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

#### ARTICLE II.

**Other German States may accede.** The stipulations of this convention shall be applied to any other State of the German Confederation which may hereafter declare its accession thereto.

#### ARTICLE III.

**Citizens not to be delivered up.** None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

#### ARTICLE IV.

**Extradition of persons committing crimes in the State to which they have fled.** Whenever any person accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

brechen oder Vergehen dort begangen wäre; und die respectiven Richter und andere Behörden der beiden Regierungen sollen Macht, Befugniß und Autorität haben, auf eidlich erhörte Angabe, einen Befehl zur Verhaftung des Flüchtlings oder so beschuldigten Individuums zu erlassen, damit er vor die gedachten Richter oder andern Behörden zu dem Zwecke gestellt werde, dass der Beweis für die Strafbarkeit gehört und in Erwägung gezogen werde; und wenn bei dieser Vernehmung der Beweis für ausreichend zur Aufrechthaltung der Beschuldigung erkannt wird, so soll es die Pflicht des prüfenden Richters oder der Behörde sein, selbigen für die betreffende executive Behörde festzustellen, damit ein Befehl zur Auslieferung eines solchen Flüchtlings erlassen werden könne.

Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Theile getragen und erstattet werden, welcher die Requisition erlässt und den Flüchtling in Empfang nimmt.

#### ARTIKEL II.

Die Bestimmungen dieser Uebereinkunft, sollen auf jeden andern Staat des deutschen Bundes Anwendung finden, der später seinen Beitritt zu derselben erklärt.

#### ARTIKEL III.

Keiner der contrahirenden Theile soll gehalten sein, in Gemässheit der Bestimmungen dieser Uebereinkunft, seine eigenen Bürger oder Unterthanen auszuliefern.

#### ARTIKEL IV.

Wenn ein Individuum, welches eines der in dieser Uebereinkunft aufgezählten Verbrechen angeklagt ist, ein neues Verbrechen in dem Gebiete des Staates begangen haben sollte, wo er eine Zuflucht gesucht hat, oder aufgefunden wird, so soll ein solches Individuum nicht eher in Gemässheit der Bestimmungen dieser Uebereinkunft ausgeliefert werden, als bis dasselbe vor Gericht

ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Bavaria, and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the twelfth day of September, one thousand eight hundred and fifty-three, and the seventy-eighth year of the independence of the United States.

JAMES BUCHANAN, [L. s.]  
AUG. DE CETTO, [L. s.]

ARTIKEL V.

gestellt worden sein, und die auf ein solches neues Verbrechen gesetzte Strafe erlitten haben, oder freigesprochen worden sein wird.

Die gegenwärtige Uebereinkunft soll bis zum ersten Januar Ein tausend acht hundert und acht und fünfzig in Kraft bleiben, und wenn kein Theil dem andern sechs Monate vorher Mittheilung von seiner Absicht macht, dieselbe dann aufzuheben, so soll sie ferner in Kraft bleiben bis zu dem Ablaufen von zwölf Monaten, nachdem einer der hohen contrahirenden Theile dem andern von einer solchen Absicht Kenntniss gegeben, wobei jeder der hohen contrahirenden Theile sich das Recht vorbehält, dem andern eine solche Mittheilung zu jeder Zeit nach dem Ablaufe des gedachten ersten Januars Ein tausend acht hundert und acht und fünfzig zugehen zu lassen.

Duration of  
this convention.

ARTIKEL VI.

Die gegenwärtige Uebereinkunft soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten und von der Bayerischen Regierung, und die Ratificationen sollen zu London innerhalb fünfzehnten Monaten von dem heutigen Datum, oder wo möglich früher ausgewechselt werden.

Ratification.

Zu Urkunde dessen haben die respectiven Bevollmächtigten diese Uebereinkunft unterzeichnet und hierunter ihre Siegel beigedrückt.

Zu zweifacher Ausfertigung geschehen zu London den zwölften September des Jahres Ein tausend acht hundert und drei und fünfzig, und im acht und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

JAMES BUCHANAN, [L. s.]  
AUG. DE CETTO, [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the first instant, by James Buchanan, envoy extraordinary and minister plenipotentiary of the United States, and Augustus Baron de Cetto, envoy extraordinary and minister plenipotentiary of his Majesty the King

of Bavaria, at the court of the United Kingdom of Great Britain and Ireland, on the part of their respective governments:—

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this eighteenth day of November, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States of America the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

*Secretary of State.*

## FRANKLIN PIERCE,

Sept. 19, 1853.

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded on the nineteenth day of September, eighteen hundred and fifty-three, on Cow Creek, Umpqua Valley, in the Territory of Oregon, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson, and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians, thereto duly authorized by said tribe, which treaty is in the words and figures following, to wit:—

Stipulations of a treaty made and entered into on Cow Creek, Umpqua Valley, in the Territory of Oregon, this 19th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson; and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians.

ARTICLE 1. The Cow Creek band of Indians do hereby cede and relinquish, for the consideration hereinafter specified, to the United States, all their right, title, interest, and claim, to all the lands lying in that part of the territory of Oregon bounded by lines designated as follows, to wit:—

Cession of land.

Commencing on the north bank of the south fork of Umpqua River, at the termination of the highlands, dividing the waters of Myrtle Creek from those of Day's Creek, thence running easterly along the summit of said range to the headwaters of Day's Creek, thence southerly crossing the Umpqua River to the headwaters of Cow Creek, thence to the dividing ridge between Cow Creek and Grave Creek, thence southwesterly along the said divide to its junction with the ridge dividing the waters of Cow Creek from those of Rogue River, thence westerly and northerly around on said ridge to its connection with the spur terminating opposite the mouth of Myrtle Creek, thence along said spur to a point on the same northwest of the eastern line of Isaac Baily's land claim, thence southeast to Umpqua River, thence up said river to place of beginning.

ARTICLE 2. It is agreed on the part of the United States that the aforesaid tribe shall be allowed to occupy temporarily that portion of the above-described tract of territory bounded as follows, to wit: Commencing on the south side of Cow Creek, at the mouth of Council Creek, opposite Wm. H. Riddle's land claim, thence up said creek to the summit of Cañon Mountain, thence westerly along said summit two miles, thence northerly to Cow Creek, at a point on the same one mile above the falls; thence down said creek to place of beginning. It being understood that this last-described tract of land shall be deemed and considered an Indian reserve, until a suitable selection shall be made by the direction of the President of the United States for their permanent residence, and buildings erected thereon and other improvements made of equal value of those upon the above reserve at the time of removal.

Temporary occupation of part of said cession.

Permanent home to be selected.

ARTICLE 3. For and in consideration of the cession and relinquishment contained in article first, the United States agree to pay to the aforesaid band of Indians, the sum of twelve thousand dollars, in manner to wit: one thousand dollars to be expended in the purchase of twenty

Payments for said cession.

blankets, eighteen pairs pants, eighteen pairs shoes, eighteen hickory shirts, eighteen hats or caps, three coats, three vests, three pairs socks, three neckhandkerchiefs, forty cotton flags, one hundred and twenty yards prints, one hundred yards domestic, one gross buttons, two lbs. thread, ten papers needles, and such other goods and provisions as may be deemed by the superintendent or agent most conducive to the comfort and necessities of said Indians, on or before the first day of October, A. D. 1854. The remaining eleven thousand dollars to be paid in twenty equal annual instalments of five hundred and fifty dollars each, commencing on or about the first day of October, 1854, in blankets, clothing, provisions, stock, farming implements, or such other articles, and in such manner as the President of the United States may deem best for the interests of said tribe.

Houses to be erected.

ARTICLE 4. In addition to the aforesaid twelve thousand dollars there shall be erected for the use of said tribe, at the expense of the United States, two dwelling-houses, the cost of which shall not exceed two hundred dollars each, and a field of five acres fenced and ploughed, and suitable seed furnished for planting the same.

Protection to travellers.

ARTICLE 5. The said band of Indians agree to give safe conduct to all persons passing through their reserve, and to protect in their person and property all agents or other persons sent by authority of the United States to reside among them.

Redress for private grievances.

ARTICLE 6. That the friendship which is now established between the United States and the Cow Creek band of Indians, shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done, no private revenge or retaliation shall take place; but instead thereof complaint shall be made by the party injured to the Indian agent; and it shall be the duty of the chiefs of said band of Indians, upon complaint being made as aforesaid, to deliver up the person against whom the complaint is made, to the end that he may be punished, agreeably to the laws of the United States; and in like manner if any violation, robbery, or murder shall be committed on any Indian belonging to said band, the person so offending shall be tried, and if found guilty, shall be punished according to the laws of the United States. And it is further agreed that the chiefs shall, to the utmost of their ability, exert themselves to recover horses or other property which has or may hereafter be stolen from any citizen of the United States, by any individual of said tribe, and deliver the same to the agent or other person authorized to receive it; and the United States hereby guarantee to any Indian or Indians of said band, a full indemnification for any horses or other property which may be stolen or taken from them by any citizen of the United States, provided, the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen or taken by a citizen of the U. S. And the chiefs further agree, that upon the requisition of the President of the U. S., Superintendent of Indian affairs, or Indian agent, to deliver up any person resident among them.

Restitution of stolen property.

Indemnification for property stolen from Indians.

ARTICLE 7. [8.] This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate.\*

In testimony whereof the said Joel Palmer, Superintendent of Indian Affairs, on the part of the United States, and chiefs of the Cow Creek band of Umpqua Indians, before named, have hereunto set their hands and seals, the day and year aforesaid.

JOEL PALMER, [L. S.]  
*Superintendent Indian Affairs, O. T.*

\* For a new Article 7, see p. 1029.

BIGHEAD, Quin-ti-oo-san, his x mark,	[L. S.]
JACKSON, My-n-e-letta, his x mark,	[L. S.]
Tom, son of Quin-ti-oo-san, his x mark,	[L. S.]
Tom, Tal-sa-pe-er, his x mark,	[L. S.]

Signed in presence of

J. B. NICHOLS, }  
E. CATCHING. } *Interpreters.*  
THEODORE TIERNEY, *Secretary.*

JOHN D. BOWN, }  
W. STARR, } *Witnesses.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twelfth day of April, eighteen hundred and fifty-four, advise and consent to the ratification of its articles, with amendments thereto proposed, by a resolution in the words and figures following, to wit: —

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“April 12, 1854.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the stipulations of a treaty made and entered into on Cow Creek, Umpqua Valley, in the Territory of Oregon, this 19th day of September, A. D. 1853, by and between Joel Palmer, Superintendent of Indian affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson, and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians, with the following

#### “AMENDMENT:

“Add the following as a new article: —

“ARTICLE 7. It is agreed between the United States and the Cow Creek band of the Umpqua tribe of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose. Farms may be established.

“Change article 7 to article 8.

Attest: —

ASBURY DICKINS, *Secretary.*”

And whereas the amendments proposed by the Senate, in their resolution of April twelfth, as above recited, were duly presented to the chiefs and headmen of the Cow Creek band of Umpqua Indians, and were by them accepted, ratified, and confirmed, in manner following, to wit: —

We, the undersigned, principal chief and subordinate chiefs of the Cow Creek band of the Umpqua tribe of Indians, parties to the treaty concluded at Cow Creek, Umpqua Valley, in the Territory of Oregon, on the 19th day of September, A. D. 1853, having had fully explained to us the amendment made to the same by the Senate of the United States, on the 12th day of April, 1854, which is in the following words, viz: —

#### AMENDMENT:

Add the following as a new article: —

ARTICLE 7. It is agreed between the United States and the Cow Creek band of the Umpqua tribe of Indians, that, should it at any time

hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part hereof, into a fund for that purpose.

Change article 7 to article 8: Do hereby accept and consent to the said amendment to the treaty aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals, this 31st day of October, A. D. 1854.

QUIN-TI-OO-SAN, or Bighead, his x mark,	[L. s.]
MY-N-E-LETTA, or Jackson, his x mark,	[L. s.]
TOM, his x mark,	[L. s.]
TAL-SA-PE-ER, his x mark,	[L. s.]

Executed in presence of

JOEL PALMER, *Super't.*  
JOHN FLETT,  
W. STARR,  
J. B. NICHOLS.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of the Senate, as expressed in their resolution of April twelfth, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty, with the amendment.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this fifth day of February,  
in the year of our Lord eighteen hundred and fifty-five.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Dec. 30, 1853.

## A PROCLAMATION.

WHEREAS a treaty between the United States of America and the Mexican Republic was concluded and signed at the City of Mexico on the thirtieth day of December, one thousand eight hundred and fifty-three; which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

Preamble.

IN THE NAME OF ALMIGHTY GOD:

EN EL NOMBRE DE DIOS TODOPODEROSO.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: to avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same, near the Mexican government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and Secretary of State, and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde as scientific commissioners, invested with full powers for this negotiation, who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

La República de México y los Estados Unidos de América, deseando remover toda causa de desacuerdo que pudiera influir en algun modo en contra de la mejor amistad y correspondencia entre ambos países, y especialmente por lo respectivo á los verdaderos limites que deben fijarse, cuando no obstante lo pactado en el tratado de Guadalupe Hidalgo en el año de 1848, aún se han suscitado algunas interpretaciones encontradas que pudieran ser ocasion de cuestiones de grave trascendencia, para evitarlas, y afirmar y corroborar mas la paz que felizmente reina entre ambas Repúblicas, el Presidente de México ha nombrado á este fin con el carácter de plenipotenciario *ad hoc* al Exmo. Sr. D. Manuel Diez de Bonilla, caballero gran cruz de la nacional y distinguida orden de Guadalupe, y Secretario de Estado y del Despacho de Relaciones Exteriores, y á los Señores D. José Salazar Ylarregui y General D. Mariano Monterde, como comisarios peritos investidos con plenos poderes para esta negociacion; y el Presidente de los Estados Unidos á S. E. el Sr. Santiago Gadsden, Enviado Extraordinario y Ministro Plenipotenciario de los mismos Estados Unidos cerca del gobierno Mexicano; quienes habiéndose comunicado sus respectivos plenos poderes, y halládoslos en buena y debida forma, han convenido en los artículos siguientes:

Negotiators.

## ARTICLE I.

Boundary between Mexico and the United States.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the 5th article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of  $31^{\circ} 47'$  north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of  $31^{\circ} 20'$  north latitude; thence along the said parallel of  $31^{\circ} 20'$  to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river, Colorado until it intersects the present line between the United States and Mexico.

Lines to be surveyed and marked.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner, scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of

## ARTICULO I.

La República Mexicana conviene en señalar para lo sucesivo como verdaderos límites con los Estados Unidos los siguientes: Subsistiendo la misma línea divisoria entre las dos Californias, tal cual está ya definida y marcada conforme al artículo quinto del tratado de Guadalupe Hidalgo, los límites entre las dos Repúblicas serán los que siguen: comenzando en el golfo de México á tres leguas de distancia de la costa, frente á la desembocadura del Rio Grande, como se estipuló en el artículo quinto del tratado de Guadalupe Hidalgo; de allí, segun se fija en dicho artículo, hasta la mitad de aquel rio al punto donde la paralela de  $31^{\circ} 47'$  de latitud norte atraviesa el mismo rio; de allí, cien millas en línea recta al oeste; de allí, al sur á la paralela de  $31^{\circ} 20'$  de latitud norte; de allí, siguiendo la dicha paralela de  $31^{\circ} 20'$ , hasta el 111 del meridiano de longitud oeste de Greenwich; de allí, en línea recta á un punto en el rio Colorado, veinte millas inglesas abajo de la union de los rios Gila y Colorado; de allí, por la mitad del dicho rio Colorado, rio arriba, hasta donde encuentra la actual línea divisoria entre los Estados Unidos y México. Para la ejecucion de esta parte del tratado, cada uno de los gobiernos nombrará un comisario, á fin de que por comun acuerdo los dos así nombrados, que se reunirán en la ciudad del Paso del Norte tres meses despues del cange de las ratificaciones de este tratado, procedan á recorrer y demarcar sobre el terreno la línea divisoria estipulada por este artículo, en lo que no estuviere yá reconocida y establecida por la comision mixta segun el tratado de Guadalupe, llevando al efecto diarios de sus procedimientos, y levantando los planos convenientes. A este efecto, si lo juzgaren necesario las partes contratantes, podrán añadir á su respectivo comisario alguno ó algunos auxiliares, bien facultativos ó no, como agrimensores, astrónomos, &c.; pero sin que por esto su concurrencia se considere necesaria para la fijacion

a true line of division between the two Republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

#### ARTICLE II.

The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States concluded at Mexico, on the fifth day of April, 1831, are hereby abrogated.

#### ARTICLE III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications

y ratificación como verdadera línea divisoria entre ambas Repúblicas; pues dicha línea solo será establecida por lo que convengan los comisarios, reputándose su conformidad en este punto como decisiva y parte integrante de este tratado, sin necesidad de ulterior ratificación ó aprobación, y sin lugar á interpretación de ningún género por cualquiera de las dos partes contratantes.

La línea divisoria establecida de este modo, será en todo tiempo fielmente respetada por los dos gobiernos, sin permitirse ninguna variación en ella, sino es de expreso y libre consentimiento de los dos, otorgado de conformidad con los principios del derecho de gentes, y con arreglo á la constitución de cada país respectivamente. En consecuencia, lo estipulado en el artículo quinto del tratado de Guadalupe sobre la línea divisoria en él descrita, queda sin valor en lo que repugne con la establecida aquí; dándose por lo mismo por derogada y anulada dicha línea en la parte en que no es conforme con la presente, así como permanecerá en todo su vigor en la parte en que tuviere dicha conformidad con ella.

#### ARTICULO II.

El gobierno de México por este artículo exime al de los Estados Unidos de las obligaciones del artículo 11 del tratado de Guadalupe Hidalgo, y dicho artículo, y el 33 del tratado de amistad, comercio y navegación entre los Estados Unidos Mexicanos y los Estados Unidos de América, y concluido en México el día 5 de Abril de 1831, quedan por este derogados.

Release of the obligations of Art. XI. of the treaty of Guadalupe Hidalgo. Vol. ix. p. 980.

#### ARTICULO III.

En consideración á las anteriores estipulaciones, el Gobierno de los Estados Unidos conviene en pagar al Gobierno de México, en la ciudad de Nueva York, la suma de diez millones de pesos, de los cuales, siete millones se pagarán luego que se verifique el cange de las ratifica-

Mexico to be paid ten million dollars.

of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

## ARTICLE IV.

Articles VI. and VII. of the treaty of Guadalupe Hidalgo annulled.

Vol. ix. p. 928.

Free passage through the Gulf of California.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory, for the most part, by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels, and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting governments in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

How far Art. VII. of treaty of Guadalupe Hidalgo is to apply to the Rio Bravo del Norte.

Vol. ix. p. 928.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the  $31^{\circ} 47' 30''$  parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the fifth article of the treaty of

ciones de este tratado, y los tres millones restantes tan pronto como se reconozca, marque y fijé la linea divisoria.

## ARTICULO IV.

Habiendose hecho en su mayor parte nugatorias las estipulaciones de los articulos sexto y séptimo del tratado de Guadalupe Hidalgo por la cesion de territorio hecha en el articulo primero de este tratado, aquellos dichos articulos quedan por este derogados y anulados, y las estipulaciones que á continuacion se espresan, substituidas en lugar de aquellas. Los buques y ciudadanos de los Estados Unidos tendrán en todo tiempo libre y no interrumpido tránsito por el Golfo de California para sus posesiones y desde sus posesiones sitas al Norte de la linea divisoria de los dos paises; entendiendose que ese tránsito se ha de hacer navegando por el Golfo de California y por el Rio Colorado, y no por tierra, sin expreso consentimiento del Gobierno Mexicano. Y precisamente, y bajo todos respectos, las mismas disposiciones, estipulaciones y restricciones quedan convenidas y adoptadas por este articulo, y serán escrupulosamente observadas y hechas efectivas por los dos Gobiernos contratantes, con referencia al Rio Colorado por tal distancia, y en tanto que la mediania de ese Rio queda como su linea divisoria comun por el articulo primero de este tratado. Las diversas disposiciones, estipulaciones y restricciones contenidas en el articulo séptimo del tratado de Guadalupe Hidalgo, solo permanecerán en vigor en lo relativo al Rio Bravo del Norte abajo del punto inicial de dicho limite, estipulado en el articulo primero de este tratado; es decir, abajo de la interseccion del paralelo de  $31^{\circ} 47' 30''$  de latitud con la linea divisoria establecida por el reciente tratado que divide dicho rio desde su embocadura arriba de conformidad con el articulo quinto del tratado de Guadalupe.

## ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

## ARTICLE VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the minister and subscriber to this treaty on the part of the United States, proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

## ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the treaty of Guadalupe for similar cases; which article, as well as the twenty-second, is here reaffirmed.

## ARTICLE VIII.

The Mexican Government hav-

## ARTICULO V.

Todas las estipulaciones de los artículos, octavo, noveno, décimo-sexto y décimo setimo del Tratado de Guadalupe Hidalgo, se aplicarán al territorio cedido por la República Mexicana en el artículo primero del presente tratado, y á todos los derechos de persona y bienes, tanto civiles como eclesiásticos, que se encuentren dentro de dicho territorio, tan plena y tan eficazmente como si dichos artículos de nuevo se insertaran é incluyeran á la letra en este.

Articles VIII. IX. XVI. and XVII. of the treaty of Guadalupe Hidalgo, to apply to the country hereby ceded.

Vol. ix. pp. 929, 930, 934, and 935.

## ARTICULO VI.

No se considerarán válidas, ni se reconocerán por los Estados Unidos ningunas concesiones de tierras en el territorio cedido por el artículo primero de este tratado, de fecha subsecuente al día veinte y cinco de Septiembre en que el ministro y signatario de este tratado por parte de los Estados Unidos propuso al Gobierno de México dirimir la cuestión de límites; ni tampoco se respetarán, ni considerarán como obligatorias ningunas concesiones hechas con anterioridad que no hayan sido inscritas y debidamente registradas en los archivos de México.

Grants of land by Mexico, after Sept. 25, 1853, not to be valid.

## ARTICULO VII.

Si en lo futuro (que Dios no permita) se suscitare algun desacuerdo entre las dos naciones, que pudiera llevarlas á un rompimiento en sus relaciones y paz reciproca, se comprometen asi mismo á procurar por todos los medios posibles el allanamiento de cualquiera diferencia; y si aun de esta manera no se consiguieren, jamás se llegará á una declaración de guerra sin haber observado previamente cuanto en el artículo veintiuno del tratado de Guadalupe quedó establecido para semejantes casos, y cuyo artículo se dá por reafirmado en este tratado, asi como el veintidos.

Provision in case of difficulties arising between the two nations.

## ARTICULO VIII.

Habiendo autorizado el gobierno

Provisions respecting the road across the Isthmus of Tehuantepec.

ing on the 5th of February, 1853, authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States, than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

Transportation of mails and property across the the isthmus.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

Port of entry to be opened.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

Transportation of troops and munitions of war.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

United States may protect the road.

The Mexican government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as

Mexicano en 5 de Febrero de 1853, la pronta construccion de un camino de madera y de un ferro-carril en el istmo de Tehuantepec, para asegurar de una manera estable los beneficios de dicha via de comunicacion á las personas y mercancías de los ciudadanos de México y de los Estados Unidos, se estipula que ninguno de los dos gobiernos pondrá obstaculo alguno al transito de personas y mercancías de ambas naciones, y que en ningun tiempo se impondrán cargas por el transito de personas y propiedades de ciudadanos de los Estados Unidos, mayores que las que se impongan á las personas y propiedades de otras naciones extrangeras; ni ningun interes en dicha via de comunicacion ó en sus productos, se transferirá á un gobierno extrangero.

Los Estados Unidos tendrán derecho de transportar por el istmo por medio de sus agentes y en baltijas cerradas, las malas de los Estados Unidos que no han de distribuirse en la extension de la linea de comunicacion, y tambien los efectos del Gobierno de los Estados Unidos y sus ciudadanos que solo vayan de transito y no para distribuirse en el istmo estarán libres de los derechos de aduana ú otros, impuestos por el gobierno Mexicano. No se exigirá á las personas que atraviesen el istmo, y no permanezcan en el pais, pasaportes ni cartas de seguridad.

Cuando se concluya la construccion del ferro-carril, el Gobierno Mexicano conviene en abrir un puerto de entrada, ademas del de Veracruz, en donde termina dicho ferro-carril en el Golfo de Mexico ó cerca de ese punto.

Los dos gobiernos celebrarán un arreglo para el pronto transito de tropas y municiones de los Estados Unidos, que este gobierno tenga ocasion de enviar de una parte de su territorio á otra situadas en lados opuestos del continente.

Habiendo convenido el Gobierno Mexicano en proteger con todo su poder la construccion, conservacion y seguridad de la obra, los Estados Unidos de su parte podrán impar-

it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

tirle su proteccion siempre que fuere apoyado y arreglado al derecho de gentes.

## ARTICLE IX.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner, if possible.

In testimony whereof, we, the plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the independence of the Mexican republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN, [L. s.]  
MANUEL DIEZ DE BONILLA, [L. s.]  
JOSE SALAZAR YLARREGUI, [L. s.]  
J. MARIANO MONTERDE, [L. s.]

## ARTICULO IX.

Este tratado será ratificado, y las ratificaciones respectivas cangeadas en la Ciudad de Washington, en el preciso término de seis meses, ó antes si fuere posible, contado ese término desde su fecha.

En fé de lo cual, nosotros los Plenipotenciarios de las partes contratantes lo hemos firmado y sellado en México, el dia treinta de Diciembre del año de nuestro Señor mil, ochocientos, cincuenta y tres, trigésimo tercero de la independencia, de la república Mexicana, y septuagésimo octavo de la de los Estados Unidos.

MANUEL DIEZ DE BONILLA, [L. s.]  
J. MARIANO MONTERDE, [L. s.]  
JOSE SALAZAR YLARREGUI, [L. s.]  
JAMES GADSDEN, [L. s.]

Ratification.

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged at Washington, by WILLIAM L. MARCY, Secretary of State of the United States, and SENOR GENERAL DON JUAN N. ALMONTE, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, on the part of their respective Governments:

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this thirtieth day of June, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

FRANKLIN PIERCE,

March 15, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA :

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, a Treaty was made and concluded at the City of Washington, on the fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner of Indian Affairs, acting as Commissioner on the part of the United States and the confederate tribes of the Ottoo and Missouri Indians, which treaty is in the words following, to wit :

Articles of agreement and convention made and concluded at the City of Washington, this fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named Chiefs of the confederate tribes of the Ottoo and Missouri Indians, viz : Ar-ke-kee-tah, or Stay By It ; Heh-cah-po, or Kickapoo ; Shaw-ka-haw-wa, or Medicine Horse ; Mi-ar-ke-tah-hun-she, or Big Soldier ; Cha-won-a-ke, or Buffalo Chief ; Ah-hah-che-ke-saw-ke, or Missouri Chief ; and Maw-thra-ti-ne, or White Water ; they being thereto duly authorized by said confederate tribes.

Cession of land to the United States.

ARTICLE 1. The confederate tribes of Ottoo and Missouri Indians cede to the United States all their country west of the Missouri River, excepting a strip of land on the waters of the Big Blue River, ten miles in width and bounded as follows : Commencing at a point in the middle of the main branch of the Big Blue River, in a west or southwest direction from Old Fort Kearney, at a place called by the Indians the " Islands ; " thence west to the western boundary of the country hereby ceded ; thence in a northerly course with said western boundary, ten miles ; thence east to a point due north of the starting point and ten miles therefrom ; thence to the place of beginning : *Provided*, That in case the said initial point is not within the limits of the country hereby ceded, or that the western boundary of said country is not distant twenty-five miles or more from the initial point, in either case, there shall be assigned by the United States to said Indians, for their future home, a tract of land not less than ten miles wide by twenty-five miles long, the southeast corner of which tract shall be the initial point above named. And such portion of such tract, if any, as shall prove to be outside of the ceded country, shall be and the same is hereby granted and ceded to the confederate tribes of Ottoo and Missouri Indians by the United States, who will have said tract properly set off by durable monuments as soon after the ratification of this instrument, as the same can conveniently be done.

Reserve for the Indians.

See treaty of Dec. 9, 1854, *post*, p. 1130.

Indians to vacate the ceded lands.

ARTICLE 2. The said confederate tribes agree, that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year after such provision is made, they will vacate the ceded country, and remove to the lands herein reserved for them.

Relinquishment of former claims.

ARTICLE 3. The said confederate tribes relinquish to the United States, all claims, for money or other thing, under former treaties, and all claim which they may have heretofore, at any time, set up, to any land on the

east side of the Missouri river; *Provided*, That said confederate tribes shall receive the unexpended balances of former appropriations now in the United States Treasury, of which, four thousand dollars shall at once be applied for the purchase of provisions and to farming purposes.

ARTICLE 4. In consideration of, and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the said confederate tribes of Ottoe and Missouri Indians, the several sums of money following, to wit: Payment to the Indians.

1st. Twenty thousand dollars, per annum, for the term of three years, commencing on the first day of January, one thousand eight hundred and fifty-five.

2d. Thirteen thousand dollars, per annum, for the term of ten years, next succeeding the three years.

3d. Nine thousand dollars, per annum, for the term of fifteen years, next succeeding the ten years.

4th. Five thousand dollars, per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the said confederate tribes, or expended for their use and benefit under the direction of the President of the United States, who may, from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c., for clothing, provisions and merchandise; for iron, steel, arms and ammunition; for mechanics, and tools; and for medical purposes.

ARTICLE 5. In order to enable the said confederate tribes to settle their affairs, and to remove, and subsist themselves for one year at their new home, (and which they agree to do without further expense to the United States,) and to break up and fence one hundred and fifty acres of land at their new home, they shall receive from the United States the further sum of twenty thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve. Further payment.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole of the land herein reserved or appropriated west of the Big Blue River, to be surveyed off into lots, and assign to such Indian or Indians of said confederate tribes, as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family exceeding ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution embracing such land within its boundaries shall have been formed, and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been Disposition of the Indian reserves.

issued, revoke the same, or if not issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such confederate tribes, or disposed of as is provided for the disposal of the excess of said land. And the residue of the land hereby reserved, after all the Indian persons or families of such confederate tribes shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules, or regulations as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restriction herein provided for, without the consent of Congress.

Grist and saw mills.

Blacksmith.

ARTICLE 7. The United States will erect for said confederate tribes at their new home, a grist and saw-mill, and keep the same in repair, and provide a miller for the term of ten years; also erect a good blacksmith shop, supply the same with tools, and keep it in repair for the term of ten years, and provide a good blacksmith for a like period, and employ an experienced farmer, for ten years, to instruct the Indians in agriculture.

Annuities not to be taken for debts.

Peace and friendship.

Conduct of the Indians.

ARTICLE 8. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE 9. The said confederate tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians, to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

Provision against the introduction of liquor.

ARTICLE 10. The Ottoes and Missourias are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided, that any one of them who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time, as the President may determine.

Roads through the Indian lands.

ARTICLE 11. The said confederate tribes agree, that all the necessary roads and highways, and railroads, which may be constructed as the country improves, and the lines of which may run through their land west of the Big Blue River, shall have a right of way through the reservation, a just compensation being made therefor in money.

Payment to Lewis Barnard.

ARTICLE 12. The United States will pay to Lewis Barnard the sum of three hundred dollars, he having been in the service of the said tribes and they being unable to pay him.

Ratifications.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the undersigned, chiefs of the said confederate tribes of Ottoes and Missourias, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*. [L. S.]

AR-KE-KEE-TAH, his x mark,		
Or Stay By It.	[L. s.]	
HEH-CAH-PO, his x mark,		
Or Kickapoo.	[L. s.]	
SHAW-KA-HAW-WA, his x mark,		
Or Medicine Horse.	[L. s.]	
MI-AR-KE-TAH-HUN-SHE, his x mark,		
Or Big Soldier.	[L. s.]	
CHA-WON-A-KE, his x mark,		
Or Buffalo Chief.	[L. s.]	
AH-HAH-CHE-KE-SAW-KE, his x mark,		
Or Missouri Chief.	[L. s.]	
MAW-THRA-TI-NE, his x mark,		
Or White Water.	[L. s.]	

} *Ottoes.*

} *Missourias.*

Executed in the presence of us :

JAMES M. GATEWOOD, *Indian Agent.*  
 THOMAS MAXFIELD.  
 H. N. TABB.  
 CHARLES CALVERT.  
 JNO. D. MCPHERSON.  
 HEZEKIAH MILLER.  
 ALFRED CHAPMAN.  
 HENRY BEARD.  
 LEWIS BERNARD, *Interpreter*, his x mark.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventeenth day of April, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*April 17th, 1854.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this [the] fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States, and the following named chiefs of the confederate tribes of the Ottee and Missouri Indians, viz : Ar-kee-kee-tah, or Stay By It; Heh-cah-po, or Kickapoo; Shaw-ka-haw-wa, or Medicine Horse; Mi-ar-ke-tah-hun-she, or Big Soldier; Cha-won-a-ke, or Buffalo Chief; Ah-hah-che-ke-saw-ke, or Missouri Chief; and Maw-thra-ti-ne, or White Water, they being thereto duly authorized by said confederate tribes.

Approval of  
the Senate.

Attest :

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventeenth day of April, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

1042 TREATY WITH THE OTTOES AND MISSOURIAS. MARCH 15, 1854.

Done at the city of Washington, this twenty-first day of June,  
in the year of our Lord one thousand eight hundred and  
[L. s.] fifty-four, and of the independence of the United States the  
seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

March 16, 1854.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at the City of Washington, on the sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the Omaha tribe of Indians, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the City of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named Chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska, or Logan Fontenelle; E-sta-mah-za, or Joseph Le Flesche; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief; Tah-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; Soda-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe.

ARTICLE 1. The Omaha Indians cede to the United States all their lands west of the Missouri river, and south of a line drawn due west from a point in the centre of the main channel of said Missouri river due east of where the Ayoway river disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line: *Provided, however,* that if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to examine the country hereby reserved, and if it please the delegation, and the Indians in counsel express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

Cession of  
lands to the  
United States.Reserve for the  
Indians.

ARTICLE 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to

Removal of  
the Indians.

exceed one year from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

Relinquish-  
ment of former  
claims.

ARTICLE 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim which they may have heretofore, at any time, set up, to any land on the east side of the Missouri river: *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

Payments to  
the Indians.

ARTICLE 4. In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians the several sums of money following, to wit;

1st. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

2d. Thirty thousand dollars per annum, for the term of ten years, next succeeding the three years.

3d. Twenty thousand dollars per annum, for the term of fifteen years, next succeeding the ten years.

4th. Ten thousand dollars per annum, for the term of twelve years, next succeeding the fifteen years.

How made.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics, and tools; and for medical purposes.

Further pay-  
ment.

ARTICLE 5. In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

Disposition of  
the lands reserv-  
ed.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt

from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed. Protection from hostile tribes.

ARTICLE 8. The United States agree to erect for the Omahas at their new home, a grist and saw-mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture. Grist and saw-mill.  
Blacksmith.

ARTICLE 9. The annuities of the Indians shall not be taken to pay the debts of individuals. Annuities not to be taken for debts.

ARTICLE 10. The Omahas acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe, except in self defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. Conduct of the Indians.

ARTICLE 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee, (a half breed,) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same. Payment to Lewis Sounsosee.

ARTICLE 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine. Provision against introduction of ardent spirits.

ARTICLE 13. The board of foreign missions of the Presbyterian church have on the lands of the Omahas a manual labor boarding-school, for the education of the Omaha, Ottoo, and other Indian youth, which is now in successful operation, and as it will be some time before the neces- Grant to the missions of the Presbyterian Church.

sary buildings can be erected on the reservation, and [it is] desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee simple for such quarter sections.

Construction  
of roads.

ARTICLE 14. The Omahas agree that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

ARTICLE 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner.* [L. s.]

SHON-GA-SKA, or Logan Fontenelle, his x mark.	[L. s.]
E-STA-MAH-ZA, or Joseph Le Flesche, his x mark.	[L. s.]
GRA-TAH-MAH-JE, or Standing Hawk, his x mark.	[L. s.]
GAH-HE-GA-GIN-GAH, or Little Chief, his x mark.	[L. s.]
TAH-WAH-GAH-HA, or Village Maker, his x mark.	[L. s.]
WAH-NO-KE-GA, or Noise, his x mark.	[L. s.]
SO-DA-NAH-ZE, or Yellow Smoke, his x mark.	[L. s.]

Executed in the presence of us :

JAMES M. GATEWOOD, *Indian Agent.*  
JAMES GOSZLER.  
CHARLES CALVERT.  
JAMES D. KERR.  
HENRY BEARD.  
ALFRED CHAPMAN.  
LEWIS SAUNSOI, *Interpreter.*

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventeenth day of April, one thousand eight hundred and fifty-four, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
*April 17th, 1854.*

Approval of  
the Senate.

*Resolved,* (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this [the] sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States, and the following named chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska, or Logan Fontenelle; E-sta-mah-za, or Joseph Le Flesche; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief; Tah-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe; with the following amendment, — Article 3, line 3, strike out "1851" and insert 1852.

Attest: ASBURY DICKENS, *Secretary.*

Now therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventeenth day of April, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

May 6, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at the City of Washington, on the sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxey; Ne-con-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxey, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe; which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the City of Washington this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxey; Ne-con-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pondoxy, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner, they being thereto duly authorized by said tribe:

Cession to the  
United States.

Vol. vii. p. 188.

Reservation.

1848, ch. 118.

Disposition of  
the ceded coun-  
try.

ARTICLE 1. The Delaware tribe of Indians hereby cede, relinquish, and quitclaim to the United States, all their right, title, and interest in and to their country lying west of the State of Missouri, and situate in the fork of the Missouri and Kansas rivers, which is described in the article supplementary to the treaty of October third, one thousand eight hundred and eighteen, concluded, in part, on the twenty-fourth September, one thousand eight hundred and twenty-nine, at Council Camp, on James' fork of White river, in the State of Missouri; and finally concluded at Council Camp, in the fork of the Kansas and Missouri rivers, on the nineteenth October, one thousand eight hundred and twenty-nine; and also their right, title, and interest in and to the "outlet" mentioned and described in said supplementary article; excepting that portion of said country sold to the Wyandot tribe of Indians, by instrument sanctioned by act of Congress, approved July twenty-fifth, one thousand eight hundred and forty-eight, and also excepting that part of said country lying east and south of a line beginning at a point on the line between the land of the Delawares and the half-breed Kansas, forty miles, in a direct line, west of the boundary between the Delawares and Wyandots, thence north ten miles, thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river where the usual high-water line of said creek intersects the high-water line of said river.

ARTICLE 2. The United States hereby agree to have the ceded country (excepting the said "outlet") surveyed, as soon as it can be conveniently

done, in the same manner that the public lands are surveyed — such survey to be commenced and prosecuted as the President of the United States may deem best. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale, at public auction, in such quantities as he may deem proper, being governed in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sales, shall thereafter be subject to private entry, in the same manner that private entries are made of United States lands; and any, or all, of such lands as remain unsold, after being three years subject to private entry, at the minimum government price, may, by act of Congress, be graduated and reduced in price, until all said lands are sold; regard being had in said graduation and reduction to the interests of the Delawares, and also to the speedy settlement of the country.

ARTICLE 3. The United States agree to pay to the Delaware tribe of Indians the sum of ten thousand dollars; and, in consideration thereof, the Delaware tribe of Indians hereby cede, release, and quitclaim to the United States, the said tract of country hereinbefore described as the "outlet." And as a further and full compensation for the cession made by the first article, the United States agree to pay to said tribe all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same. Payment to the Indians.

ARTICLE 4. The Delaware Indians have now, by treaty stipulation, the following permanent annuities, to wit: one thousand dollars per fourth article of the treaty of third August, one thousand seven hundred and ninety-five. Five hundred dollars, per third article of the treaty of thirtieth of September, one thousand eight hundred and nine. Four thousand dollars per fifth article of the treaty of the third October, one thousand eight hundred and eighteen. One thousand dollars per supplemental treaty of twenty-fourth September, one thousand eight hundred and twenty-nine. One hundred dollars for salt annuity, per third article of the treaty of June seventh, one thousand eight hundred and three. Nine hundred and forty dollars, for blacksmith annuity, per sixth article of the treaty of third October, one thousand eight hundred and eighteen. All which several permanent annuities they hereby relinquish and forever absolve the United States from the further payment thereof; in consideration whereof the United States agree to pay to them, under the direction of the President, the sum of one hundred and forty-eight thousand dollars, as follows: seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-four, and seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-five. The object of converting the permanent annuities into these two payments being to aid the Delawares in making improvements on their present farms, and opening new ones on the land reserved, building houses, buying necessary household furniture, stock, and farming utensils, and such other articles as may be necessary to their comfort. Payment in lieu of annuities.

ARTICLE 5. It is agreed that the sum of forty-six thousand and eighty dollars, being the value of the thirty-six sections of land set apart for school purposes by the supplemental treaty of one thousand eight hundred and twenty-nine, remain for the present at five per cent. interest, as stipulated by the resolution of the Senate of the nineteenth January, one thousand eight hundred and thirty-eight. The value of the school land to remain at interest as heretofore.

ARTICLE 6. The Delawares feel now, as heretofore, grateful to their old chiefs for their long and faithful services. In former treaties, when their means were scanty, they provided, by small life-annuities, for the wants of these chiefs, some of whom are now receiving them. These chiefs are poor, and the Delawares believe it their duty to keep them Payment to chiefs.

from want in their old and declining age. It is the wish of the Delawares, and hereby stipulated and agreed, that the sum of ten thousand dollars, the amount provided in the third article as a consideration for the "outlet," shall be paid to their five chiefs, to wit: Captain Ketchem, Sarkoxey, Segondyne, Neconhecond, and Kock-ka-to-wha, in equal shares of two thousand dollars each, to be paid as follows: to each of said chiefs, annually, the sum of two hundred and fifty dollars, until the whole sum is paid: *Provided*, That if any one or more of said chiefs die before the whole or any part of the sum is paid, the annual payments remaining to his share shall be paid to his male children, and in default of male heirs, then to the legal representatives of such deceased chief or chiefs; and it is understood that the small life-annuities stipulated for by former treaties, shall be paid as directed by said treaties.

Investment of surplus from sales, and appropriation of the income.

ARTICLE 7. It is expected that the amount of moneys arising from the sales herein provided for, will be greater than the Delawares will need to meet their current wants; and as it is their duty, and their desire also, to create a permanent fund for the benefit of the Delaware people, it is agreed that all the money not necessary for the reasonable wants of the people, shall from time to time be invested by the President of the United States, in safe and profitable stocks, the principal to remain unimpaired, and the interest to be applied annually for the civilization, education, and religious culture of the Delaware people, and such other objects of a beneficial character, as in his judgment, are proper and necessary.

Same subject.

ARTICLE 8. As the annual receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject be referred to the judgment of the President, who may, from time to time, prescribe how much of the net proceeds of said sales shall be paid out to the Delaware people, and the mode and manner of such payment, also how much shall be invested, and in distributing the funds to the people, due regard and encouragement shall be given to that portion of the Delawares who are competent to manage their own affairs, and who know and appreciate the value of money; but Congress may, at any time, and from time to time, by law, make such rules and regulations in relation to the funds arising from the sale of said lands, and the application thereof for the benefit and improvement of the Delaware people, as may, in the wisdom of that body, seem just and proper.

Private debts not to be paid from the general fund.

ARTICLE 9. The debts of Indians, contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid from the general fund.

Provisions respecting the idle and against the use of ardent spirits.

ARTICLE 10. The Delawares promise to renew their efforts to suppress the introduction and the use of ardent spirits in their country and among their people, and to encourage industry, integrity, and virtue, so that every one may become civilized, and, as many now are, competent to manage their business affairs; but should some of them, unfortunately continue to refuse to labor, and remain or become dissipated and worthless, it shall be discretionary with the President to give such direction to the portion of funds, from time to time, due to such persons, as will prevent them from squandering the same, and secure the benefit thereof to their families.

Division of the lands reserved for a home.

ARTICLE 11. At any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: *Provided*, such assignment shall be uniform.

Construction of roads.

ARTICLE 12. In the settlement of the country adjacent to the Delaware reservation, roads and highways will become necessary, and it is agreed that all roads and highways laid out by authority of law, shall

have a right of way through the reserved lands, on the same terms that the law provides for their location through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the said reservation, shall have the right of way, on payment of a just compensation therefor in money.

ARTICLE 13. The Christian Indians live in the country herein ceded, and have some improvements. They desire to remain where they are, and the Delawares are willing, provided the Christian Indians can pay them for the land. It is therefore agreed that there shall be confirmed by patent to the said Christian Indians, subject to such restrictions as Congress may provide, a quantity of land equal to four sections, to be selected in a body from the surveyed lands, and to include their present improvements: *Provided*, The said Christian Indians, or the United States for them, pay to the Secretary of the Interior for the use of the Delaware Indians, within one year from the date of the ratification of this treaty, the sum of two dollars and fifty cents per acre therefor: *And provided further*, That the provisions of article twelve, in relation to roads, highways, and railroads, shall be applicable to the land thus granted to the Christian Indians.

Provisions respecting the land occupied by the Christian Indians.

ARTICLE 14. The Delawares acknowledge their dependence on the government of the United States, and invoke its protection and care. They desire to be protected from depredations and injuries of every kind, and to live at peace with all the Indian tribes; and they promise to abstain from war, and to commit no depredations on either citizens or Indians; and if, unhappily, any difficulty should arise, they will at all times, as far as they are able, comply with the law in such cases made and provided, as they will expect to be protected and their rights vindicated by it, when they are injured.

Conduct of the Indians.

Submission to U. S. Government.

ARTICLE 15. A primary object of this instrument being to advance the interests and welfare of the Delaware people, it is agreed, that if it prove insufficient to effect these ends, from causes which cannot now be foreseen, Congress may hereafter make such further provision, by law, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Delaware people.

Laws may be passed to carry out the objects of this treaty.

ARTICLE 16. It is agreed by the parties hereto, that the provisions of the act of Congress, approved third of March, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.

Act of 1807, ch. 45, applicable to the ceded land.

ARTICLE 17. It is further stipulated, that, should the Senate of the United States reject the thirteenth article hereof, such rejection shall in no wise affect the validity of the other articles.

ARTICLE 18. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President, and the Senate, of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*. [L. S.]

SARCOXEY, his x mark.	[L. S.]
NE-CON-HE-COND, his x mark.	[L. S.]
KOCK-KA-TO-WHA, his x mark.	[L. S.]
QUA-COR-NOW-HA, or James Segondyne, his x mark.	[L. S.]
NE-SHA-PA-NA-CUMIN, or Charles Journeycake.	[L. S.]
QUE-SHA-TO-WHA, or John Ketchem, his x mark.	[L. S.]
PONDOXY, or George Bullet, his x mark.	[L. S.]
KOCK-KOCK-QUAS, or James Ketchem.	[L. S.]
AH-LAH-A-CHICK, or James Conner, his x mark.	[L. S.]

Executed in th presence of :

THOS. JOHNSON.

CHARLES CALVERT.

DOUGLAS H. COOPER.

WM. B. WAUGH.

HENRY BEARD.

B. F. ROBINSON, *Indian Agent.*

HENRY TIBLOW, *U. S. Interpreter.*

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*July 11, 1854.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcocoxey; Ne-hon-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxey, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of July in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

[L. s.]

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

May 10, 1854.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded on the tenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, viz: Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, thereto duly authorized by said tribe, which treaty is in the words following, to wit:—

Articles of agreement and convention made and concluded at the city of Washington, this tenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh of November, one thousand eight hundred and twenty-five; and eighth of August, one thousand eight hundred and thirty-one, viz: Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, they being thereto duly authorized by the now united tribe of said Shawnee Indians.

ARTICLE 1. The Shawnee tribe of Indians hereby cede and convey to the United States, all the tract of country lying west of the State of Missouri, which was designated and set apart for the Shawnees in fulfilment of, and pursuant to, the second and third articles of a convention made between William Clark, Superintendent of Indian Affairs, and the chiefs and headmen of the Shawnee nation of Indians, at St. Louis, on the seventh day of November, one thousand eight hundred and twenty-five, which said tract was conveyed to said tribe, (subject to the right secured by the second article of the treaty made at Wapaghkonetta, on the eighth day August, one thousand eight hundred and thirty-one,) by John Tyler, President of the United States, by deed bearing date the eleventh day of May, one thousand eight hundred and forty-four—said tract being described by metes and bounds as follows: "Beginning at a point in the western boundary of the State of Missouri, three miles south of where said boundary crosses the mouth of Kansas River, thence continuing south and coinciding with said boundary for twenty-five miles; thence due west one hundred and twenty miles; thence due north, until said line shall intersect the southern boundary of the Kansas reservation; thence due east, coinciding with the southern boundary of said reservation, to the termination thereof; thence due north, coinciding with the eastern boundary of said reservation, to the southern shore of the Kansas River, thence along said southern shore of said river, to where a line from the place of beginning drawn due west, shall intersect the same"—estimated to contain sixteen hundred thousand acres, more or less, (excepting and reserving therefrom, two hundred thousand acres, for homes for the Shawnee people—which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August eighth, one

Cession to the  
United States of  
reserve.

Vol. vii. p. 285.

Vol. vii. p. 356.

Boundaries of  
said reserve.

Exception of  
200,000 acres.

How said  
200,000 acres are  
to be selected.

Lands of Mo-  
thodist Mission-  
ary Society.

Friends Shaw-  
nee Labor  
School.

American Bap-  
tist Missionary  
Union.

Shawnee Me-  
thodist Church.

Shawnee Bap-  
tist Church.

How the lands  
selected are to be  
divided.

thousand eight hundred and thirty-one, as for those parties to the treaty of November seventh, one thousand eight hundred and twenty-five.) \*

ARTICLE 2.† The two hundred thousand acres of land reserved by the Shawnees, shall be selected between the Missouri State line, and a line parallel thereto, and west of the same, thirty miles distant; which parallel line shall be drawn from the Kansas River, to the southern boundary line of the country herein ceded; provided, however, that the few families of Shawnees who now reside on their own improvements in the ceded country west of said parallel line, may, if they desire to remain, select there, the same quantity of land for each individual of such family, which is herein-after provided for those Shawnees residing east of said parallel line — the said selection, in every case, being so made as to include the present improvement of each family or individual. Of the lands lying east of the parallel line aforesaid, there shall first be set apart to the Missionary Society of the Methodist Episcopal Church South, to include the improvements of the Indian Manual Labor School, three sections of land; to the Friends Shawnee Labor School, including the improvements there, three hundred and twenty acres of land; and to the American Baptist Missionary Union, to include the improvements where the superintendent of their school now resides, one hundred and sixty acres of land; also five acres of land to the Shawnee Methodist Church, including the meeting-house and graveyard; and two acres of land to the Shawnee Baptist Church, including the meeting-house and graveyard. All the land selected, as herein provided, west of said parallel line, and that set apart to the respective societies for schools, and to the churches before named, shall be considered as part of the two hundred thousand acres reserved by the Shawnees.

All Shawnees residing east of said parallel line shall be entitled to, out of the residue of said two hundred thousand acres, if a single person, two hundred acres, and if the head of a family, a quantity equal to two hundred acres for each member of his or her family — to include, in every case, the improvement on which such person or family now resides; and if two or more persons or families occupy the same improvement, or occupy different improvements in such close proximity, that all of such persons or families cannot have the quantity of land (to include their respective improvements) which they are entitled to, and if in such cases the parties should be unable to make an amicable arrangement among themselves, the oldest occupant or settler shall have the right to locate his tract so as to include said improvements, and the others must make a selection elsewhere, adjoining some Shawnee settlement; and in every such case, the person or family retaining the improvement, shall pay those leaving it, for the interest of the latter therein — the value of the same to be fixed, when the parties cannot agree thereupon, by such tribunal, and in such mode, as may be prescribed by the Shawnee Council, with the consent of the United States agent for that tribe.

The privilege of selecting lands, under this provision, shall extend to every head of a family, who, although not a Shawnee, may have been legally married to a Shawnee, according to the customs of that people, and adopted by them; and to all minor orphan children of Shawnees, and of persons who have been adopted as Shawnees, who shall not have received their shares with any family; and all incompetent persons shall have selections made for them adjacent, or as near as practicable, to their friends or relatives, which selections shall be made by some disinterested person or persons, appointed by the Shawnee Council, and approved by the United States Agent. In the settlement known as Black Bob's Settlement, in which he has an improvement, whereon he

\* The clause in parentheses was struck out. See Amendment, *post*, p. 1059.

† See Amendment, *post*, p. 1059.

resides; and in that known as Long Tail's Settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common; it is, therefore, agreed, that all Shawnees, including the persons adopted as aforesaid, and incompetent persons, and minor orphan children, who reside in said settlements respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States Agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities. A census of the Shawnees residing at each of these settlements, and of the minor orphan children of their kindred, and of those electing to reside in said communities, shall be taken by the United States Agent for the Shawnees, in order that a quantity of land equal to two hundred acres for each person, may be set off and allotted them, to hold in common as aforesaid. After all the Shawnees, and other persons herein provided for, shall have received their shares of the two hundred thousand acres of land reserved, it is anticipated that there will still be a residue; and as there are some Shawnees who have been for years separated from the tribe, it is agreed that whatever surplus remains, after provision is made for all present members of the tribe, shall be set apart, in one body of land, in compact form, under the direction of the President of the United States; and all such Shawnees as return to, and unite with the tribe, within five years from the proclamation of this instrument, shall be entitled to the same quantity of lands, out of said surplus, and in the same manner, and subject to the same limitations and provisions as are hereinbefore made for those now members of the said tribe; and whatever portion of said surplus remains unassigned, after the expiration of said five years, shall be sold as hereinafter provided, — the proceeds of all such sales shall be retained in the treasury of the United States, until the expiration of ten years from the proclamation of this instrument, after which time, should said absent Shawnees not have returned and united with the tribe, all the moneys then in the treasury, or that may thereafter be received therein, as proceeds of the sales of such surplus land, shall be applied to, or invested for, such beneficial or benevolent objects among the Shawnees, as the President of the United States, after consulting with the Shawnee Council, shall determine, — and should any such absent Shawnees return and unite with said tribe, after the expiration of the period of five years hereinbefore mentioned, and before the expiration of the said period of ten years, the proper portion of any of said residue of lands, that then may remain unsold, shall be assigned to such persons; and if all said lands have been disposed of, an equitable payment in money shall be made to them out of the proceeds of the said sales. The aforesaid assignments and selections of lands in the tract lying between the Missouri State line, and the said parallel line, shall be made within ninety days after the approval of the survey of said tract, and if there be any individuals recognized as at present entitled to lands therein, under the provisions of this article, who shall not have selected, or had selected for them, within said ninety days, their proper shares of land, the Shawnee Council shall select one or more disinterested persons, who shall, immediately after the expiration of such ninety days, make selections of lands for them, in the same manner, and subject to the same restrictions, as hereinbefore provided for minor orphan children, not members of a family, and for incompetent persons. And those residing on improvements west of the said parallel line, shall, within sixty days after the approval of the survey of the lands on which they live, make the selections of lands as, and to the amount, they are hereinbefore authorized to do. It is agreed that all the tracts of land, in this article

Provision for  
Black Bob's set-  
tlement and  
Long Tail's set-  
tlement.

Provision for  
absent Shaw-  
nees.

Assignments  
and selections  
how made.

assigned, or provided to be assigned or selected, shall be assigned and selected according to the legal subdivisions of United States lands, and according to the laws of the United States respecting the entry of public lands, so far as said laws are applicable; and no portion of this instrument shall be so construed as to nullify or impair this stipulation. And the said Indians hereby cede, relinquish, and convey to the United States, all tracts or parcels of land which may be sold, or are required to be sold in pursuance of any article of this instrument.

Payments in consideration of said cession.

Vol. vii. p. 49.  
Vol. vii. p. 160.

ARTICLE 3. In consideration of the cession and sale herein made, the United States agree to pay to the Shawnee people, the sum of eight hundred and twenty-nine thousand dollars, in manner as follows, viz: Forty thousand dollars to be invested by the United States, at a rate of interest not less than five per centum per annum, which, as it accrues, is to be applied to the purposes of education; that amount, with the addition of the three thousand dollars of perpetual annuities provided by the treaties of August third, one thousand seven hundred and ninety-five, and September twenty-ninth, one thousand eight hundred and seventeen, and now hereby agreed to be likewise so applied, together with the sum to be paid by the Missionary Society of the Methodist Episcopal Church South, as herein after provided, being deemed by the Shawnees as sufficient, for the present, for such purposes. Seven hundred thousand dollars, to be paid in seven equal annual instalments, during the month of October of each year, commencing with the year one thousand eight hundred and fifty-four; and the residue of eighty-nine thousand dollars, to be paid within the same month of the year, after the termination of that period.

Provision for Shawnees electing to live in common.

ARTICLE 4. Those of the Shawnees who may elect to live in common, shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections.

Sale of said lands.

ARTICLE 5. The lands heretofore described lying between the Missouri State line, and the parallel line thirty miles west of it, as soon after the ratification of this instrument as can conveniently be done, shall be surveyed, in the same manner as the public lands of the United States are surveyed, the expenses thereof to be borne by the Shawnees and the United States in due proportion; and no white persons or citizens shall be permitted to make locations or settlements within said limits, until after all of the lands shall have been surveyed, and the Shawnees shall have made their selections and locations, and the President shall have set apart the surplus.

Locations and settlements forbidden until, &c.

Conditions of the above grants to Societies and Schools.

ARTICLE 6. The grants of land above made to missionary societies and churches, shall be subject to these conditions: The grant to the Missionary Society of the Methodist Episcopal Church South, at the Indian Manual Labor School, shall be confirmed to said Society, or to such person or persons as may be designated by it, by patent, from the President of the United States, upon the allowance to the Shawnees, by said society, of ten thousand dollars, to be applied to the education of their youth; which it has agreed to make. The grants for the schools established by the Baptists and Friends, shall be held by their respective Boards of Missions, so long as those schools shall be kept by them, — when no longer used for such purpose by said Boards, the lands, with the improvements, shall, under the direction of the President, be sold at public sale, to the highest bidder, upon such terms as he may prescribe, the proceeds to be applied by the Shawnees to such general beneficial and charitable purposes as they may wish: *Provided*, That the improvements shall be valued, and the valuation deducted from the proceeds of sale, and returned to said Boards respectively.

ARTICLE 7. Inasmuch as Joseph Parks, and Black Hoof, who have, Share of Joseph Parks and Black Hoof. in times past, rendered important services to the Shawnee nation, would not, by reason of the small number of persons in their families, be entitled, under the provisions of Article 2, to a quantity of land equal to that which will be generally received by the other members of the tribe; it is agreed, at the request of the Shawnees, that Joseph Parks, in lieu of the land which he would have a right to select under the provisions of Article 2, shall have a quantity of land equal to two sections, or twelve hundred and eighty acres, to include his present residence and improvement; and Black Hoof, in lieu of that which he would have a right to select as aforesaid, shall have a quantity of land equal to one section, or six hundred and forty acres, to include his present residence and improvement; and they shall make selection of the land hereby granted them, in the same manner, and subject to the same limitations, as are prescribed in Article 2, for such as shall make separate selections, in severalty, under the provisions thereof.

ARTICLE 8. Such of the Shawnees as are competent to manage their affairs, shall receive their portions of the aforementioned annual instalments in money. How money shall be paid. But the portions of such as shall be found incompetent to manage their affairs, whether from drunkenness, depravity, or other cause, shall be disposed of by the President, in that manner deemed by him best calculated to promote their interests, and the comfort of their families; the Shawnee Council being first consulted with respect to such persons, whom, it is expected, they will designate to their agent. The portions of orphan children shall be appropriated by the President in the manner deemed by him best for their interests.

ARTICLE 9. Congress may hereafter provide for the issuing, to such of the Shawnees as may make separate selections, patents for the same; Land patents to issue. with such guards and restrictions as may seem advisable for their protection therein.

ARTICLE 10. No portion of the money stipulated by this instrument to be paid to the Shawnees, shall be taken by the Government of the United States, by its agent or otherwise, to pay debts contracted by the Shawnees, as private individuals; nor any part thereof for the payment of national debts or obligations contracted by the Shawnee Chiefs or Council; provided that this Article shall not be construed to prohibit the council from setting apart a small portion of any annual payment, for purposes strictly national in their character, first to be approved by the President.\* Said payments not to be stopped for debts.

ARTICLE 11. It being represented that many of the Shawnees have sustained damage in the loss and destruction of their crops, stock, and other property, and otherwise, by reason of the great emigration which has, for several years, passed through their country, and of other causes, in violation, as they allege, of guaranties made for their protection by the United States; it is agreed that there shall be paid, in consideration thereof, to the Shawnees, the sum of twenty-seven thousand dollars, which shall be taken and considered in full satisfaction, not only of such claim, but of all others of what kind soever, and in release of all demands and stipulations arising under former treaties, with the exception of the perpetual annuities, amounting to three thousand dollars, herein before named, and which are set apart and appropriated in the third article hereof. Payment in full satisfaction of all claims. All Shawnees who have sustained damage by the emigration of citizens of the United States, or by other acts of such citizens, shall, within six months after the ratification of this treaty, file their claims for such damages, with the Shawnee agent, to be submitted by him to the Shawnee Council for their action and decision, and the amount, in each case, approved, shall be paid by said agent: Provided, the whole amount of claims thus approved, shall not exceed the said sum stipulated for in this article. Proof of claims.

\* See Amendment, *post*, p. 1060.

And provided, that if such amount shall exceed that sum, then a reduction shall be made, pro rata, from each claim, until the aggregate is lowered to that amount. If less than that amount be adjudged to be due, the residue, it is agreed, shall be appropriated as the council shall direct.

Congress may make further provisions to effectuate the object of this treaty.

ARTICLE 12. If, from causes not now foreseen, this instrument should prove insufficient for the advancement and protection of the welfare and interests of the Shawnees, Congress may hereafter, by law, make such further provision, not inconsistent herewith, as experience may prove to be necessary, to promote the interests, peace, and happiness of the Shawnee people.

Right of way over selected lands.

ARTICLE 13. It is agreed that all roads and highways, laid out by authority of law, shall have a right of way through any of the reserved, assigned, and selected lands, on the same terms that the law provides for their location through the lands of citizens of the United States ; and railroad companies, when the lines of their roads necessarily pass through any of said lands, shall have the right of way, on payment of a just compensation therefor in money.

Conduct of Indians.

ARTICLE 14. The Shawnees acknowledge their dependence on the government of the United States, and invoke its protection and care. They will abstain from the commission of depredations, and comply, as far as they are able, with the laws in such cases made and provided, as they will expect to be protected, and to have their rights vindicated.

Provision against introduction of ardent spirits.

ARTICLE 15. The Shawnees agree to suppress the use of ardent spirits among their people, and to resist, by all prudent means, its introduction into their settlements.

Reservation at the Agency house.

ARTICLE 16. The United States reserve, at the site of the Agency house in the Shawnee country, including the improvements, one hundred and sixty acres of land.

ARTICLE 17. The foregoing instrument shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner aforesaid, and the undersigned delegates representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, have hereunto set their hands and seals, at the place, and on the day and year, first hereinbefore written.

GEORGE W. MANYPENNY,	<i>Commissioner.</i>	[L. S.]
JOSEPH PARKS,	his x mark.	[L. S.]
BLACK HOOF,	his x mark.	[L. S.]
GEORGE McDOUGAL,	his x mark.	[L. S.]
LONGTAIL,	his x mark.	[L. S.]
GEORGE BLUE JACKET,	his x mark.	[L. S.]
GRAYHAM ROGERS,		[L. S.]
WA-WAH-CHE-PA-E-KAR,		
Or Black Bob,	his x mark.	[L. S.]
HENRY BLUE JACKET,	his x mark.	[L. S.]

Executed in presence of

CHARLES CALVERT,  
BENJAMIN S. LOVE,  
HOLMES COLBERT,  
JAMES LINDSEY,  
ALFRED CHAPMAN,  
WM. B. WAUGH,  
B. F. ROBINSON, *Indian Agent*,  
CHAS. BLUE JACKET, *U. S. Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the senate did, on the second day of August, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles with amendments thereto proposed, by a resolution in the words and figures following. To wit;

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

August 2d, 1854.

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the City of Washington, this tenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh of November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, viz: Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, they being thereto duly authorized by the now united tribe of said Shawnee Indians — with the following

#### AMENDMENTS :

#### Amendments.

ARTICLE 1. Strike out the following words:

"Excepting and reserving therefrom two hundred thousand acres for homes for the Shawnee people, which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August eighth, one thousand eight hundred and thirty-one, as for those parties to the treaty of November seventh, one thousand eight hundred and twenty-five."

ARTICLE 2. Strike out the following words where they first occur:

"The two hundred thousand acres of land reserved by the Shawnees, shall," and insert the following in lieu thereof:

The United States hereby cede to the Shawnee Indians two hundred thousand acres of land to be

ARTICLE 10. Strike out the word "small"—and after the word "character," insert the following: and for the payment of national or tribal debts.

Attest :

ASBURY DICKINS, *Secretary*.

And whereas the amendments proposed by the Senate in their Resolution of August second, as above recited, were duly presented for consideration, to the Chiefs, Councillors, and head men of the Shawnee nation, in full council assembled, and were in said council, accepted, ratified, and confirmed, in manner following, to wit:

"We the undersigned chiefs, Councillors, and head men of the United tribe of Shawnee Indians, on behalf of said united tribe, now in full council assembled, having had fully explained to us the amendments made on the 2d of August, 1854, by the Senate of the United States, to the articles of agreement and convention which were concluded at the City of Washington, on the 10th day of May, 1854, between George W. Manypenny, as Commissioner on the part of the United States, and Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, delegates representing the bands of Shawnees who were parties to the treaties of Nov. 7th, 1825, and of August 8th, 1831, and which bands compose the now united band assembled,

Which are in the following words, viz:

## TREATY WITH THE SHAWNEES. MAY 10, 1854.

## AMENDMENTS.

ARTICLE 1. Strike out the following words :

"Excepting and reserving therefrom two hundred thousand acres for homes for the Shawnee people, which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August 8th, 1831, as for those parties to the treaty of Nov. 7, 1825."

ARTICLE 2. Strike out the following words where the[y] first occur :

"The two hundred thousand acres of land reserved by the Shawnees, shall" and insert the following in lieu thereof:

The United States hereby cede to the Shawnee Indians two hundred thousand acres of land to be

ARTICLE 10. Strike out the word "small," and after the word "character" insert the following :

And for the payment of national or tribal debts — do hereby accept and consent to the said amendments to the articles of agreement and convention aforesaid, and agree that the same shall be considered as a part thereof. But this assent is given on the condition that neither the present, or any future council, shall ever make provision for the pretended claims of R. W. Thompson, of Indiana, George C. Johnson, of Ohio, or Ewing and Clymer: and upon the further condition that no national or tribal obligations shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons.

In testimony whereof, we have hereunto set our hands and affixed our seals, this 21st day of August, A. D. 1854.

JOSEPH PARKS,	his x mark	[L. S.]
HENRY BLUE JACKET,	his x mark	[L. S.]
GRAHAM ROGERS,	his x mark	[L. S.]
MATTHEW KING,	his x mark	[L. S.]
PASCHAL FISH,	his x mark	[L. S.]
JOSEPH FLINT,	his x mark	[L. S.]
LEWIS DOUGHERTY,	his x mark	[L. S.]
JOSEPH DAY,	his x mark	[L. S.]
SILVERHEELS,	his x mark	[L. S.]
BLACK WOLF,	his x mark	[L. S.]
GREYFEATHER,	his x mark	[L. S.]
JOSEPH DOUGHERTY,	his x mark	[L. S.]
GEORGE FRANCIS,	his x mark	[L. S.]
WILSON ROGERS,	his x mark	[L. S.]
PACUTSEKAH,	his x mark	[L. S.]
KAKWEKAH,	his x mark	[L. S.]
JOHN FLINT,	his x mark	[L. S.]
TUCKER,	his x mark	[L. S.]
JAMES SUCKET,	his x mark	[L. S.]
TOOLY,	his x mark	[L. S.]
SILAS DOUGHERTY,	his x mark	[L. S.]
JACKSON ROGERS,	his x mark	[L. S.]
JOSEPH WHITE,	his x mark	[L. S.]
JOHN PARKS,	his x mark	[L. S.]
DAVID DUSHANE,	his x mark	[L. S.]
LEVI FLINT,	his x mark	[L. S.]
NEONA,	his x mark	[L. S.]
WILLIAM SHOTO,	his x mark	[L. S.]
GEORGE FLINT,	his x mark	[L. S.]
JOHN SHANE	his x mark	[L. S.]
JACKSON WHEELER,	his x mark	[L. S.]

DAVID DESHANE,	his x mark.	[L. s.]
MORRIS,	his x mark.	[L. s.]
BILL LITTLETAIL,	his x mark.	[L. s.]
GEORGE McDOUGAL,	his x mark.	[L. s.]

Executed in presence of us, Augt. 21, 1854.

RICHARD C. MEEK,  
A. S. JOHNSON,  
THOMAS S. LEWIS,  
LUTHER M. CARTER,  
CHARLES BLUE JACKET, *U. S. Interpreter.*

I do hereby certify that the foregoing instrument of writing was fully explained by me to the Shawnee tribe of Indians, in council assembled, on the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto, in my presence.

Given under my hand this 22d day of Aug., 1854.

B. F. ROBINSON,  
*Indian Agent for the Kansas Agency.*

Whereas the Shawnee Indians in full council assembled did, on the 21st day of August, 1854, assent to the amendments of the Senate of the 2d of August, 1854, to the Articles of Agreement and Convention, concluded between them and the United States on the 10th of May, 1854, which assent was coupled with conditions as follows: "But this assent is given on the condition that neither the present or any future council shall ever make provision for the pretended claims of R. W. Thompson of Indiana, George C. Johnson of Ohio, or Ewing and Clymer; and upon the further condition, that no national or tribal obligations shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons." And whereas the Secretary of the Department of the Interior, having in his letter of September 12th, 1854, to the Superintendent of Indian Affairs at St. Louis, expressed the opinion that the above-named conditions were of such a character as to require the constitutional action of the Senate, before the treaty could be proclaimed or executed. And whereas the said Shawnee Indians are now in full council assembled to take into consideration the suggestion or advice of the Secretary of the Interior that the assent to said amendments should be unconditional. Therefore, we the chiefs, councillors, and head men of said tribe, in their behalf, and by their direction, and in review of the suggestions in the letter of the Secretary of the Interior, do rescind the said conditions, and hereby assent to the said amendments, and unconditionally accept and consent to the same.

In testimony whereof we have hereunto set our hands and affixed our seals, this 28th day of September, 1854.

JOSEPH PARKS,	his x mark.	[L. s.]
GEORGE McDOUGAL,	his x mark.	[L. s.]
BLACK HOOF,	his x mark.	[L. s.]
HENRY BLUE JACKET,	his x mark.	[L. s.]
GRAHAM ROGERS,	his x mark.	[L. s.]
MATHEW KING,	his x mark.	[L. s.]
PASCHAL FISH,	his x mark.	[L. s.]
JOSEPH FLINT,	his x mark.	[L. s.]
JOSEPH HAY,	his x mark.	[L. s.]
WILSON ROGERS,	his x mark.	[L. s.]
LONGTAIL,	his x mark.	[L. s.]
GEORGE BLUE JACKET,	his x mark.	[L. s.]

PA-KET-SE-CHA,	his x mark.	[L. S.]
JOHN FLINT,	his x mark.	[L. S.]
TUCKER,	his x mark.	[L. S.]
JAMES SUCKET,	his x mark.	[L. S.]
TOOLA,	his x mark.	[L. S.]
JACKSON ROGERS,	his x mark.	[L. S.]
JOSEPH WHITE,	his x mark.	[L. S.]
JOHN PARKS,	his x mark.	[L. S.]
DAVID DESHANE,	his x mark.	[L. S.]
LEVI FLINT,	his x mark.	[L. S.]
NEONA,	his x mark.	[L. S.]
GEORGE FLINT,	his x mark.	[L. S.]
JOHN SHANE,	his x mark.	[L. S.]
DAVID DESHANE,	his x mark.	[L. S.]
MORRIS,	his x mark.	[L. S.]
LITTLE TOM,	his x mark.	[L. S.]
JOHN HAM,	his x mark.	[L. S.]
WILLIAM BARBER,	his x mark.	[L. S.]
WHITE DEER,	his x mark.	[L. S.]
BIG JIM,	his x mark.	[L. S.]
JAMES McLANE,	his x mark.	[L. S.]
QWAPER,	his x mark.	[L. S.]
KA-KA,	his x mark.	[L. S.]
JOHN WHITEFEATHER,	his x mark.	[L. S.]
QWELENA,	his x mark.	[L. S.]
SIMON HARVEY,	his x mark.	[L. S.]
GEORGE BIG KNIFE,	his x mark.	[L. S.]
CHARLES FISH,	his x mark.	[L. S.]
POSSUM,	his x mark.	[L. S.]
JAMES KIZEN,	his x mark.	[L. S.]
TE-LA-SO,	his x mark.	[L. S.]
JOHN TEENMOSA,	his x mark.	[L. S.]
JOHN FRANCIS,	his x mark.	[L. S.]

Executed in presence of us, this 28th September, 1854.

J. W. WHITFIELD, *Indian Agent Upper Platte*,  
A. S. JOHNSON,  
CHARLES BLUE JACKET, *U. S. Interpreter*.

I do hereby certify that the foregoing instrument of writing was fully explained by me, to the Shawnee tribe of Indians in council assembled, on the 28th day of September, 1854, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto, in my presence, on the day and year last aforesaid.

Given under my hand this 11th day of October, 1854.

B. F. ROBINSON,  
*Indian Agent.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of the Senate, as expressed in their resolution of August second, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty with the amendments.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

[L. S.] Done at the city of Washington, this second day of November, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY,

*Secretary of State.*

## FRANKLIN PIERCE,

May 12, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

WHEREAS, a treaty was made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight; which treaty is in the words following, to wit:—

Articles of agreement, made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight.

Vol. ix. p. 952.

Preamble.

Whereas, among other provisions contained in the treaty in the caption mentioned, it is stipulated that for and in consideration of all the lands owned by the Menomonees, in the State of Wisconsin, wherever situated, the United States should give them all that country or tract of land ceded by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of the second of August, eighteen hundred and forty-seven, and by the Pillager band of Chippewa Indians in the treaty of the twenty-first of August, eighteen hundred and forty-seven, which had not been assigned to the Winnebagoes—guaranteed not to contain less than six hundred thousand acres; should pay them forty thousand dollars for removing and subsisting themselves; should give them fifteen thousand dollars for the establishment of a manual labor school, the erection of a grist and saw mill, and for other necessary improvements in their new country; should cause to be laid out and expended in the hire of a miller, for the period of fifteen years, nine thousand dollars; and for continuing and keeping up a blacksmith shop and providing iron and steel for twelve years, commencing on the first of January, eighteen hundred and fifty-seven, eleven thousand dollars.

And whereas, upon manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi River, upon Crow Wing, which had been assigned them, and a desire to remain in the State of Wisconsin, the President consented to their locating temporarily upon the Wolf and Oconto Rivers.

Now, therefore, to render practicable the stipulated payments herein recited, and to make exchange of the lands given west of the Mississippi for those desired by the tribe, and for the purpose of giving them the same for a permanent home, these articles are entered into.

ARTICLE 1. The said Menomonee tribe agree to cede, and do hereby cede, sell, and relinquish to the United States, all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight.

Cession to  
United States.

ARTICLE 2. In consideration of the foregoing cession the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indian lands are held, that tract of country lying upon the Wolf River, in the State of Wisconsin, commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty-four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles, to the place of beginning—the same being townships 28, 29, and 30, of ranges 13, 14, 15, and 16, according to the public surveys. Home provided in lieu of such cession.

ARTICLE 3. The United States agree to pay, to be laid out and applied under the direction of the President, at the said location, in the establishment of a manual labor school, the erection of a grist and saw mill, and other necessary improvements, fifteen thousand dollars; in procuring a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years, nine thousand dollars, in continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel for the use of said tribe, for a period of twelve years, commencing with the year eighteen hundred and fifty-seven, eleven thousand dollars; and the United States further agree to pay the said tribe, to be applied under the direction of the President, in such manner and at such times as he may deem advisable, for such purposes and uses as in his judgment will best promote the improvement of the Menomonees, the forty thousand dollars stipulated to be applied to their removal and subsistence west of the Mississippi. It being understood that all other beneficial stipulations in said treaty of 1848 are to be fulfilled as therein provided. Payments.

ARTICLE 4. In consideration of the difference in extent between the lands hereby ceded to the United States, and the lands given in exchange, and for and in consideration of the provisions hereinbefore recited, and of the relinquishment by said tribe of all claims set up by or for them, for the difference in quantity of lands supposed by them to have been ceded in the treaty of eighteenth of October, eighteen hundred and forty-eight, and what was actually ceded, the United States agree to pay said tribe the sum of one hundred and fifty thousand dollars,\* in fifteen annual instalments, commencing with the year 1867; each instalment to be paid out and expended under the direction of the President of the United States, and for such objects, uses, and purposes, as he shall judge necessary and proper for their wants, improvement, and civilization. Further payments.

ARTICLE 5. It is further agreed that all expense incurred in negotiating this treaty shall be paid by the United States. Expense of this treaty.

ARTICLE 6. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States.†

In testimony whereof, the said Francis Huebschmann, superintendent as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

FRANCIS HUEBSCHMANN, [L. s.]

*Superintendent of Indian Affairs.*

WAU-KE-CHON, his x mark.	[L. s.]
WIS-KE-NO, his x mark.	[L. s.]
WAY-TAN-SAH, his x mark.	[L. s.]
CARRON, his x mark.	[L. s.]
SHO-NE-NIEW, his x mark.	[L. s.]
LAMOTTE, his x mark.	[L. s.]

\* See amendment, *post*, p. 1067.

† See amendment, *post*, p. 1067.

PE-QUO-QUON-AH, his x mark.	[L. s.]
SHAW-POA-TUK, his x mark.	[L. s.]
WAU-PEN-NA-NOSH, his x mark.	[L. s.]
SHO-NE-ON, his x mark.	[L. s.]
SHAW-WAN-NA-PENASSE, his x mark.	[L. s.]
TA-KO, his x mark.	[L. s.]
KO-MAN-NE-KIN-NO-SHAH, his x mark.	[L. s.]
WAU-PA-MAH-SHA EW, his x mark.	[L. s.]
AUCK-KA-NA-PA-WAEW, his x mark.	[L. s.]
AH-WAY-SHA-SHAH, his x mark.	[L. s.]
CHECH-E-QUON-O-WAY, his x mark.	[L. s.]
NAH-PONE, his x mark.	[L. s.]
MO-SHA-HAT, his x mark.	[L. s.]
I-YAW-SHIEW, his x mark.	[L. s.]
KAH WAY-SOT, his x mark.	[L. s.]

Signed and sealed in the presence of us:

JOHN V. SUYDAM, *Sub-Agent*,  
 CHAS. A. GRIGNON, *U. S. Interpreter*,  
 H. W. JONES, *Secretary to the Commissioner*,  
 CHAS. H. WHITE, *Deputy U. S. Marshal*,  
 HEMAN M. CADY, *U. S. Timber Agent*,  
 WILLIAM POWELL,  
 JOHN WILEY,  
 H. L. MURRAY.

Assent of Senate with amendments.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of August, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles and amendments, by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*August, 2, 1854.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement, made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe, on the eighteenth day of October, one thousand eight hundred and forty-eight; with the following

#### AMENDMENTS.

ARTICLE 4. Strike out the words, "one hundred and fifty thousand," and insert in lieu thereof the words: *two hundred and forty-two thousand six hundred and eighty-six.*

ARTICLE 6. Insert at the end thereof the following: *and assented to by Osh-Kosh and Ke-she-nah, chiefs of said tribe.*

Attest:

ASBURY DICKINS, *Secretary.*

We, the chiefs, headmen, and warriors of the Menomonee tribe of Indians, parties to the articles of agreement made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of

May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe, such articles being supplementary and amendatory to the treaty of eighteenth October, 1848; having had the amendments made by the Senate of the United States on the second day of August, A. D. 1854, fully explained to us in general council assembled, which amendments are in the following words, viz:

## AMENDMENTS:

ARTICLE 4. Strike out the words "one hundred and fifty thousand," and insert in lieu thereof the words: *two hundred and forty-two thousand six hundred and eighty-six.*

ARTICLE 6. Insert at the end thereof the following: *and assented to by Osh-kosh and Ke-she-nah, chiefs of said tribe*—do hereby accept and consent to the said amendments to the articles of agreement aforesaid, and agree that the same shall be considered as a part thereof; and we, the said Osh-kosh and Ke-she-nah, having had the said articles and amendments fully explained to us, do hereby assent, accept, and agree to the same.

In testimony whereof, we have hereunto set our hands and affixed our seals, this 22d day of August, A. D. 1854.

OSH-KOSH, his x mark.	[L. S.]
KE-SHE-NAH, his x mark.	[L. S.]
LAMOTTE, his x mark.	[L. S.]
WAU-KE-CHON, his x mark.	[L. S.]
WAY-TAN-SAH, his x mark.	[L. S.]
CARRAN, his x mark.	[L. S.]
SHO-NE-NIEW, his x mark.	[L. S.]
PE-QUO-QUON-NAH, his x mark.	[L. S.]
SHAW-POA-TUCK, his x mark.	[L. S.]
WAU-PEN-NA-NOSH, his x mark.	[L. S.]
SHO-NE-ON, his x mark.	[L. S.]
SHA-WAN-NA-PENASSE, his x mark.	[L. S.]
TA-KO, his x mark.	[L. S.]
KO-MAN-NE-KIN-NO-SHAH, his x mark.	[L. S.]
WAU-PA-MAH-SHAEW, his x mark.	[L. S.]
AUK-KA-NA-PA-WAEW, his x mark.	[L. S.]
AH-WA-SHA-SHAH, his x mark.	[L. S.]
CHECH-E-QUON-O-WAY, his x mark.	[L. S.]
NAH-PONE, his x mark.	[L. S.]
MO-SHA-SHAT, his x mark.	[L. S.]
I-YAW-SHIEW, his x mark.	[L. S.]
KAH-WAY-SOT, his x mark.	[L. S.]
MIS-KE-E-NA-NIEW, his x mark.	[L. S.]
I-AM-A-TAH, his x mark.	[L. S.]
WIS-KE-NO, his x mark.	[L. S.]

Signed in presence of

JOHN V. SUYDAM, *Sub-Agent*,  
 CHAS. A. GRIGNON, *U. S. Interpreter*,  
 WILLIAM POWELL,  
 F. DESNOYERS,  
 E. D. GUSNAER,  
 HENRY C. SCOTT,  
 R. A. JONES,  
 JOHN WILEY.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the second day of August, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty, and the amendments thereto.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this second day of August, in  
[L. s.] the year of our Lord eighteen hundred and fifty-four, and  
of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA :

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the city of Washington on the seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a, or No Heart; Shoon-ty-ing-a, or Little Wolf; Wah-moon-a-kah, or the Man who Steals; and Nar-ge-ga-rash, or British; they being thereto duly authorized by said tribe, which treaty is in the words following, to wit:

May 17, 1854.

Articles of agreement and convention made and concluded at the city of Washington, this seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a, or No Heart; Shoon-ty-ing-a, or Little Wolf; Wah-moon-a-ka, or the Man who Steals; and Nar-ge-ga-rash, or British; they being thereto duly authorized by said tribe.

ARTICLE 1. The Ioway tribe of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the country, with the exception hereinafter named, which was assigned to them by the treaty concluded with their tribe and the Missouri band of Sacs and Foxes, by William Clark, superintendent of Indian affairs, on the seventeenth of September, one thousand eight hundred and thirty-six, being the upper half of the tract described in the second article thereof, as "the small strip of land on the south side of the Missouri River, lying between the Kickapoo northern boundary line and the Grand Nemahaw River, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sacs and Foxes; the lower half to the Sacs and Foxes, the upper half to the Ioways," but they except and reserve of said country, so much thereof as is embraced within, and designated by the following metes and bounds, viz: Beginning at the mouth of the Great Nemahaw River where it empties into the Missouri; thence down the Missouri River to the mouth of Noland's Creek; thence due south one mile; thence due west to the south fork of the Nemahaw River; thence down the said fork with its meanders to the Great Nemahaw River, and thence with the meanders of said river to the place of beginning, which country, it is hereby agreed, shall be the future and permanent home of the Ioway Indians.

Cession to the United States.

vol. vii. p. 511.

Reservation.

ARTICLE 2. In consideration of the cession made in the preceding article, the United States agree to pay in the manner hereinafter prescribed, to the Ioway Indians, all the moneys received from the sales of the lands which are stipulated in the third article hereof, to be surveyed and sold — after deducting therefrom the costs of surveying, managing, and selling the same.

Proceeds of sales to be paid over to the Indians.

ARTICLE 3. The United States agree to have surveys made of the

Disposition of the ceded lands.

country ceded by the Ioways in article first in the same manner that the public lands are surveyed, and as soon as it can conveniently be done; and the President, after the surveys shall have been made and approved, shall proceed to offer said surveyed land for sale, at public auction, being governed therein by the laws of the United States respecting sales of public lands; and such of said lands as may not be sold at public sales, shall be subject to private entry in the manner that private entries are made of United States land; and all the land remaining unsold after being for three years subject to private entry at the minimum government price, may, by act of Congress, be graduated and reduced in price until the whole is disposed of, proper regard being had, in making such reduction, to the interests of the Ioways and the speedy settlement of the country. Until after the said land shall have been surveyed, and the surveys approved, no white persons or citizens shall be permitted to make thereon any location or settlement; and the provisions of the act of Congress, approved on the third day of March, one thousand eight hundred and seven, relating to lands ceded to the United States, shall, so far as they are applicable, be extended over the lands herein ceded.

Provision re-  
specting the Sacs  
and Foxes.

ARTICLE 4. It being understood that the present division line between the Ioways and the Sacs and Foxes of Missouri, as run by Isaac McCoy, will, when the surveys are made, run diagonally through many of the sections, cutting them into fractions; it is agreed that the sections thus cut by said line, commencing at the junction of the Wolf with the Missouri River, shall be deemed and taken as part of the land hereinbefore ceded and directed to be sold for the benefit of the Ioways, until the quantity thus taken, including the before-recited reservation, and all the full sections north of said line, shall amount to two hundred sections of land. And should the Sacs and Foxes of Missouri consent to a change of their residence and be so located by the United States as to occupy any portion of the land herein ceded and directed to be sold for the benefit of the Ioways, west of the tract herein reserved, the Ioways hereby agree to the same, and consent to such an arrangement, upon the condition that a quantity of land equal to that which may be thus occupied by the Sacs and Foxes, and of as good quality, shall be set apart for them out of the country now occupied by the last named tribe, contiguous to said division line, and sold for their benefit as hereinbefore provided.

Investment of  
the surplus of  
sales and appro-  
priation of the  
income.

ARTICLE 5. As the receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject shall be referred to the President of the United States, who may, from time to time, prescribe how much of the proceeds thereof shall be paid out to the Ioway people, and the time and mode of such payment, and also how much shall be invested in safe and profitable stocks, the principal of which to remain unimpaired and the interest to be applied annually for the civilization, education, and religious culture of the Ioways and such other objects of a beneficial character as may be proper and essential to their well-being and prosperity: provided, that if necessary, Congress may, from time to time, by law, make such regulations in regard to the funds arising from the sale of said lands, and the application thereof for the benefit of the Ioways, as may in the wisdom of that body seem just and expedient.

Division of the  
reserved lands.

ARTICLE 6. The President may cause the country the Ioways have reserved for their future home, to be surveyed, at their expense, and in the same way as the public lands are surveyed, and assign to each person or family such portion thereof as their industry and ability to manage business affairs may, in his opinion, render judicious and proper; and Congress may hereafter provide for the issuing to such persons, patents for the same, with guards and restrictions for their protection in the possession and enjoyment thereof.

Grant to the  
board of mis-  
sions.

ARTICLE 7. Appreciating the importance and the benefit derived from the mission established among them by the board of foreign mis-

sions of the Presbyterian church, the Ioways hereby grant unto the said board a tract of three hundred and twenty acres of land, to be so located as to include the improvements at the mission, and also a tract of one hundred and sixty acres of timbered land to be selected by some agent of the board from the legal subdivisions of the surveyed land; and the President shall issue a patent or patents for the same, to such person or persons as said board may direct. They further grant to John B. Roy, their interpreter, a tract of three hundred and twenty acres of land, to be selected by him in "Wolf's Grove," for which the President shall also issue a patent. Grant to John B. Roy.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund. Private debts not to be paid out of the general fund.

ARTICLE 9. As some time must elapse before any benefit can be derived from the proceeds of the sale of their land, and as it is desirable that the Ioways should at once engage in agricultural pursuits and in making improvements on the tract hereinbefore reserved for them, it is hereby agreed that, of the fund of one hundred and fifty-seven thousand five hundred dollars, set apart to be invested by the second clause of the second article of the treaty concluded on the nineteenth day of October, one thousand eight hundred and thirty-eight, a sum not exceeding one hundred thousand dollars shall be paid to the Indians, or expended under the direction of the President for the erection of houses, breaking and fencing lands, purchasing stock, farming utensils, seeds, and such other articles as may be necessary for their comfort. Fifty thousand dollars, or so much thereof as may be deemed expedient, to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-four; and the other fifty thousand dollars, or so much thereof as shall be deemed expedient, to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-five. The residue of said fund of one hundred and fifty-seven thousand five hundred dollars on hand after the payments herein provided for have been made, shall remain as a trust fund, the interest upon which, as well as the interest that may have accrued on the portion drawn out, shall be applied under the direction of the President to educational or other beneficial purposes among the Ioways. Part of the fund set apart by treaty of Oct. 19, 1838, (vol. vii. p. 568,) may be spent.

ARTICLE 10. It is agreed that all roads and highways, laid out by authority of law, shall have a right of way through the lands herein reserved, on the same terms as are provided by law when roads and highways are made through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Ioways, shall have right of way, on the payment of a just compensation therefor in money. The remainder to be still held in trust.

ARTICLE 11. The Ioways promise to renew their efforts to suppress the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible effort to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves to commit no depredation or wrong upon either Indians or citizens; and whenever difficulties arise, they will abide by the laws of the United States, in such cases made and provided, as they expect to be protected and to have their rights vindicated by them. Construction of Roads.

ARTICLE 12. The Ioway Indians release the United States from all claims and demands of every kind and description arising under former treaties; and agree to remove themselves within six months after the ratification of this instrument, to the lands herein reserved for their homes; in consideration whereof, the United States agree to pay to said Indians five thousand dollars — two thousand of which with such portion of balances of former appropriations of interest fund, as may not now be Provisions against use of ardent spirits.

Friendly conduct.

Release of claims under former treaties.

necessary under specific heads, may be expended in the settlement of their affairs, preparatory to removal.

ARTICLE 13. The object of this instrument being to advance the interests of the Ioway people, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment, may be most beneficial to them; or Congress may hereafter make such provision by law as experience shall prove to be necessary.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Ioway tribe of Indians, have hereunto set their hands and seals, at the place and on the day and in the year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*. [L. s.]

NAN-CHEE-NING-A, or No Heart, his x mark. [L. s.]

SHOON-TY-ING-A, or Little Wolf, his x mark. [L. s.]

WAH-MOON-NA-KA, or The Man who Steals, his x mark. [L. s.]

NAR-GE-GA-RASH, or British, his x mark. [L. s.]

Executed in the presence of—

JAS. D. KERR.

JAS. T. WYNNE.

N. QUACKENBUSH.

WM. B. WAUGH.

D. VANDERSLICE, *Indian Agent*.

JOHN B. ROY, his x mark, *U. S. Interpreter*.

WM. B. WAUGH, *witness to signing of John B. Roy*.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 11, 1854.

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a, or No Heart; Shoon-ty-ing-a, or Little Wolf; Wah-moon-a-kah, or the Man who Steals; and Nar-ge-ga-rash, or British; they being thereto duly authorized by said tribe.

Attest:

ASBURY DICKENS, *Secretary*.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

May 18, 1854.

WHEREAS, a treaty was made and concluded at the city of Washington on the eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-to-o-ke-mah, or Hard Fish; Mo-less or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-to-o-ke-mah, or Hard Fish; Mo-less or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians.

Cession of  
land to the  
United States.

ARTICLE 1. The Sacs and Foxes of Missouri hereby cede, relinquish and convey to the United States all their right, title and interest in and to the country assigned to them by the treaty concluded on the seventeenth day of September, one thousand eight hundred and thirty-six, between William Clark, superintendent of Indian affairs, on the part of the United States, and the Ioways and Missouri Sacs and Foxes, being the lower half of the country described in the second article thereof as "the small strip of land on the south side of the Missouri River, lying between the Kickapoo northern boundary line and the Grand Nemahaw River, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sacs and Foxes; the lower half to the Sacs and Foxes, the upper half to the Ioways;" saving and reserving fifty sections, of six hundred and forty acres each, which shall be selected in the western part of the cession by the delegates, parties hereto, and the agent for the tribe after their return home, and which shall be located in one body and set off by metes and bounds: *Provided*, That the delegates and agent can find such an amount of land in one body within said specified section of country suitable to the wants and wishes of the Indians. *And it is further provided*, That should a suitable location, upon examination, to the full extent of fifty sections not be found within said western part of this cession, then the said delegates and agent shall be permitted to extend the location west or northwest of the country herein ceded and south of the Great Nemahaw River, over so much of the public domain, otherwise unappropriated, as shall make up the deficiency; or to make a selection entirely beyond the limits of the country herein ceded upon any lands of the United States, not otherwise appropriated, lying as aforesaid west or northwest of the ceded country and South of the Great Nemahaw. And in either case they shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the

Reservation.

description thereof signed by said delegates and agent to the Commissioner of Indian Affairs; and thereupon the selection so made, shall be taken and deemed as the future permanent home of the Sacs and Foxes of Missouri. It is expressly understood that these Indians shall claim under this article, no more than fifty sections of land, and if that quantity or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation or a quantity equal to that which may be selected outside thereof, shall be and the same is hereby ceded, relinquished, and conveyed to the United States.

ARTICLE 2. In consideration of the cession and relinquishment made in the preceding article, the United States agree to pay to the Sacs and Foxes of Missouri, the sum of forty-eight thousand dollars, in manner following, viz: fifteen thousand dollars in the month of October in each of the years one thousand eight hundred and fifty-four, and one thousand eight hundred and fifty-five; ten thousand dollars in the same month of the year one thousand eight hundred and fifty-six, and eight thousand dollars in the same month of the year one thousand eight hundred and fifty-seven; which several sums shall be paid directly to the Indians, or otherwise, as the President may deem advisable, for building houses, breaking and fencing lands, purchasing stock, farming implements, seeds, and such other articles as may be necessary for their comfort and prosperity.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Sacs and Foxes of Missouri; and may assign to each person, or family, desiring it, such quantity of land as, in his opinion, will be sufficient for such person, or family, with the understanding that he or they will occupy, improve, and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may prescribe.

ARTICLE 4. The said Indians reserve a tract of one section of land at the site of their present farm and mill, and to include the same; and if they desire it, said farm may be cultivated for them for a term not exceeding two years—at the end of which time, or sooner if the Indians request it, the said tract and mill may be sold by the President to the highest bidder, and upon payment being made a patent to issue to the purchaser; the proceeds of the sale to be paid over to the Indians with their other moneys.

ARTICLE 5. At the request of the Indians it is hereby agreed that the board of foreign missions of the Presbyterian church shall have a tract of one hundred and sixty acres of land, to be selected by said board at a distance not exceeding two miles in a westerly direction from the grant made to said board at their mission by the Ioway Indians—and the President is authorized to issue a patent for the same to such person or persons as said board may designate.

ARTICLE 6. The said Indians release the United States from all claims or demands of any kind whatsoever arising, or which may hereafter arise, under former treaties, and agree to remove within six months after the ratification of this instrument, and to subsist themselves without cost to the United States; in consideration of which release and agreement the United States agree to pay them the sum of five thousand dollars—three thousand of which may be applied to the settlement of their affairs preparatory to removal.

ARTICLE 7. The invested fund provided by the second clause of the second article of the treaty of twenty-first day of October, one thousand eight hundred and thirty-seven (being one hundred and fifty-seven thousand four hundred dollars) shall remain with the United States at an annual interest of five per cent., which interest as it accumulates shall

Payment for said cession.

Disposition of said reservation.

Reserve of their farm and mill.

Grant to the board of missions.

Release of claims under former treaties.

Provisions respecting the fund invested under treaty of Oct. 21, 1837, (vol. vii. p. 541.)

be expended under the direction of the President in such manner as he may deem best for the interests of the Indians—and a like disposition may be made of any unexpended balance of interest now on hand.

Private debts  
not to be charg-  
ed on the fund.

ARTICLE 8. No part of the moneys hereby stipulated to be paid to the Indians or for their benefit, or of their invested fund, shall be applied to the payment of debts contracted by them in their private dealings, as individuals, whether with traders or otherwise.

Construction  
of roads.

ARTICLE 9. It is agreed by said Indians that all roads and highways laid out by authority of law, shall have right of way through their reservation on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of these Indians, shall have right of way on the payment of a just compensation therefor in money.

Ardent spirits.

ARTICLE 10. The said Indians promise to use their best efforts to prevent the introduction and use of ardent spirits in their country; to encourage industry, thrift and morality; and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and therefore bind themselves to commit no depredation or wrong upon either Indians or citizens, and whenever difficulties arise, to abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

Conduct of  
Indians.

Future ar-  
rangements to ef-  
fectuate the ob-  
jects of this  
treaty.

ARTICLE 11. The object of these articles of agreement and convention being to advance the true interests of the Sac and Fox Indians, it is agreed should they prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment may be most beneficial to them; or Congress may hereafter make such provisions by law, as experience shall prove to be necessary.

ARTICLE 12. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner aforesaid and the delegates of the Sacs and Foxes of Missouri, have hereunto set their hands and seals at the place, and on the day and year first above written.

GEORGE W. MANNYPENNY, *Commissioner*. [L. S.]

PE-TO-O-KE-MAH, or Hard Fish, his x mark. [L. S.]

MO-LESS or Wah-pe-nem-mah, or Sturgeon, his x mark. [L. S.]

NE-SON-QUOIT, or Bear, his x mark. [L. S.]

MO-KO-HO-KO, or Jumping Fish, his x mark. [L. S.]

NO-KO-WHAT, or Fox, his x mark. [L. S.]

Executed in presence of —

CHARLES CALVERT.

JOHN WEST.

WM. B. WAUGH.

D. VANDERSLICE, *Indian Agent*.

PETER CADUE, his x mark, *United States Interpreter*.

WM. B. WAUGH, *witness to signing of Peter Cadue*.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did on the eleventh day of July one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 11, 1854.

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-to-o-ke-mah, or Hard Fish; Mo-less or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians.

Attest:

ASBURY DICKINS, *Secretary*.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of July,  
in the year of our Lord one thousand eight hundred and fifty-  
(L. s.) four, and of the independence of the United States the  
seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY, *Secretary of State*.

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

May 18, 1854.

WHEREAS, a treaty was made and concluded at the city of Washington on the eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk; Kap-i-o-mah, or the Fox Carrier; No-ka-wat, or the Fox Hair; Pe-sha-gon, or Tug made of Bear Skin; and Ke-wi-sah-tuk, or Walking Bear or Squire, thereto duly authorized by said tribe, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk, Kap-i-o-mah, or the Fox Carrier, No-ka-wat, or the Fox Hair; Pe-sha-gon, or Tug made of Bear Skin, and Ke-wi-sah-tuk, or Walking Bear or Squire, thereto duly authorized by said tribe.

Cession of land  
to the United  
States.

Reservation for  
a permanent  
home.

ARTICLE 1. The Kickapoo tribe of Indians hereby cede, sell, and convey unto the United States all that country southwest of the Missouri River, which was provided, as a permanent home, for them in the treaty of Castor Hill, of the twenty-fourth of October, one thousand eight hundred and thirty-two; and described in the supplemental article thereto, entered into at Fort Leavenworth, on the twenty-sixth of November, one thousand eight hundred and thirty-two, as follows: Beginning "on the Delaware line, where said line crosses the left branch of Salt creek, thence down said creek to the Missouri river, thence up the Missouri river thirty miles when measured on a straight line, thence westwardly to a point twenty miles from the Delaware line, so as to include in the lands assigned to the Kickapoos, at least twelve hundred square miles;" saving and reserving, in the western part thereof, one hundred and fifty thousand acres for a future and permanent home, which shall be set off for, and assigned to, them by metes and bounds. *Provided*, That upon the return home of the delegates here contracting, and upon consultation with their people, and after an exploration if required by them, in company with their agent, a location to that extent can be found within said specified section of country suited to their wants and wishes. *And it is also further provided*, That should a suitable location, upon examination and consultation, to the full extent of one hundred and fifty thousand acres, not be found within said western part of this cession, then the said delegates and agent shall be permitted to extend the location beyond the western line of the country herein ceded and north of the recent Delaware line over so much of the public domain, otherwise unappropriated, as shall make up the deficiency — or to make a selection entirely beyond the limits of the country at present occupied by the Kickapoos upon any lands of the United States, not otherwise appropriated, lying within the limits bounded by the said western line, by the recent Delaware northern line, and the waters of the Great Nemahaw river; and in either case they

shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the description thereof, signed by said delegates and agent, to the Commissioner of Indian Affairs; and thereupon, the selection so made, shall be taken and deemed as the future permanent home of the Kickapoo Indians. It is expressly understood that the Kickapoos shall claim under this article no more than one hundred and fifty thousand acres of land; and if that quantity, or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation, or a quantity equal to that which may be selected outside thereof, shall be, and the same is hereby, ceded and relinquished to the United States.

ARTICLE 2. In consideration whereof the United States agree to pay to the said Indians, under the direction of the President, and in such manner as he shall from time to time prescribe, the sum of three hundred thousand dollars, as follows: one hundred thousand dollars to be invested at an interest of five per centum per annum; the interest of which shall be annually expended for educational and other beneficial purposes. The remaining two hundred thousand dollars to be paid thus: Twenty-five thousand dollars in the month of October, one thousand eight hundred and fifty-four; twenty thousand dollars during the same month in each of the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six; fourteen thousand dollars during the same month in each of the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight; nine thousand dollars in the same month of each of the six years next succeeding that of one thousand eight hundred and fifty-eight; seven thousand dollars in the same month of each of the four years next succeeding the expiration of the last named period of six years; and five thousand dollars in the same month of each of the five years next succeeding the last named four years. And as the Kickapoos will remove to a new home, and will, therefore, require the principal portion of the annual payments for several years to aid in building houses, in breaking and fencing land, in buying stock, agricultural implements, and other articles needful for their comfort and civilization, it is understood that such portion of said annual payments as may be necessary, will be appropriated to, and expended for such purposes.

Payment for  
said cession.

How expended.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Kickapoos; and may assign to each person, or family desiring it, such quantity of land as, in his opinion, will be sufficient for such person, or family, with the understanding that he, or they, will occupy, improve, and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may impose.

Disposition of  
the reservation.

ARTICLE 4. It is agreed that the United States shall pay to such of the Kickapoos, as have improvements upon the lands hereby ceded, a fair compensation for the same — the value to be ascertained in such mode as shall be prescribed by the President.

Payment for  
improvements.

ARTICLE 5. The debts of Indians contracted in their private dealings as individuals, whether to traders or others, shall not be paid out of the general fund.

Private debts  
not to be paid  
from general  
fund.

ARTICLE 6. It is the desire of the Kickapoo Indians that their faithful friend and interpreter, Peter Cadue, should have a home provided for him and his family. It is therefore agreed that there shall be assigned to him a tract of land equal to one section, to be taken from the legal subdivisions of the surveyed land, and to include his present residence and improvement on Cadue's creek, and the President is authorized to issue a patent to him for the same.

Grant to Peter  
Cadue.

Construction  
of roads.

ARTICLE 7. It is agreed that all roads and highways laid out by authority of law, shall have right of way through the reservation on the same terms, as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Kickapoos, shall have right of way on the payment of a fair compensation therefor in money.

Release from  
former treaties.

ARTICLE 8. The Kickapoos release the United States from all claims or demands of any kind whatsoever, arising or which may hereafter arise under former treaties, and agree within twelve months after the ratification of this instrument, to remove and subsist themselves, without cost to the United States; in consideration of which release and agreement, the United States agree to pay them the sum of twenty thousand dollars.

Provision  
against use of  
ardent spirits.

ARTICLE 9. The Kickapoos promise to use their best efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality; and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and therefore bind themselves to commit no depredation or wrong upon Indians or citizens, and whenever difficulties arise to abide by the laws of the United States, in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

Conduct of  
Indians.

Future ar-  
rangements to  
effectuate the  
object of this  
treaty.

ARTICLE 10. The object of these articles of agreement and convention being to advance the true interests of the Kickapoo people, it is agreed, should they prove insufficient from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them; or Congress may hereafter make such provision by law, as experience shall prove to be necessary.

ARTICLE 11. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Kickapoo tribe of Indians, have hereunto set their hands and seals, at the place and on the day and in the year first herein written.

GEORGE W. MANYPENNY, *Commissioner*. [L. S.]

PAH-KAH-KAH, or John Kennekuk, his x mark. [L. S.]

KAP-I-O-MA, or the Fox Carrier, his x mark. [L. S.]

NO-KA-WAT, or the Fox Hair, his x mark. [L. S.]

PE-SHA-GON, or Tug made of Bear Skin, his x mark. [L. S.]

KE-WI-SAH-TUK, or Walking Bear or Squire, his x mark. [L. S.]

Executed in presence of

JAMES D. KERR.

CHARLES CALVERT.

WM. B. WAUGH.

D. VANDERSLICE, *Indian Agent*.

PETER CADUE, his x mark, *United States Interpreter*.

WM. B. WAUGH, *witness to signing of Peter Cadue*.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 11, 1854.

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington, this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk; Kap-i-o-ma, or the Fox Carrier; Noka-wat, or the Fox Hair; Pe-sha-gon, or Tug made of Bear Skin; and Ke-wi-sah-tuk, or Walking Bear or Squire; thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS, *Secretary*.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of July  
in the year of our Lord one thousand eight hundred and  
[L. S.] fifty-four, and of the independence of the United States the  
seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY *Secretary of State*.

FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

May 30, 1854.

WHEREAS a treaty was made and concluded on the thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins; Sa-wa-ne-ke-ah, or Wilson; Sha-cah-quah, or Andrew Chick; Ta-co-nah, or Mitchell; Che-swa-wa, or Rogers; and Yellow Beaver, thereto duly authorized by said tribes; which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the City of Washington this thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates representing the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins; Sa-wa-ne-ke-ah, or Wilson; Sha-cah-quah, or Andrew Chick; Ta-ko-nah, or Mitchel; Che-swa-wa, or Rogers; and Yellow Beaver, they being duly authorized thereto by the said Indians.

Assent of the United States to union of Kaskaskias, Peorias, Piankeshaw, and Wea Indians.

ARTICLE 1. The tribes of Kaskaskia and Peoria Indians, and of Piankeshaw and Wea Indians, parties to the two treaties made with them respectively by William Clark, Frank J. Allen, and Nathan Kouns, Commissioners on the part of the United States, at Castor Hill, on the twenty-seventh and twenty-ninth days of October, one thousand eight hundred and thirty-two, having recently in joint council assembled, united themselves into a single tribe, and having expressed a desire to be recognized and regarded as such, the United States hereby assent to the action of said joint council to this end, and now recognize the delegates who sign and seal this instrument as the authorized representatives of said consolidated tribe.

Cession to the United States.

ARTICLE 2. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, hereby cede and convey to the United States, all their right, title, and interest in and to the tracts of country granted and assigned to them, respectively, by the fourth article of the treaty of October twenty-seventh, and the second article of the treaty of October twenty-ninth, one thousand eight hundred and thirty-two, for a particular description of said tracts, reference being had to said articles; excepting and reserving therefrom a quantity of land equal to one hundred and sixty acres for each soul in said united tribe, according to a schedule attached to this instrument, and ten sections additional, to be held as the common property of the said tribe,—and also the grant to the American Indian Mission Association, hereinafter specifically set forth.

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Reservation.

Disposition of the ceded lands.

Selection of lots.

ARTICLE 3. It is agreed that the United States, shall as soon as it can conveniently be done, cause the lands hereby ceded to be surveyed as the public lands are surveyed; and, that the individuals and heads of families shall, within ninety days after the approval of the surveys, select

the quantity of land therefrom, to which they may be respectively entitled as specified in the second article hereof; and that the selections shall be so made, as to include in each case, as far as possible, the present residences and improvements of each—and where that is not practicable, the selections shall fall on lands in the same neighborhood; and if by reason of absence or otherwise the above mentioned selections shall not all be made before the expiration of said period, the chiefs of the said united tribe shall proceed to select lands for those in default; and shall also, after completing said last named selections, choose the ten sections reserved to the tribe; and said chiefs, in the execution of the duty hereby assigned them, shall select lands lying adjacent to or in the vicinity of those that have been previously chosen by individuals. All selections in this article provided for, shall be made in conformity with the legal subdivisions of the United States lands, and shall be reported immediately in writing, with apt descriptions of the same, to the agent for the tribe. Patents for the lands selected by or for individuals or families may be issued subject to such restrictions respecting leases and alienation, as the President or Congress of the United States may prescribe. When selections are so made or attempted to be made, as to produce injury to, or controversies between individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated, and decided on equitable terms by the council of the tribe, subject to appeal to the agent, whose decision shall be final and conclusive.

ARTICLE 4. After the aforesaid selections shall have been made, the President shall immediately cause the residue of the ceded lands to be offered for sale at public auction, being governed in all respects in conducting such sale, by the laws of the United States for the sale of public lands, and such of said lands as may not be sold at public sale, shall be subject to private entry at the minimum price of United States lands, for the term of three years; and should any thereafter remain unsold, Congress may, by law, reduce the price from time to time, until the whole of said lands are disposed of, proper regard being had in making the reduction, to the interests of the Indians, and to the settlement of the country. And in consideration of the cessions hereinbefore made, the United States agree to pay to the said Indians, as hereinafter provided, all the moneys arising from the sales of said lands after deducting therefrom the actual cost of surveying, managing, and selling the same.

Sale of residue.

ARTICLE 5. The said united tribe appreciate the importance and usefulness of the mission established in their country by the Board of the American Indian Mission Association, and desiring that it shall continue with them, they hereby grant unto said board a tract of one section of six hundred and forty acres of land, which they, by their chiefs, in connection with the proper agent of the board, will select; and it is agreed that after the selections shall have been made, the President shall issue to such person or persons as the aforesaid board may designate, a patent for the same.

Proceeds of sale.

Grant to the American Indian Mission Association.

ARTICLE 6. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, have now, by virtue of the stipulations of former treaties, permanent annuities amounting in all to three thousand eight hundred dollars per annum, which they hereby relinquish and release, and from the further payment of which they forever absolve the United States; and they also release and discharge the United States from all claims or damages of every kind by reason of the non-fulfilment of former treaty stipulations, or of injuries to or losses of stock or other property by the wrongful acts of citizens of the United States; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to said united tribe, under the direction of the President, the sum of sixty-six thousand dollars, in six annual instalments, as follows: In the month of October, in each of the years one thousand eight hun-

Relinquishment of present annuities and of all claims under former treaties.

Payment for such releases.

dred and fifty-four, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of thirteen thousand dollars, and in the same month in each of the years one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine, nine thousand dollars, and also to furnish said tribe with an interpreter and a blacksmith for five years, and supply the smith shop with iron, steel, and tools, for a like period.

Disposition of  
said payments.

ARTICLE 7. The annual payments provided for in article six are designed to be expended by the Indians, chiefly in extending their farming operations, building houses, purchasing stock, agricultural implements, and such other things as may promote their improvement and comfort, and shall so be applied by them. But at their request it is agreed that from each of the said annual payments the sum of five hundred dollars shall be reserved for the support of the aged and infirm, and the sum of two thousand dollars shall be set off and applied to the education of their youth; and from each of the first three there shall also be set apart and applied the further sum of two thousand dollars, to enable said Indians to settle their affairs. And as the amount of the annual receipts from the sales of their lands, cannot now be ascertained, it is agreed that the President may, from time to time, and upon consultation with said Indians, determine how much of the net proceeds of said sales shall be paid them, and how much shall be invested in safe and profitable stocks, the interest to be annually paid to them, or expended for their benefit and improvement.

Settlements by  
others, not per-  
mitted till after  
selections by the  
Indians.

ARTICLE 8. Citizens of the United States, or other persons not members of said united tribe, shall not be permitted to make locations or settlements in the country herein ceded, until after the selections provided for, have been made by said Indians; and the provisions of the act of Congress, approved March third, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as the same are applicable, be extended to the lands herein ceded.

Debts of indi-  
viduals not a  
charge on the  
fund.

ARTICLE 9. The debts of individuals of the tribe, contracted in their private dealings, whether to traders or otherwise, shall not be paid out of the general funds. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, expended or applied, so as to ensure the benefit thereof to their families.

Provision for  
those intem-  
perate, &c.

Provision a-  
gainst the use  
of ardent spirits.

ARTICLE 10. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredation or wrong upon either Indians or citizens; and should difficulties at any time arise, they will abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their rights vindicated by those laws.

Conduct of  
Indians.

Future arrange-  
ments to effect-  
uate the objects  
of this treaty.

ARTICLE 11. The object of the instrument being to advance the interests of said Indians, it is agreed if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the senate, adopt such policy in the management of their affairs, as, in his judgment, may be most beneficial to them; or, Congress may, hereafter, make such provisions by law as experience shall prove to be necessary.

Construction  
of roads.

ARTICLE 12. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands herein ceded and reserved, on the same terms as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way, on the payment of a just compensation therefor in money.

ARTICLE 13. It is believed that all the persons and families of the said combined tribe are included in the annexed schedule, but should it prove otherwise, it is hereby stipulated that such person or family shall select from the ten sections reserved as common property, the quantity due, according to the rules hereinbefore prescribed, and the residue of said ten sections or all of them as the case may be, may hereafter, on the request of the chiefs, be sold by the President, and the proceeds applied to the benefit of the Indians.

Provision for  
persons, omitted  
in schedule.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the said combined tribe, have hereunto set their hands and seals, at the place and on the day and year first above written.

GEORGE W. MANYPENNY, *Commissioner*. [L. S.]

KIO-KAW-MO-ZAN, his x mark. [L. S.]

MA-CHA-KO-ME-AH, or David Lykins. [L. S.]

SA-WA-NE-KE-AH, or Wilson, his x mark. [L. S.]

SHA-CAH-QUAH, or Andrew Chick, his x mark. [L. S.]

TA-KO-NAH, or Mitchel, his x mark. [L. S.]

CHE-SWA-WA, or Rogers, his x mark. [L. S.]

YELLOW BEAVER, his x mark. [L. S.]

Executed in the presence of—

CHARLES CALVERT,

JAS. T. WYNNE,

ROBERT CAMPBELL,

WM. B. WAUGH,

ELY MOORE, *Indian Agent*.

BAPTISTE PEORIA, his x mark, *U. S. Interpreter*.

WM. B. WAUGH, *witness to signing of Baptiste Peoria*.

*Schedule of persons or families composing the united tribe of Weas, Piankeshaws, Peorias, and Kaskaskias, with the quantity of land to be selected in each case as provided in the second and third articles.*

PERSONS OR FAMILIES.	Males.	Females.	Total.	Number of acres.
Mash-she-we-lot-ta, or Joe Peoria, . . . . .	2	2	4	640
Marcus Lindsay, . . . . .	3	3	6	960
Sam Slick, . . . . .	5	1	6	960
Wah-ka-ko-nah, or Billy, . . . . .	1	0	1	160
Wah-kah-ko-se-ah, . . . . .	1	1	2	320
Luther Pascal, . . . . .	2	2	4	640
Lewis Pascal, . . . . .	1	1	2	320
John Pascal, . . . . .	1	0	1	160
Edward Black, . . . . .	3	2	5	800
Sha-cah-quah, or Andrew Chick, . . . . .	3	4	7	1,120
Che-swa-wa, or Rodgers, . . . . .	2	4	6	960
John Westley, . . . . .	1	1	2	320
Ma-co-se-tah, or F. Valley, . . . . .	3	1	4	640

## SCHEDULE OF PERSONS AND FAMILIES—Continued.

PERSONS OR FAMILIES.	Males.	Females.	Total.	Number of acres.
Ma-cha-co-me-yah, or David Lykins,	3	2	5	800
Sa-wa-na-ke-keah, or Wilson,	1	2	3	480
Na-me-quah-wah,	2	0	2	320
Pun-gish-e-no-quah,	1	3	4	640
Ma-cen-sah,	1	1	2	320
Yellow Beaver,	3	3	6	960
John Charly,	3	3	6	960
Bam-ba-kap-wa, or Battiste Charly,	2	3	5	800
Pah-to-cah,	2	2	4	640
Lee-we-ah, or Lewis,	1	2	3	480
Mah-kon-sah, junior,	2	2	4	640
Baptiste Peoria,	3	5	8	1,280
Ma-quah-ko-non-ga, or Lewis Peckham,	5	2	7	1,120
Captain Mark,	2	2	4	640
Te-com-se, or Edward Dajexat,	3	1	4	640
Thomas Hedges,	1	1	2	320
Pah-ka-ko-se-quah,	0	1	1	160
En-ta-sc-ma-quah,	0	1	1	160
Yon-za-na-ke-sa-gah,	2	1	3	480
Aw-sap-peen-quah-zah,	4	0	4	640
Kio-kaw-mo-zaw,	4	2	6	960
Chin-quah-ke-ah,	2	3	5	800
Peter Cloud,	3	—	3	480
Au-see-pan-nah, or Coon,	2	1	3	480
My-he-num-ba,	3	3	6	960
Kish-e-koon-sah,	1	2	3	480
Kish-e-wan-e-sah,	3	1	4	640
Sho-cum-quah,	—	2	2	320
Pe-ta-na-ke-ka-pa,	2	0	2	320
Pa-kan-giah,	2	1	3	480
Se-pah-ke-ah,	1	1	2	320
Ngo-to-kop-wa,	1	1	2	320
Kil-so-quah,	2	2	4	640
Be-zio, or Ben,	1	2	3	480
Kil-son-zah,	1	2	3	480
Shaw-lo-lee,	2	1	3	480
Ke-she-kon-sah, or Wea,	1	2	3	480
Ah-shaw-we-se-wah,	2	—	2	320
George Clinton,	2	—	2	320
Ke-kaw-ke-to-quah,	2	2	4	640
Sa-saw-kaw-quah-ga, or Kain Tuck,	2	3	5	800
Wah-sah-ko-le-ah,	1	3	4	640
Kin-ge-ton-no-zah, or Red Bird,	1	1	2	320
Paw-saw-quah, or Jack Booei,	3	1	4	640
No-wa-ko-se-ah,	2	—	2	320
Me-shin-quah-me-saw,	1	3	4	640
Chen-gwan-zaw,	3	—	3	480
Ke-che kom-e-ah,	2	—	2	320
Na-me-quah-wah, junior,	2	—	2	320
Ta-pah-con-wah,	1	1	2	320
Pa-pee-ze-sa-wah,	1	1	2	320

## SCHEDULE OF PERSONS AND FAMILIES — Continued.

PERSONS OR FAMILIES.	Males.	Females.	Total.	Number of acres.
Ta-ko-nah, or Mitchel, . . .	2	3	5	800
Pe-la-she, . . . . .	1	1	2	320
Wah-ke-shin-gah, . . . . .	2	2	4	640
Waw-pon-ge-quah, or Mrs. Ward,	3	3	6	960
Paw-saw-kaw-kaw-maw, . . .	—	2	2	320
Ke-maw-lan-e-ah, . . . . .	2	3	5	800
Qua-kaw-me-kaw-trua, or J. Cox,	2	2	4	640
Cow-we-shaw, . . . . .	2	—	2	320
Tah-wah-quake-mon-ga, . . .	3	1	4	640

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of August, eighteen hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*August 2, 1854.*

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates representing the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins; Sa-wa-ne-ke-ah, or Wilson; Sha-cah-quah, or Andrew Chick; Ta-ko-nah, or Mitchel; Che-swa-wa, or Rogers; and Yellow Beaver; they being duly authorized thereto by the said Indians.

Attest:

ASBURY DICKENS, *Secretary.*

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in their resolution of August second, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this tenth day of August, in the year of our Lord eighteen hundred and fifty-four, and of the Independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By THE PRESIDENT:

W. L. MARCY, *Secretary of State.*



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. June 5, 1854.

## A PROCLAMATION.

WHEREAS a treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, was concluded and signed by their respective plenipotentiaries at Washington, on the 5th day of June last, which treaty is, word for word, as follows:—

The government of the United States being equally desirous with her Majesty the Queen of Great Britain to avoid further misunderstanding between their respective citizens and subjects, in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article 1 of a convention between the United States and Great Britain, signed at London on the 20th day of October, 1818; and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have, respectively, named plenipotentiaries to confer and agree thereupon—that is to say, the President of the United States of America, William L. Marcy, Secretary of State of the United States, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United Kingdom, Knight of the most ancient and most noble Order of the Thistle, and governor-general in and over all her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward—who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

Preamble.

Negotiators.

ARTICLE 1. It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

Inhabitants of U. States allowed certain privileges in the fisheries.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved, exclusively, for British fishermen.

And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high

Commissioner to determine the reserved fisheries.

contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a commissioner. The said commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing, under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings.

Umpire in case  
of their disagree-  
ment.

The commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of difference or disagreement between the commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the commissioners, or of the arbitrator or umpire, or of their or his omitting, declining, or ceasing to act as such commissioner, arbitrator, or umpire, another and different person shall be appointed or named as aforesaid to act as such commissioner, arbitrator, or umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such commissioners shall proceed to examine the coasts of the North American provinces and of the United States, embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the commissioners and of the arbitrator or umpire shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision of the commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

Rights of Brit-  
ish subjects in  
American fish-  
eries.

ARTICLE 2. It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish: provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Certain arti-  
cles, the growth  
of said countries,  
to be admitted  
into the other  
duty free.

ARTICLE 3. It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country, respectively, free of duty:—

*Schedule.*

Grain, flour, and breadstuffs, of all kinds.  
 Animals of all kinds.  
 Fresh, smoked, and salted meats.  
 Cotton-wool, seeds, and vegetables.  
 Undried fruits, dried fruits.  
 Fish of all kinds.  
 Products of fish, and of all other creatures living in the water.  
 Poultry, eggs.  
 Hides, furs, skins, or tails, undressed.  
 Stone or marble, in its crude or unwrought state.  
 Slate.  
 Butter, cheese, tallow.  
 Lard, horns, manures.  
 Ores of metals, of all kinds.  
 Coal.  
 Pitch, tar, turpentine, ashes.  
 Timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.  
 Firewood.  
 Plants, shrubs, and trees.  
 Pelts, wool.  
 Fish oil.  
 Rice, broomcorn, and bark.  
 Gypsum, ground or unground.  
 Hewn, or wrought, or unwrought burr or grindstones.  
 Dyestuffs.  
 Flax, hemp, and tow, unmanufactured.  
 Unmanufactured tobacco.  
 Rags.\*

ARTICLE 4. It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of her Majesty's said subjects; it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States.

Rights of Americans in the St. Lawrence and the Canadian canals.

This right may be suspended.

It is further agreed, that if at any time the British government should exercise the said reserved right, the government of the United States shall have the right of suspending, if it think fit, the operation of article 3 of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the River St. Lawrence or the canals may continue.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the River St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the government of the United States further engages to urge upon the State governments to secure to the subjects of her Britannic Majesty the use of the several State canals, on terms of equality with the inhabitants of the United States.

Rights of British subjects in Lake Michigan.

And it is further agreed, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the River St. John and

Duty on Maine lumber floated down the St. John.

\* See act of 1854, ch. 269, and act of 1855, ch. 144, carrying out the provisions of this treaty.

its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

Conditions on which this treaty shall take effect.

When to terminate.

ARTICLE 5. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article 4 of the present treaty, with regard to the right of temporarily suspending the operation of articles 3 and 4 thereof.

Newfoundland may be included in this treaty.

ARTICLE 6. And it is hereby further agreed, that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ARTICLE 7. The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty-four.

W. L. MARCY.

ELGIN AND KINCARDINE. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in this city on the 9th instant, by William L. Marcy, Secretary of State of the United States, and John F. Crampton, Esq're, her Britannic Majesty's envoy extraordinary and minister plenipotentiary to this government, on the part of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. S.] Done at the city of Washington, this eleventh day of September, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 5, 1854.

WHEREAS a treaty was made and concluded on the fifth day of June, eighteen hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States, and the following-named delegates, representing the Miami tribe of Indians, viz: Nah-we-lan-quah, or Big Legs; Ma-cat-a-chin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-eah, or John Bowrie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe—and Me-shin-go-me-zia, Po-con-ge-ah, Pim-yi-oh-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present, and assenting, approving, and agreeing to, and confirming said articles of agreement and convention; which treaty is in the words following, to wit:—

Articles of agreement and convention made and concluded at the city of Washington, this fifth day of June, one thousand eight hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States, and the following named delegates representing the Miami tribe of Indians, viz: Nah-we-lan-quah, or Big Legs; Ma-cat-a-chin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-eah, or John Bowrie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe—and Me-shin-go-me-zia, Po-con-ge-ah, Pim-yi-oh-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present, and assenting, approving, agreeing to, and confirming said articles of agreement and convention.

ARTICLE 1. The said Miami Indians hereby cede and convey to the United States, all that certain tract of country set apart and assigned to the said tribe, by the article added by the Senate of the United States, by resolution of the date of February twenty-fifth, one thousand eight hundred and forty-one, to the treaty of November twenty-eighth, one thousand eight hundred and forty, and denominated among the amendments of the Senate as "Article 12," which was assented to by said Indians, on the fifteenth day of May, one thousand eight hundred and forty-one; which tract is designated in said article, as "bounded on the east by the State of Missouri, and on the north by the country of the Weas and Piankeshaws, on the west by the Pottowatomies of Indiana, and on the south by the land assigned to the New York Indians, estimated to contain five hundred thousand acres," excepting and reserving therefrom seventy thousand acres for their future homes, and also a section of six hundred and forty acres for school purposes, to be selected and assigned to said tribe as hereinafter provided.

Cession to the United States.

Vol. vii. p. 585.

Reservation for homes, and schools.

ARTICLE 2. The United States shall, as soon as it can conveniently be done, cause the lands herein ceded and reserved, to be surveyed, as the government lands are surveyed, the Miamis bearing the expense of survey of the reserved land; and within four months after the approval of such surveys, each individual or head of a family of the Miami tribe, now residing on said lands, shall select, if a single person, two hundred acres; and if the head of a family, a quantity equal to two hundred acres for

Disposition of the ceded lands.

each member of the family; which selections shall be so made as to include in each case, as far as practicable, the present residences and improvements of each person or family, and, where it is not practicable, the selection shall fall on lands in the same neighborhood. And if, by reason of absence or otherwise, any single person, or head of a family, entitled to land as aforesaid, shall fail to make his or her selection within the period prescribed, the chiefs of the tribe shall proceed to select the lands for those thus in default. The chiefs shall also select the six hundred and forty acres hereinbefore reserved for their school, to include the buildings erected for school purposes, and to embrace a sufficient portion of timber land. After all of the before-named selections shall have been made, the said chiefs shall further proceed to select, in a compact body, and contiguous to the individual reservations, the residue of the seventy thousand acres excepted and reserved by the preceding article, which body of land shall be held as the common property of the tribe, but may, at any time, when the chiefs and a majority of the tribe request it, be sold by the President, in the manner that public lands of the United States are sold, and the proceeds, after deducting the expense of such sale, be paid to the tribe, under the direction of the President, and in such mode as he may prescribe: *Provided*, That if any single person or family entitled to land, shall have been overlooked, or wrongfully excluded, and shall make the fact appear to the satisfaction of the chiefs, such person or family may, with the approbation of the Commissioner of Indian Affairs, receive their quantity, by the rule prescribed in this article, out of the tract to be thus selected and held as the common property of the tribe. All the selections herein provided for, shall, as far as practicable, be made in conformity with the legal subdivisions of United States lands, and immediately reported to the agent of the tribe, with apt descriptions of the same, and the President may cause patents to issue to single persons or heads of families for the lands selected by or for them, subject to such restrictions respecting leases and alienation as the President or Congress of the United States may impose; and the lands so patented shall not be liable to levy, sale, execution, or forfeiture: *Provided*, That the legislature of a State within which the ceded country may be hereafter embraced, may, with the assent of Congress, remove these restrictions. When selections are so made, or attempted to be made, as to produce injury to, or controversies between, individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated and decided on equitable terms, by the chiefs of the tribe, subject to appeal to the agent, whose decision shall be final.

Sale of the reserves.

Payment for said cession.

ARTICLE 3. In consideration of the cession hereinbefore made, the United States agree to pay to the Miami tribe of Indians the sum of two hundred thousand dollars, in manner as follows, viz: twenty annual instalments of seven thousand five hundred dollars each, the first payable on the first day of October, one thousand eight hundred and sixty, and the remainder to be paid respectively on the first day of October of each succeeding year, until the whole shall have been paid; and the remaining fifty thousand dollars shall be invested by the President in safe and profitable stocks, the interest thereon to be applied, under his direction, for educational purposes, or such objects of a beneficial character, for the good of the tribe, as may be considered necessary and expedient; and hereafter, whenever the President shall think proper, the sum thus provided to be invested, may be converted into money, and the same paid to the tribe in such manner as he may judge to be best for their interests. No part of the moneys in this or the preceding article mentioned shall ever be appropriated or paid to the persons, families, or bands, who, by the fourteenth article of the treaty of November sixth, one thousand eight hundred and thirty-eight, by the third and fifth \* articles of the treaty of

Vol. vii. p. 571.

\* See amendments, *post*, p. 1098, 1099.

November twenty-eight, one thousand eight hundred and forty, or by virtue of two resolutions of Congress, approved March third, one thousand eight hundred and forty-five, and May first, one thousand eight hundred and fifty, or otherwise, are permitted to draw or have drawn in the State of Indiana, their proportion of the annuities of the Miami tribe.

Vol. vii. p. 583.

ARTICLE 4. It is agreed that the remaining instalments of the limited annuity of twelve thousand five hundred dollars, stipulated to be paid by the second article of the treaty of November twenty-eighth, one thousand eight hundred and forty, shall be divided and paid to the said Indians hereafter as follows : to the Indiana Miamis, six thousand eight hundred and sixty-three dollars and sixty-four cents, and to the Western Miamis, five thousand six hundred and thirty-six dollars and thirty-six cents, per annum ; subject, however, to the deductions provided for in the sixth article of this instrument ; and that the permanent annuity stipulated in the fifth article of the treaty of October sixth, one thousand eight hundred and eighteen, as modified by the fifth article of the treaty of October twenty-third, one thousand eight hundred and thirty-four, for a blacksmith and miller, shall be continued for the benefit of said Western Miamis ; but the said Miami Indians hereby relinquish and forever absolve the United States from the payment of the permanent annuity of twenty-five thousand dollars, stipulated in the fourth article of the treaty of October twenty-third, one thousand eight hundred and twenty-six, of the permanent provisions for money in lieu of laborers, for agricultural assistance, for tobacco, iron, steel, and salt, and from the payment of any and all other annuities of every kind or description, if any there be, to which said Indians may now be entitled by virtue of the stipulations of any former treaty or treaties ; and they also release and discharge the United States from all claims or damages on account of the non-fulfilment of the stipulations of any former treaties, or of injuries to, or destruction or loss of property by, the wrongful acts of citizens or agents of the United States or otherwise ; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to the said Miami Indians, the sum of four hundred and twenty-one thousand four hundred and thirty-eight dollars and sixty-eight cents, in manner as follows, viz : one hundred and ninety thousand four hundred and thirty-four dollars and sixty-eight cents, to the Miami Indians residing on the ceded land ; and two hundred and thirty-one thousand and four dollars, to the Miami Indians in the State of Indiana ; to be paid under the direction of the President, and in such manner and for such objects as he may prescribe, in six equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four. And in full payment and satisfaction of a balance of eight thousand dollars and sixty-eight cents, heretofore appropriated by Congress to pay for the valuation of certain improvements, or to make others in lieu of them, but which, not having been expended, has gone to the surplus fund ; and of the accumulation of the appropriations for the support of the poor and infirm, and the education of the youth of the tribe, as provided by the treaties of October twenty-third, one thousand eight hundred and twenty-six, and November sixth, one thousand eight hundred and thirty-eight, amounting to fourteen thousand two hundred and twenty-three dollars and fifty cents ; and of the claims of the Miamis who live on the ceded land, for damages and loss of stock and other property, caused by their removal west, and their subsequent loss by removal from Sugar Creek—it is agreed that the United States will pay to the Miami Indians residing on said ceded lands, the sum of thirty thousand dollars, to be paid as follows, viz : fourteen thousand two hundred and twenty-three dollars and fifty cents, in three equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four ; and the sums of eight thousand dollars and sixty-eight cents, in lieu of

Mode of payment of the remaining instalments due under treaty of Nov. 23, 1840.

Vol. vii. p. 583.

Blacksmith and Miller.

Vol. vii. p. 190.

Vol. vii. p. 464.

Release of claims under other treaties.

Vol. vii. p. 300.

Payment for such release.

Vol. vii. p. 300.

Vol. vii. p. 569.

Mode of payment.

the improvement money referred to, and seven thousand seven hundred and seventy-five dollars and eighty-two cents, being the residue of said amount of thirty thousand dollars, shall be paid immediately after the requisite appropriation shall have been made: *Provided*, That the said sum of eight thousand dollars and sixty-eight cents, shall be paid to the persons who are entitled to the same, as far as that may be practicable; and the seven thousand seven hundred and seventy-five dollars and eighty-two cents shall be paid to such of the Miamis west as have lost stock or other property by wrongful acts of citizens of the United States, while in the Indian country, and to those who were injured by the loss of improvements in their removal from Sugar Creek to their present home. The claimants, in all cases, to file their demands with the chiefs within six months after the ratification of this instrument; and if the aggregate sum of the lawful claims exceeds the amount of the fund, the claims shall be reduced by a uniform rule, so that each claimant shall receive his pro rata; but if it fall within the amount of said fund, the excess shall be paid to the tribe as annuities are paid. Any person aggrieved by the decision of the chiefs may appeal to the agent: *Provided, however*, That if the Miami Indians of the State of Indiana desire it, and notify the Secretary of the Interior of that fact, he will cause the said sum of two hundred and thirty-one thousand and four dollars, to be invested for them in safe stocks, and pay over annually to said Indians the interest arising from such investment, and the said Miami Indians now present from the State of Indiana, agree to take the opinion of their people on their return home, and advise the department without delay.\*

Claims, how made.

The annuity of \$25,000 to be paid for 1854 and 1855, and no longer.

Division of the money.

ARTICLE 5. It is hereby understood and agreed, respecting the permanent annuity of twenty-five thousand dollars, that the said Indians shall receive the same for the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, but no longer. It is also understood and agreed (the Miamis west consenting) that as the Miamis of Indiana have had no share of the iron, steel, salt, tobacco, and so forth, given under treaty stipulations, and that as there is now in the treasury under those heads of appropriation an unexpended balance of four thousand and fifty-nine dollars and eight cents, they shall have and receive said amount—and that the said annuity of twenty-five thousand dollars for said two years, shall be divided between the Miamis of Indiana and those west of Missouri, in the same proportion as the annuity of twelve thousand five hundred dollars is divided in the preceding article.

Repayment to United States of amount advanced under act of 1852, ch. 103.

ARTICLE 6. The United States having advanced, in pursuance of a provision of the act of Congress approved August thirtieth, one thousand eight hundred and fifty-two, entitled "An act making appropriations for the current and contingent expenses of the Indian Department," &c., the sum of twelve thousand four hundred and thirty-seven dollars and six cents to the Miami Indians, for the payment of an amount due to the Bel River band that had been erroneously paid to the "Miami Nation;" and the sum of one thousand five hundred and fifty-four dollars and sixty-three cents only, having, since said advance, been withheld by the United States, as a reimbursement in part therefor, and there being still due to the United States, on account thereof, the sum of ten thousand eight hundred and eighty-two dollars and forty-three cents, it is hereby agreed that said balance shall be reimbursed fully to the United States out of the limited annuity of twelve thousand five hundred dollars, before mentioned in this instrument, in the manner and proportions following; that is to say, out of said annuity for the year one thousand eight hundred and fifty-four, and each of the five consecutive years, there shall be retained from the portion to be paid in those years to the Miamis of Indiana, the sum of eight hundred and fifty-three dollars and sixty-three cents, and from the portion to be paid to the Miamis west, the sum of seven hundred dollars

\* See amendments, *post*, p. 1098, 1099.

and ninety-nine cents, and in the year one thousand eight hundred and sixty, from the portion due the Miamis of Indiana, the sum of eight hundred and fifty-three dollars and sixty-eight cents, and from the portion due those west, the sum of seven hundred and one dollars and three cents.

ARTICLE 7. Citizens of the United States or other persons not members of said tribe, shall not be permitted to make locations or settlements in the ceded country, until after the selections hereinbefore provided for have been made; and the provisions of the act of Congress approved March third, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as the same are applicable, be extended to the lands herein ceded. Settlement of the ceded lands.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, expended or applied, so as to ensure the benefit thereof to their families. Private debts not a charge on the general fund. Provision respecting the idle and intemperate.

ARTICLE 9. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift, and morality, and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredations or wrong upon either Indians or citizens; and should difficulties at any time arise, they will abide by the laws of the United States in such cases made and provided, as they expect to be protected, and to have their rights vindicated by those laws. Conduct of the Indians.

ARTICLE 10. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands herein reserved, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way on the payment of a just compensation therefor in money. Construction of roads.

ARTICLE 11. The object of this instrument being to advance the interests of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary. Future arrangements to effectuate the objects of this treaty.

ARTICLE 12. It is agreed that the first instalment of the fourteen thousand two hundred and twenty-three dollars and fifty cents, mentioned in the fourth article, being the accumulation of the poor, infirm, and education fund, shall be applied, under the direction of the President, to purposes of education; and that a sufficient sum shall annually be set apart out of the payments to the Miamis west of Missouri, so long as any of the annuities herein provided for shall continue, to be expended under the direction of the chiefs, for the support of the poor and infirm, and for defraying any expenses of the tribe of a civil nature. Application of the first instalment of one of the above payments.

ARTICLE 13. It is hereby agreed that the sum of six thousand five hundred dollars may be set apart from each of the first four annual payments to be made to the Miamis west, and applied as far as it may be necessary to the settlement of their affairs. It is also agreed that so much as may be necessary for the repair of their mill and school-house, shall be set apart from any fund now on hand belonging to said Indians, or be taken from any of the first instalments in this instrument provided for. Application of part of the annual payments to the Miamis west. Mill and school-house.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, Commissioner as aforesaid, and the said delegates representing the Miami tribe of Indians, and also the said Miami Indians residents of the State of Indiana, have hereunto set their hands and seals, at the place, and on the day and year first above written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
NAH-WE-LAN-QUAH, or Big Legs, his x mark.	[L. S.]
MA-CAT-A-CHIN-QUAH, or Little Doctor, his x mark.	[L. S.]
LAN-A-PIN-CHAH, or Jack Hackley.	[L. S.]
SO-NE-LAN-GISH-EAH, or John Bowrie, his x mark.	[L. S.]
WAN-ZOP-E-AH, his x mark.	[L. S.]

*Miamis of Indiana.*

ME-SHIN-GO-ME-ZIA, his x mark.	[L. S.]
PO-CON-GE-AH, his x mark.	[L. S.]
PIM-YI-OH-TE-NAH, his x mark.	[L. S.]
WOP-POP-PE-TAH, or Bondy.	[L. S.]
KE-AH-COT-WOH, or Buffalo, his x mark.	[L. S.]

Executed in presence of:

NATHAN RICE,  
JOSEPH F. BROWN,  
ROBERT CAMPBELL,  
JAMES T. MILLER,  
WM. B. WAUGH,  
ELY MOORE, *Indian Agent.*  
BAPTISTE PEORIA, his x mark, *U. S. Interpreter.*  
W. B. WAUGH, *witness to signing of Baptiste Peoria.*

Assent of Senate with amendments.

And whereas the said treaty, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of August, eighteen hundred and fifty-four, advise and consent to the ratification of its articles and amendments, by a resolution in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

*August 4, 1854.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, this fifth day of June, one thousand eight hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States, and the following named delegates, representing the Miami tribe of Indians, viz: Nah-we-lan-quah, or Big Legs: Ma-cat-a-chin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-eah, or John Bowrie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe; and Me-shin-go-me-ziah, Po-con-ge-ah, Pim-yi-oh-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present and assenting, approving, agreeing to, and confirming said articles of agreement and convention with the following

AMENDMENTS:

Amendments.

- ARTICLE 3. Strike out the words "third and fifth," and insert the words *fifth and seventh* in lieu thereof.
- ARTICLE 4. Strike out the following words; "Provided, however,

That if the Miami Indians of the State of Indiana desire it, and notify the Secretary of the Interior of that fact, he will cause the said sum of two hundred and thirty-one thousand and four dollars to be invested for them in safe stocks, and pay over annually to said Indians the interest arising from such investment, and the said Miami Indians now present from the State of Indiana agree to take the opinion of their people on their return home, and advise the department without delay,"—and insert the following words in lieu of the words so stricken out:—

The sum of two hundred and thirty-one thousand and four dollars hereby stipulated to be paid to the Miami Indians of Indiana, shall be held by the United States for said last-named Indians, and by the government invested as the President may direct, at an interest of five per cent. per annum, and which interest shall be paid annually, for the period of twenty-five years, to the said Miami Indians of Indiana, and at the expiration of that time, or sooner if required by them and approved by the President, the principal sum to be paid in full, the United States being directly responsible therefor, said investment to be made and the interest thereon to commence accruing the first day of July, eighteen hundred and fifty-five, and thence to continue: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miamies of Indiana, in the presence of the Commissioner of Indian Affairs, in June, eighteen hundred and fifty-four, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation moneys and interest hereby stipulated to be paid to the Miami Indians of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council, according to the custom of Miami tribe of Indians: *Provided*, That the sum of nine thousand seven hundred and forty-six dollars and fourteen cents shall immediately be paid out of said sum of two hundred and thirty-one thousand and four dollars (and deducted from the same) to the following persons, who are a portion of the Miami tribe of Indians residing in Indiana, and in the following manner; seven thousand six hundred and eighty-nine dollars and twenty-two cents to the family of Jane T. Griggs, consisting of herself and six children, to wit: Warren A—, Charles F—, Anthony W—, Ann Eliza—, Martha Jane, and Maria Elizabeth Griggs, which sum may be paid to the said Jane T. Griggs, and her husband John H. Griggs, the father of said children, or to either of them; and the sum of two thousand and fifty-six dollars and ninety-two cents to Sash-o-quash and his wife E-len-e-pish-o-quash, which may be paid to the said Sash-o-quash, it being understood that the said Griggs family have drawn but one annuity for the last eight years, the others having been paid to the balance of the tribe; which sum of nine thousand seven hundred and forty-six dollars and fourteen cents is to be in full payment and satisfaction of all sums of money that may be due, owing or coming to said two families, by virtue of this and all former treaties, on account of their being of the Miami tribe of Indians, or otherwise.

Investment of funds.

Proviso.

Proviso.

The Miami Indians of Indiana, being now represented in Washington by a fully authorized deputation, and having requested the foregoing amendments, the same are binding on them; but these amendments are in no way to affect or impair the stipulations in said treaty contained, as to the Miamies west of the Mississippi, the said amendments being final, and not required to be submitted to the Miamies for their consent:—

And the sum of two thousand two hundred dollars is hereby directed to be paid to the said Indians residing in the State of Indiana, for time employed and money expended in assisting to make this treaty, which may be paid to James T. Miller, their interpreter, and Tyn-yi-oh-te-mah,

## TREATY WITH THE MIAMI INDIANS. JUNE 5, 1854.

or to either of them, to be divided among said Indians according to justice and equity.

Attest:

ASBURY DICKINS,  
*Secretary.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fourth day of August, eighteen hundred and fifty-four, accept, ratify, and confirm the said treaty and the amendments thereto.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this fourth day of August,  
[L. s.] in the 'year of our Lord eighteen hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

July 11, 1854.

WHEREAS a compact between the United States of America and the royal government of Lew Chew was entered into at Napa, by their respective plenipotentiaries on the eleventh day of July, one thousand eight hundred and fifty-four, which compact is word for word as follows:—

Hereafter, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever articles these people ask for, whether from the officers or people, which the country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever interparty may wish to buy shall be exchanged at reasonable prices. Trade allowed at Lew Chew.

Whenever ships of the United States shall come into any harbor in Lew Chew they shall be supplied with wood and water at reasonable prices; but if they wish to get other articles, they shall be purchasable only at Napa. Trade where to be carried on.

If ships of the United States are wrecked on Great Lew Chew, or on islands under the jurisdiction of the royal government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the ships of that nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the nation they belong to. Wrecks.

Whenever persons from ships of the United States come ashore in Lew Chew, they shall be at liberty to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the captain of the ship to which they belong for punishment by him. Stipulations respecting conduct of Americans who land.

At Tumai is a burial-ground for the citizens of the United States, where their graves and tombs shall not be molested. Burial-ground.

The government of Lew Chew shall appoint skillful pilots, who shall be on the lookout for ships appearing off the island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the captain shall pay the pilot five dollars, and the same for going out of the harbor beyond the reefs. Pilots.

Whenever ships anchor at Napa, the officers shall furnish them with wood at the rate of three thousand six hundred copper cash per thousand catties; and with water at the rate of 600 copper cash (43 cents) for one thousand catties, or six barrels full, each containing 30 American gallons. Price of wood and water.

Signed in the English and Chinese languages, by Commodore Matthew C. Perry, commander-in-chief of the United States naval forces in the East India, China, and Japan seas, and special envoy to Japan for the United States; and by Sho Fu fong, superintendent of affairs (Tsu-li-kwan) in Lew Chew; and Ba Rio-si, treasurer of Lew Chew, at Shni, for the government of Lew Chew, and copies exchanged this 11th day of July, 1854, or the reign Hien fung, 4th year, 6th moon, 17th day, at the Town Hall of Napa.

M. C. PERRY.

## COMPACT WITH LEW CHEW. JULY 11, 1854.

And whereas the said compact has been duly ratified on both parts :

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said compact to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this ninth day of March, in the  
[L. s.] year of our Lord one thousand eight hundred and fifty-five, and  
of the independence of the United States of America the  
seventy-ninth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

July 17, 1854.

## A PROCLAMATION.

Whereas a convention between the United States of America and her Britannic Majesty, was concluded and signed by their respective plenipotentiaries, at Washington, on the seventeenth day of July last, which convention is, word for word, as follows : —

Whereas a convention was concluded on the 8th day of February, 1853, between the United States of America and her Britannic Majesty, for the settlement of outstanding claims, by a mixed commission, limited to endure for twelve months from the day of the first meeting of the commissioners : and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned, the President of the United States, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, are desirous that the time originally fixed for the duration of the commission should be extended, and to this end have named plenipotentiaries to agree upon the best mode of effecting this object — that is to say : the President of the United States, the Honorable William L. Marcy, Secretary of State of the United States ; and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Fiennes Crampton, Esq., her Majesty's envoy extraordinary and minister plenipotentiary at Washington, who have agreed as follows :

Preamble.

Ante, p. 988.

ARTICLE 1. The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission, shall be extended for a period not exceeding four months from the 15th of September next, should such extension be deemed necessary by the commissioners, or the umpire, in case of their disagreement ; it being agreed that nothing contained in this article shall in anywise alter or extend the time originally fixed in the said convention for the presentation of claims to the commissioners.

Time for termination of commission on claims extended.

ARTICLE 2. The present convention shall be ratified, and the ratifications shall be exchanged at London, as soon as possible within four months from the date thereof.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the seventeenth day of July, in the year of our Lord, one thousand eight hundred and fifty-four.

W. L. MARCY, [L. S.]  
JOHN F. CRAMPTON, [L. S.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London on the eighteenth ultimo, by James Buchanan, Esq., envoy extraordinary and minister plenipotentiary of the United States to Great Britain, and the Earl of Clarendon, her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective governments : —

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of September,  
[L. s.] in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 22, 1854.

## A PROCLAMATION.

WHEREAS a convention, between the United States of America and his Majesty the Emperor of all the Russias, was concluded and signed by their respective plenipotentiaries, at Washington, on the 22d day of July last; which convention, being in the English and French languages, is, word for word, as follows:—

The United States of America and his Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and his Majesty the Emperor of all the Russias has conferred like powers on Mr. Edward de Stoeckl, Counsellor of State, knight of the orders of Ste. Anne, of the 2d class, of St. Stanislas, of the 4th class, and of the Iron Crown of Austria, of the 3d class, his Majesty's chargé d'affaires near the government of the United States of America: and said plenipotentiaries after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:—

## ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war

Les Etats-Unis d'Amerique et sa Majesté l'Empereur de toutes les Russies animés d'un égal desir de maintenir et de préserver de toute atteinte les rapports de bonne intelligence qui ont de tout temps si heureusement subsisté entre eux-mêmes, comme entres les habitants de leurs Etats respectifs, ont résolu d'un commun accord de consacrer, par une convention formelle, les principes du droit des neutres sur mer qu'ils reconnaissent pour conditions indispensables de toute liberté de navigation et de commerce maritime. A cet effet, le Président des Etats-Unis a muni de ses pleins pouvoirs le Sr. William L. Marcy, Secrétaire d'Etat des Etats-Unis; et sa Majesté l'Empereur de toutes les Russies a muni des mêmes pouvoirs le Sr. Edouard de Stoeckl, Conseiller d'Etat, chevalier des ordres de Ste. Anne de la 2<sup>me</sup> classe, de St. Stanislas de la 4<sup>me</sup> classe, et de la Couronne de fer d'Autriche de la 3<sup>me</sup> classe, chargé d'affaires de sa Majesté près du gouvernement des Etats-Unis d'Amérique: lesquels plenipotentiaries, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:—

Preamble.

Negotiators.

## ARTICLE I.

Les deux hautes parties contractantes reconnaissent comme permanent et immuable le principe qui suit, savoir:

1°. Que le pavillon couvre la marchandise, (that free ships make free goods,) c'est à dire, que les

Free ships to make free goods.

are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

Neutral property in enemies' vessels protected unless contraband.

These principles to be applied to other States which shall assent to them.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

#### ARTICLE II.

An ulterior understanding as to details to be come to if necessary.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

#### ARTICLE III.

Other nations may accede to this treaty.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

#### ARTICLE IV.

Ratification.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by

effets ou marchandises, qui sont la propriété des sujets ou citoyens d'une Puissance ou Etat en guerre, sont exempts de capture ou confiscation sur les vaisseaux neutres, à l'exception des objets contrabande de guerre.

2°. Que la propriété neutre, à bord d'un navire ennemi, n'est pas sujette à confiscation, à moins qu'elles ne soit contrabande de guerre. Elles s'engagent à appliquer ces principes au commerce et à la navigation de toute Puissances et Etats qui voudront les adopter de leur côté comme permanents et immuables.

#### ARTICLE II.

Les deux hautes parties contractantes se réservent de s'entendre ultérieurement selon que les circonstances pourront l'exiger sur l'application et l'extension à donner, s'il y a lieu, aux principes convenus à l'article 1. Mais elles déclarent dès à présent qu'elles prendront les stipulations que renferme le dit article 1, pour règle, toutes les fois qu'il s'agira d'apprécier les droits de neutralité.

#### ARTICLE III.

Il est convenu entre les hautes parties contractantes que toutes les nations qui voudraient consentir à accéder aux règles contenues dans l'article 1<sup>er</sup> de cette convention par une déclaration formelle stipulant qu'elles s'engagent à les observer, jouiront des droits résultant de cette accession comme les deux Puissances signataires de cette convention jouiront de ces droits et les observeront. Elles se communiqueront réciproquement le résultat des démarches qui seront faites à ce sujet.

#### ARTICLE IV.

La présente convention sera approuvée et ratifiée par le Président des Etats-Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, et par sa

his Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington, within the period of ten months, counting from this day, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, in duplicate, and thereto affixed the seal of their arms.

Done at Washington, the twenty-second day of July, the year of Grace, 1854.

W. L. MARCY, [L. s.]  
EDOUARD STOECKL. [L. s.]

Majesté l'Empereur de toutes les Russies, et les ratifications, en seront échangées à Washington dans l'espace de dix mois, à compter de ce jour, ou plus tôt, si faire se peut.

En foi de quoi les plenipotentiaries respectifs ont signé la présente convention, en duplicata, et y ont apposé le cachet de leurs armes.

Fait à Washington, le vingt-deuxième de Juillet, l'an de Grace 1854.

W. L. MARCY, [L. s.]  
EDOUARD STOECKL. [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in this city on the 31st ultimo, by William L. Marcy, Secretary of State of the United States, and Mr. Edward de Stoeckl, his imperial Majesty's chargé d'affaires to this government, on the part of their respective governments:—

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this first day of November, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President ·

W. L. MARCY,

*Secretary of State.*



## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

Sept. 30, 1854.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at La Pointe, in the State of Wisconsin, on the thirtieth day of September, eighteen hundred and fifty-four, by Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and headmen, which treaty is in the words following, to wit:—

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and headmen.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States, all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Cession to the United States by Chippewas of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundary line.

Relinquishment to Chippewas of Mississippi by Chippewas of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following described tracts of land, viz:—

Reservation for Chippewas of Lake Superior.

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore,

and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River, to the place of beginning. And if said tract shall contain less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock, a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

Survey and  
patents of reser-  
vation.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Payments for  
said cession.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural imple-

ments and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver traps, three hundred dollars' worth of ammunition, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Blacksmiths  
and assistants.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Annuities not  
to be withheld  
for debts, but  
may be for dep-  
redations.

ARTICLE 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the territory hereby ceded, until otherwise ordered by the President.

Spirituous  
liquors.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two thirds, and the latter to one third, of all benefits to be derived from former treaties existing prior to the year 1847.

Division be-  
tween Chip-  
pewas of Missis-  
sippi and of Lake  
Superior of ben-  
efits of former  
treaties.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Arrearages.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter section each.

Preëmption.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Annuities, how  
paid.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

Stipulations for  
Bois Forte In-  
dians.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smith-shop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood, that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. Provided, that the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west of the boundary line, shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

HENRY C. GILBERT,  
DAVID B. HERRIMAN,  
*Commissioners.*

RICHARD M. SMITH,  
*Secretary.*

*La Pointe Band.*

KE-CHE-WAISH-KE, or the Buffalo, 1st chief,	his x mark. [L. s.]
CHAY-CHE-QUE-OH, 2d chief,	his x mark. [L. s.]
A-DAW-WE-GE-ZHICK, or Each Side of the sky,	
2d chief,	his x mark. [L. s.]
O-SKE-NAW-WAY, or the Youth, 2d chief,	his x mark. [L. s.]
MAW-CAW-DAY-PE-NAY-SE, or the Black	
Bird, 2d chief,	his x mark. [L. s.]
NAW-WAW-NAW-QUOT, headman,	his x mark. [L. s.]
KE-WAIN-ZEENCE, headman,	his x mark. [L. s.]
WAW-BAW-NE-ME-KE,	
or the White Thunder, 2d chief,	his x mark. [L. s.]
PAY-BAW-ME-SAY, or the Soarer, 2d chief,	his x mark. [L. s.]
NAW-WAW-GE-WAW-NOSE,	
or the Little Current, 2d chief,	his x mark. [L. s.]
MAW-CAW-DAY-WAW-QUOT,	
or the Black Cloud, 2d chief,	his x mark. [L. s.]
ME-SHE-NAW-WAY, or the Disciple, 2d chief,	his x mark. [L. s.]
KEY-ME-WAW-NAW-UM, headman,	his x mark. [L. s.]
SHE-GOG headman,	his x mark. [L. s.]

*Ontonagon Band.*

O-CUN-DE-CUN, or the Buoy 1st chief,	his x mark. [L. s.]
WAW-SAY-GE-ZHICK, or the Clear Sky, 2d chief,	his x mark. [L. s.]
KEESH-KE-TAW-WUG, headman,	his x mark. [L. s.]

*L'Anse Band.*

DAVID KING, 1st chief,	his x mark. [L. s.]
JOHN SOUTHWIND, headman,	his x mark. [L. s.]
PETER MARKSMAN, headman,	his x mark. [L. s.]
NA-TAW-ME-GE-ZHICK, or the First Sky,	
2d chief,	his x mark. [L. s.]
AW-SE-NEECE, headman,	his x mark. [L. s.]

*Vieux De Sert Band.*

MAY-DWAY-AW-SHE, 1st chief,	his x mark.	[L. s.]
POSH-QUAY-GIN, or the Leather, 2d chief,	his x mark.	[L. s.]

*Grand Portage Band.*

SHAW-GAW-NAW-SHEENCE,		
or the Little Englishman, 1st chief,	his x mark.	[L. s.]
MAY-MOSH-CAW-WOSH, headman,	his x mark.	[L. s.]
AW-DE-KONSE, or the Little Reindeer, 2d chief,	his x mark.	[L. s.]
WAY-WE-GE-WAM, headman,	his x mark.	[L. s.]

*Fond Du Lac Band.*

SHING-GOOPE, or the Balsom, 1st chief,	his x mark.	[L. s.]
MAWN-GO-SIT, or the Loon's Foot, 2d chief,	his x mark.	[L. s.]
MAY-QUAW-ME-WE-GE-ZHICK, headman,	his x mark.	[L. s.]
KEESH-KAWK, headman,	his x mark.	[L. s.]
CAW-TAW-WAW-BE-DAY, headman,	his x mark.	[L. s.]
O-SAW-GEE, headman,	his x mark.	[L. s.]
KE-CHE-AW-KE-WAIN-ZE, headman,	his x mark.	[L. s.]
NAW-GAW-NUB, or the Foremost Sitter, 2d chief,	his x mark.	[L. s.]
AIN-NE-MAW-SUNG, 2d chief,	his x mark.	[L. s.]
NAW-AW-BUN-WAY, headman,	his x mark.	[L. s.]
WAIN-GE-MAW-TUB, headman,	his x mark.	[L. s.]
AW-KE-WAIN-ZEENCE, headman,	his x mark.	[L. s.]
SHAY-WAY-BE-NAY-SE, headman,	his x mark.	[L. s.]
PAW-PE-OH, headman,	his x mark.	[L. s.]

*Lac Court Oreille Band.*

AW-KE-WAIN-ZE, or the Old Man, 1st chief,	his x mark.	[L. s.]
KEY-NO-ZHANCE,		
or the Little Jack Fish, 1st chief,	his x mark.	[L. s.]
KEY-CHE-PE-NAY-SE, or the Big Bird, 2d chief,	his x mark.	[L. s.]
KE-CHE-WAW-BE-SHAY-SHE,		
or the Big Martin, 2d chief,	his x mark.	[L. s.]
WAW-BE-SHAY-SHEENCE, headman,	his x mark.	[L. s.]
QUAY-QUAY-CUB, headman,	his x mark.	[L. s.]
SHAW-WAW-NO-ME-TAY, headman,	his x mark.	[L. s.]
NAY-NAW-ONG-GAY-BE,		
or the Dressing Bird, 1st chief,	his x mark.	[L. s.]
O-ZHAW-WAW-SCO-GE-ZHICK,		
or the Blue Sky, 2d chief,	his x mark.	[L. s.]
I-YAW-BANSE, or the Little Buck, 2d chief,	his x mark.	[L. s.]
KE-CHE-E-NIN-NE, headman,	his x mark.	[L. s.]
HAW-DAW-GAW-ME, headman,	his x mark.	[L. s.]
WAY-ME-TE-GO-SHE, headman,	his x mark.	[L. s.]
PAY-ME-GE-WUNG, headman,	his x mark.	[L. s.]

*Lac Du Flambeau Band.*

AW-MO-SE, or the Wasp, 1st chief,	his x mark.	[L. s.]
KE-NISH-TE-NO, 2d chief,	his x mark.	[L. s.]
ME-GEE-SEE, or the Eagle, 2d chief,	his x mark.	[L. s.]
KAY-KAY-CO-GWAW-NAY-AW-SHE,		
headman,	his x mark.	[L. s.]
O-CHE-CHOG, headman,	his x mark.	[L. s.]
NAY-SHE-KAY-GWAW-NAY-BE, headman,	his x mark.	[L. s.]
O-SCAW-BAY-WIS, or the Waiter, 1st chief,	his x mark.	[L. s.]
QUE-WE-ZANCE, or the White Fish, 2d chief,	his x mark.	[L. s.]
NE-GIG, or the Otter, 2d chief,	his x mark.	[L. s.]

NAY-WAW-CHE-GE-GHICK-MAY-BE,

headman,

his x mark. [L. s.]

QUAY-QUAY-KE-CAH, headman,

his x mark. [L. s.]

*Bois Forte Band.*

KAY-BAISH-CAW-DAW-WAY,

or Clear Round the Prairie, 1st chief,

his x mark. [L. s.]

WAY-ZAW-WE-GE-ZHICK-WAY-SKING,

headman,

his x mark. [L. s.]

O-SAW-WE-PE-NAY-SHE, headman,

his x mark. [L. s.]

*The Mississippi Bands.*

QUE-WE-SAN-SE, or Hole in the Day, head chief, his x mark. [L. s.]

CAW-NAWN-DAW-WAW-WIN-ZO,

or the Berry Hunter, 1st chief,

his x mark. [L. s.]

WAW-BOW-JIEG, or the White Fisher, 2d chief,

his x mark. [L. s.]

OT-TAW-WAW, 2d chief,

his x mark. [L. s.]

QUE-WE-ZHAN-CIS, or the Bad Boy, 2d chief,

his x mark. [L. s.]

BYE-A-JICK, or the Lone Man, 2d chief,

his x mark. [L. s.]

I-YAW-SHAW-WAY-GE-ZHICK,

or the Crossing Sky, 2d chief,

his x mark. [L. s.]

MAW-CAW-DAY, or the Bear's Heart, 2d chief,

his x mark. [L. s.]

KE-WAY-DE-NO-GO-NAY-BE,

or the Northern Feather, 2d chief,

his x mark. [L. s.]

ME-SQUAW-DACE, headman,

his x mark. [L. s.]

NAW-GAW-NE-GAW-BO, headman,

his x mark. [L. s.]

WAWM-BE-DE-YEA, headman,

his x mark. [L. s.]

WAISH-KEY, headman,

his x mark. [L. s.]

CAW-WAY-CAW-ME-GE-SKUNG, headman,

his x mark. [L. s.]

MY-YAW-GE-WAY-WE-DUNK,

or the One who carries the Voice, 2d chief,

his x mark. [L. s.]

JOHN F. GODFROY,

GEO. JOHNSTON,

S. A. MARVIN,

LOUIS CODOT,

PAUL H. BEAULIEU,

HENRY BLATCHFORD,

PETER FLOY,

*Interpreters.*

Executed in the presence of

HENRY M. RICE,

J. W. LYNDE,

G. D. WILLIAMS,

B. H. CONNOR,

E. W. MULDOUGH,

RICHARD GODFROY,

D. S. CASH,

H. H. McCULLOUGH,

E. SMITH LEE,

WM. E. VANTASSEL,

L. H. WHEELER.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the tenth day of January, eighteen hundred and fifty-five, ratify the same by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

January 10, 1855.

"*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and headmen, on the 30th day of September, one thousand eight hundred and fifty-four.

"Attest :

"ASBURY DICKINS,

"*Secretary.*"

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the tenth of January, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

[L. S.] Done at the city of Washington, this twenty-ninth day of January, one thousand eight hundred and fifty-five.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

Nov. 4, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING :

WHEREAS a treaty was made and concluded at Doaksville, near Fort Towson, Choctaw nation, on the fourth day of November, eighteen hundred and fifty-four, between the Choctaw and Chickasaw Indians, which treaty is in the words following, to wit :—

Preamble.

Whereas a convention and agreement was made and entered into by the Choctaw and Chickasaw Indians, at Doaksville, near Fort Towson, in the Choctaw country, on the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven ; and, whereas, difficulties have arisen between said tribes in regard to the line of boundary, between the Chickasaw district and other districts of the Choctaw nation, described in article second of said convention and agreement ; and, whereas, it is the desire of the said tribes, that there shall no longer exist any dispute in regard to the boundary of the Chickasaw district, the undersigned, Thomas J. Pitchlynn, Edmund McKenny, R. M. Jones, Daniel Folsom, and Samuel Garland, commissioners duly appointed and empowered by the Choctaw tribe of red people ; and Edmund Pickens, Benjamin S. Love, James T. Gaines, Sampson Folsom, and Edmund Perry, commissioners duly appointed and empowered by the Chickasaw tribe of Indians, to settle all matters in dispute between their respective tribes, which require new articles of agreement between them, have solemnly made the following articles of convention and agreement, on the fourth day of November, A. D. one thousand eight hundred and fifty-four, at Doaksville, near Fort Towson, in the Choctaw country, subject to the approval of the President and Senate of the United States.

Boundaries of  
the Chickasaw  
district of the  
Choctaws.

ARTICLE 1. It is agreed by the Choctaw and Chickasaw tribes of Indians, in lieu of the boundaries established under article second of the convention and agreement entered into between said tribes, January 17th, A. D. 1837, the Chickasaw district of the Choctaw nation shall be bounded as follows, viz : Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles, on a straight line, below the mouth of False Wachitta, thence running a northwesterly course, along the main channel of said bayou to the junction of three prongs of said bayou nearest the dividing ridge between Wachitta and Low Blue rivers, as laid down upon Capt. R. L. Hunter's map ; thence, northerly along the eastern prong of Island Bayou to its source ; thence, due north to the Candian River, thence west, along the main Canadian, to the one hundredth degree of west longitude ; thence south to Red River, and down Red River to the beginning : *Provided, however*, if the line running due north from the eastern source of Island Bayou to the main Canadian shall not include Allen's or Wa-pa-nacka academy within the Chickasaw district, then an offset shall be made from said line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

Line—how to  
be run and  
marked.

ARTICLE 2. It is agreed by the Choctaws, that the Chickasaws shall employ a surveyor or engineer to run out and mark the eastern line of the Chickasaw district, and by the Chickasaws that they will pay all ex-

penses incurred in running out and marking said line; and it is mutually agreed that the chiefs of each district of the Choctaw nation shall appoint one commissioner to attend and supervise the running and marking of said line; the chief of the Chickasaw district giving them at least thirty days' notice of the time when the surveyor or engineer will proceed to run out and mark the line agreed upon; which shall be plainly marked upon trees, where there is timber, and by permanent monuments of stone, at every mile, where there is not sufficient timber upon which the line can be marked in a permanent manner, before the first day of August, A. D. one thousand eight hundred and fifty-five.

In testimony whereof, the parties to this convention and agreement have hereunto subscribed their names and affixed their seals.

Done in triplicate, at Doaksville, near Fort Towson, Choctaw Nation, the day and year first above written.

THOS. J. PITCHLYNN,	[L. S.]
EDMUND McKENNY,	[L. S.]
R. M. JONES,	[L. S.]
DANIEL FOLSOM,	[L. S.]
SAMUEL GARLAND,	[L. S.]

*Commissioners on the part of Choctaws.*

EDMUND PICKENS,	[L. S.]
BENJAMIN S. LOVE,	[L. S.]
JAMES T. GAINES,	[L. S.]
SAMPSON FOLSOM,	[L. S.]
EDMUND PERRY,	[L. S.]

*Commissioners on the part of the Chickasaws.*

In presence of

GEO. W. HARKINS,  
PETER FOLSOM,  
NICHOLAS COCHNANER,  
JACKSON FRAZIER,  
*Chiefs of the Choctaw nation.*

DOUGLAS H. COOPER,  
*U. S. Indian Agent.*

WILLIAM K. McKEAN.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-eighth day of February, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE U. S.,

“February 28, 1855.

“Resolved, That the assent of the Senate be, and the same hereby is, given to the articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians, made on the 4th day of November, 1854, at Doaksville, near Fort Towson, Choctaw nation. Assent of Senate.

“Attest:

ASBURY DICKINS,

“Secretary.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and

consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this tenth day of April, in the  
[L. s.] year of our Lord one thousand eight hundred and fifty-five,  
and of the independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Nov. 15, 1854.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

WHEREAS a treaty was made and concluded on the fifteenth day of November, one thousand eight hundred and fifty-four, between the United States of America and the chiefs and headmen of the Rogue River tribe of Indians, which treaty is in the words following, to wit:—

Preamble.

Articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.

ARTICLE FIRST. It is agreed on the part of said tribe, that the Table Rock reserve, described in the treaty of the 10th September, 1853, between the United States and the Rogue River tribe, shall be possessed and occupied jointly by said tribe and such other tribes and bands of Indians as the United States shall agree with by treaty stipulations, or the President of the United States shall direct, to reside thereupon, the place of residence of each tribe, part of tribe, or band on said reserve, to be designated by the superintendent of Indian affairs or Indian agent; that the tribes and bands hereafter to be settled on said reserve shall enjoy equal rights and privileges with the Rogue River tribe; and that the annuities paid to the Indians now residing, or hereafter to reside on said reserve, shall be shared by all alike, from and after said residence thereon: *Provided*, that the annuity of the Rogue River tribe, as agreed on in the treaty of the 10th September, 1853, shall not be diminished or in any way impaired thereby. It is also agreed, that the United States shall have the right to make such roads, highways, and railroads through said reserve as the public good may from time to time require, a just compensation being made therefor.

Other Indians may be settled on the Table Rock reserve.\*

Ante p. 1018.

Annuities.

Roads may be made.

ARTICLE SECOND. In consideration of the foregoing stipulations, it is agreed on the part of the United States to pay to the Rogue River tribe, as soon as practicable after the signing of this agreement, two thousand one hundred and fifty dollars, in the following articles: twelve horses, one beef, two yokes of oxen, with yokes and chains, one wagon, one hundred men's coats, fifty pairs of pantaloons, and fifty hickory shirts; also, that in the treaties to be made with other tribes and bands, hereafter to be located on said reserve, that provision shall be made for the erection of two smith shops; for tools, iron, and blacksmiths for the same; for opening farms and employing farmers; for a hospital, medicines, and a physician; and for one or more schools; the uses and benefits of all which shall be secured to said Rogue River tribe, equally with the tribes and bands treated with; all the improvements made, and schools, hospital, and shops erected, to be conducted in accordance with such laws, rules, and regulations as the Congress or the President of the United States may prescribe.

Payment and stipulations in consideration of the foregoing article.

\*For treaties providing for removal of other tribes to said reserve, see *post*, pp. 1122, &c.

Provision in case this treaty is not ratified, or no Indians are removed to said reserve.

ARTICLE THIRD. It is further agreed, that when at any time hereafter the Indians residing on this reserve shall be removed to another reserve, or shall be elsewhere provided for, that the fifteen thousand dollars thereafter to be paid to said Rogue River tribe, as specified in the treaty of the 10th September, 1853, shall be shared alike by the members of all the tribes and bands that are, or hereafter shall be located on the said Table Rock reserve.

Provision in case this treaty is not ratified, or no Indians are removed to said reserve.

ARTICLE FOURTH. It is also further provided, that in the event that this agreement shall not be ratified by the President and Senate of the United States, or that no other tribe or band shall be located on said reserve, the two thousand one hundred and fifty dollars stipulated in article second of this agreement to be paid said Rogue River tribe, shall be deducted from their annuities hereafter to be paid said Indians.

In testimony whereof, the said Joel Palmer, superintendent as afore-said, and the undersigned chiefs and headmen of the Rogue River tribe of Indians, have hereunto set their hands and seals, at Even's Creek, on the Table Rock reserve, on the day and year herein before written.

JOEL PALMER, *Superintendent*, [L. s.]

AP-SA-KA-HAH, or JOE, first chief,	his x mark,	[L. s.]
KO-KO-HA-WAH, or SAM, second chief,	his x mark,	[L. s.]
SAMBO, third chief,	his x mark,	[L. s.]
TE-CUM-TUM, or JOHN, fourth chief,	his x mark,	[L. s.]
TE-WAH-HAIT, or ELIJAH,	his x mark,	[L. s.]
CHO-CUL-TAH, or GEORGE,	his x mark,	[L. s.]
TELUM-WHAH, or BILL,	his x mark,	[L. s.]
HART-TISH, or APLEGATE JOHN,	his x mark,	[L. s.]
QUA-CHIS, or JAKE,	his x mark,	[L. s.]
TOM,	his x mark,	[L. s.]
HENRY,	his x mark,	[L. s.]
JIM,	his x mark,	[L. s.]

Executed in presence of

EDWARD R. GEARY, *Secretary*.  
 CRIS. TAYLOR,  
 JOHN FLETT, *Interpreter*.  
 R. B. METCALFE.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

Assent of Senate.

“Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.

“Attest :

ASBURY DICKINS,

“Secretary.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this seventh day of April, in  
[L. s.] the year of our Lord one thousand eight hundred and fifty-five, and of the Independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Nov. 18, 1854.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME,  
GREETING :

## Preamble.

WHEREAS a treaty was made and concluded, at the council ground, opposite the mouth of Applegate Creek, on Rogue River, in the Territory of Oregon, on the eighteenth day of November, eighteen hundred and fifty-four, between the United States and the Chasta and other tribes of Indians, which treaty is in the words following, to wit :—

Articles of a convention and agreement made and concluded at the council ground opposite the mouth of Applegate Creek, on Rogue River, in the Territory of Oregon, on the eighteenth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and head-men of the Quil-si-eton and Na-hel-ta bands, of the Chasta tribe of Indians, the Cow-nan-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit: Jes-tul-tut, or Little Chief, Ko-ne-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am-i-na, or Bush-head, Te-po-kon-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.

Cession to the  
United States.

ARTICLE FIRST. The aforesaid united bands cede to the United States all their country bounded as follows :—

Commencing at a point in the middle of Rogue River, one mile below the mouth of Applegate Creek ; thence northerly, on the western boundary of the country heretofore purchased of the Rogue River tribe by the United States, to the head-waters of Jump-Off-Jo Creek ; thence westerly to the extreme northeastern limit of the country purchased of the Cow Creek band of Umpquas ; thence along that boundary to its extreme southwestern limit ; thence due west to a point from which a line running due south would cross Rogue River, midway between the mouth of Grave Creek and the great bend of Rogue River ; thence south to the southern boundary of Oregon ; thence east along said boundary to the summit of the main ridge of the Siskiyou Mountains, or until this line reaches the boundary of the country purchased of the Rogue River tribe ; thence northerly along the western boundary of said purchase to the place of beginning.

Removal to  
Table Rock  
reserve.

ARTICLE SECOND. The said united bands agree that as soon after the ratification of this convention as practicable, they will remove to such portion of the Table Rock reserve as may be assigned them by the superintendent of Indian affairs or agent, or to whatsoever other reserve the President of the United States may at any time hereafter direct.

Payment for  
said cession.

ARTICLE THIRD. In consideration of and payment for the country herein ceded, the United States agree to pay to the said united bands the sum of two thousand dollars annually for fifteen years, from and after the first day of September, one thousand eight hundred and fifty-five, which annuities shall be added to those secured to the Rogue River tribe by the treaty of the 10th September, 1853, and the amount shared by the members of the united bands and of the Rogue River tribe, jointly and alike ; said annuities to be expended for the use and benefit of said bands and tribe in such manner as the President may from time to time pre-

scribe; for provisions, clothing, and merchandise; for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, tools, seeds, and such other objects as will in his judgment promote the comfort and advance the prosperity and civilization of said Indians. The United States also agree to appropriate the additional sum of five thousand dollars, for the payment of the claims of persons whose property has been stolen or destroyed by any of the said united bands of Indians since the first day of January, 1849; such claims to be audited and adjusted in such manner as the President may prescribe.

ARTICLE FOURTH. When said united bands shall be required to remove to the Table Rock reserve or elsewhere, as the President may direct, the further sum of six thousand five hundred dollars shall be expended by the United States for provisions to aid in their subsistence during the first year they shall reside thereon; for the erecting of necessary buildings, and the breaking and fencing of fifty acres of land, and providing seed to plant the same, for their use and benefit, in common with the other Indians on the reserve.

Provision in case of removal from said reserve.

ARTICLE FIFTH. The United States engage that the following provisions, for the use and benefit of all Indians residing on the reserve, shall be made:—

Stipulations for all Indians on said reserve.

An experienced farmer shall be employed to aid and instruct the Indians in agriculture for the term of fifteen years.

Two blacksmith shops shall be erected at convenient points on the reserve, and furnished with tools and the necessary stock, and skilful smiths employed for the same for five years.

A hospital shall be erected, and proper provision made for medical purposes, and the care of the sick for ten years.

School-houses shall be erected, and qualified teachers employed to instruct the children on the reserve, and books and stationery furnished for fifteen years.

All of which provisions shall be controlled by such laws, rules, or regulations as Congress may enact or the President prescribe.

ARTICLE SIXTH. The President may, from time to time, at his discretion, direct the surveying of a part or all of the agricultural lands on said reserve, divide the same into small farms of from twenty to eighty acres, according to the number of persons in a family, and assign them to such Indians as are willing to avail themselves of the privilege and locate thereon as a permanent home, and to grant them a patent therefor under such laws and regulations as may hereafter be enacted or prescribed.

Survey and allotment of said reserve.

ARTICLE SEVENTH. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debts.

ARTICLE EIGHTH. The said united bands acknowledge themselves subject to the government of the United States, and engage to live in amity with the citizens thereof, and commit no depredations on the property of said citizens; and should any Indian or Indians violate this pledge, and the fact be satisfactorily proven, the property shall be returned, or if not returned, or if injured or destroyed, compensation may be made therefor out of their annuities. They also pledge themselves to live peaceably with one another, and with other Indians, to abstain from war and private acts of revenge, and to submit all matters of difference between themselves and Indians of other tribes and bands to the decision of the United States or the agent, and to abide thereby. It is also agreed that if any individual shall be found guilty of bringing liquor into their country, or drinking the same, his or her annuity may be withheld during the pleasure of the President.

Conduct of said tribes.

ARTICLE NINTH. This convention shall be obligatory on the contracting parties from and after its ratification by the President and Senate of the United States.

In testimony whereof, Joel Palmer, superintendent aforesaid, and the undersigned chiefs and headmen of said united bands, have hereunto set their hands and seals at the place and on the day and year herein written.

(Signed in duplicate.)

JOEL PALMER, <i>Superintendent,</i>		[L. s.]
JES-TUL-TUT, or Little Chief,	his x mark,	[L. s.]
KO-NE-CHE-QUOT, or Bill,	his x mark,	[L. s.]
SE-SEL-CHE TL, or Salmon Fisher,	his x mark,	[L. s.]
BAS-TA-SHIN,	his x mark,	[L. s.]
For KUL-KE-AM-INA, or Bushland,		
TE-PO-KON-TA, or Sam,	his x mark,	[L. s.]
JO, (Chief of Grave Creeks),	his x mark,	[L. s.]

Executed in presence of us—

EDWARD R. GEARY, *Secretary.*  
JOHN FLETT, *Interpreter.*  
CRIS. TAYLOR.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

Assent of  
Senate.

“*Resolved,* (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of articles of a convention and agreement made and concluded at the council ground opposite the mouth of Applegate Creek, on Rogue River, in the Territory of Oregon, on the eighteenth day of November, eighteen hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton and Na-hel-ta bands of the Chasta tribe of Indians, the Cow-man-ti-co, Sa-cher-i-ton, and Na-al-ye bands of Scotons, and the Grave Creek band of Umpquas, to wit: Jes-tul-tut, or Little Chief, Ko-ne-che-quot, or Bill, Se-sel-chetel, or Salmon Fisher, Kul-ki-am-i-na, or Bushhead, Te-po-kon-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.

“Attest:

ASBURY DICKINS,

“*Secretary.*”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this tenth day of April, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

Nov. 29, 1854.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING :

WHEREAS a treaty was made and concluded at Calapooia Creek, Douglas county, Oregon Territory, on the twenty-ninth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calapooias residing in Umpqua Valley, to wit: Napesa, or Louis, head chief; Peter, or Injice; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma, or William; Cheen-len-ten, or George; Nas-yah, or John; Absaquil, or Cheenook; Jo, and Tom; they being assembled in council with their respective bands, which treaty is in the words, following, to wit:—

Preamble.

Articles of agreement and convention made and concluded at Calapooia Creek, Douglass county, Oregon Territory, this twenty-ninth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians, and of the Calapooias residing in Umpqua Valley, to wit: Napesa or Louis, head chief, Peter or Injice, Tasyah or General Jackson, Bogus, Nessick, Et-na-ma or William, Cheen-len-ten or George, Nasyah or John, Absaquil or Cheenook, Jo, and Tom, they being assembled in council with their respective bands.

ARTICLE FIRST. The confederate bands of Umpqua and Calapooia Indians cede to the United States all their country included within the following limits, to wit: Commencing at the northwest corner of the country purchased of the Galeese Creek and Illinois River Indians, on the 18th day of November, 1854, and running thence east, to the boundary of the Cow Creek purchase, thence northerly along said boundary to its northeastern extremity; thence east to the main ridge of the Cascade Mountains; thence northerly to the main falls of the North Umpqua River; thence to Scott's Peak, bearing easterly from the head-waters of Calapooia Creek; thence northerly to the connection of the Calapooia Mountains with the Cascade range; thence westerly along the summit of the Calapooia Mountains to a point whence a due south line would cross Umpqua River at the head of tide-water; thence on that line to the dividing ridge between the waters of Umpqua and Coose Rivers; thence along that ridge, and the divide between Coquille and Umpqua rivers, to the western boundary of the country purchased of the Galeese Creek Indians, or of the Cow Creek Indians, as the case may be, and thence to the place of beginning.

Cession to the United States.

Provided, however, that so much of the lands as are embraced within the following limits, shall be held by said confederated bands, and such other bands as may be designated to reside thereupon, as an Indian reservation. To wit: Commencing at a point three miles due south of the mouth of a small creek emptying into the Umpqua River, near the western boundary of John Churchill's land claim, at the lower end of Cole's Valley; thence north to the middle of the channel of Umpqua River; thence up said river to a point due south of the highest peak of

Reservation for a residence.

the ridge, immediately west of Allan Hubbard's land claim; thence to said peak, thence along the summit of the ridge dividing the waters, to its termination at or near the mouth of Little Canyon Creek; thence, crossing the Umpqua River in a westerly direction to the highlands opposite the mouth of said creek; thence following the divide until it reaches a point whence a line drawn to the place of beginning will run three miles south of the extreme southern bend in the Umpqua River between these two points; and thence to the place of beginning. And should the President at any time believe it demanded by the public good and promotive of the best interests of said Indians to be located elsewhere, the said Indians agree peaceably, and without additional expense to the government of the United States, to remove to such reserve as may be selected; provided that a delegation of three or more of the principal men of said bands selected by them, shall concur with the authorized agent or agents of the United States in the selection of said new reserve. And when said removal shall take place, the particular tracts then actually occupied by said Indians, on the reserve herein described, according to the provisions of this treaty, and those occupied by Indians of other bands that may be located thereon, shall be sold by order of the President of the United States, and the proceeds of such sales expended in permanent improvements on the new reserve, for the use and benefit of the holders of said tracts respectively.

Removal from said reserve if it should become expedient.

Removal from the ceded land.

Payment for said cession.

ARTICLE SECOND. The confederated bands agree that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this treaty as they conveniently can, and not to exceed one year after such provision is made, they will vacate the ceded territory and remove to the lands herein reserved for them.

ARTICLE THIRD. In consideration of and payment for the country herein ceded, the United States agree to pay the said confederated bands the several sums of money following, to wit: First, three thousand dollars per annum for the term of five years, commencing on the first day of September, 1855. Second, two thousand three hundred dollars per annum for the term of five years next succeeding the first five. Third, one thousand seven hundred dollars per annum for the term of five years next succeeding the second five years. Fourth, one thousand dollars per annum for the term of five years next succeeding the third five years.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion, determine what proportion shall be expended for such beneficial objects as in his judgment will be calculated to advance them in civilization; for their moral improvement and education; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics and tools, and for medical purposes.

Payment for expense of removal.

ARTICLE FOURTH. In order to enable the said Indians to remove to their new home, and subsist themselves for one year thereafter, (and which they agree to do without further expense to the United States,) and to provide for the breaking up and fencing of fifty acres of land, and the erection of buildings on the reserve, the purchase of teams, farming utensils, tools, &c., and for other purposes necessary to their comfort and subsistence, they shall receive from the United States the further sum of ten thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

Survey and allotment of the reserve.

ARTICLE FIFTH. The President may from time to time, at his discretion, cause the whole or such portion of the land hereby reserved as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in the first article, to be surveyed into lots, and

assigned to such Indian or Indians of said confederated bands as are willing to avail themselves of the privilege, and who will locate thereon as a permanent home, if a single person over twenty-one years of age, twenty acres; to each family of two persons, forty acres; to each family of three and not exceeding five persons, sixty acres; to each family of six and not exceeding ten persons, eighty acres; and to each family over ten in number, forty acres for each additional five members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such land within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such family shall at any time neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same, or, if not issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resume the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of the Indians residing on the reserve.

No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

Power of future States over restrictions limited.

**ARTICLE SIXTH.** The United States agree to erect for said Indians a good blacksmith shop, furnish it with tools, and keep it in repair for ten years, and provide a competent blacksmith for the same period; to erect suitable buildings for a hospital, supply medicines, and provide an experienced physician for fifteen years; to provide a competent farmer to instruct the Indians in agriculture for ten years; and to erect a school-house, and provide books, stationery, and a properly qualified teacher for twenty years.

Blacksmiths shop, &c.

**ARTICLE SEVENTH.** The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debts.

**ARTICLE EIGHTH.** The said confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens.

Submission and conduct of said Indians.

And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. Said Indians further engage to submit to, and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

**ARTICLE NINTH.** It is hereby provided, in order to prevent the evils of intemperance among said Indians, that any one of them who shall be guilty of bringing liquor into their reserve, or shall drink liquor, may

Provision against intemperance.

Roads, &c.  
may be con-  
structed.

Merchandise  
to be part pay-  
ment of annui-  
ties.

have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE TENTH. The said confederate bands agree, that all the necessary roads, highways, and railroads which may be constructed as the country improves, the lines of which may run through the reservation of said Indians, shall have the right of way therein, a just compensation being made therefor.

ARTICLE ELEVENTH. The merchandise distributed to the members of the said confederated bands at the negotiation of this treaty shall be considered as in part payment of the annuities herein provided.

ARTICLE TWELFTH. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs and heads of the said confederated bands of Umpquas and Calapooias, have hereunto set their hands and seals, at the place and on the day and year heretofore written.

JOEL PALMER, <i>Superintendent,</i>		[L. S.]
NA-PE-SA, or Louis,	his x mark,	[L. S.]
INJICE, or Peter,	his x mark,	[L. S.]
TAS-YAH, or Gen. Jackson,	his x mark,	[L. S.]
BOGUS,	his x mark,	[L. S.]
NESSICK,	his x mark,	[L. S.]
ET-NA-MA, or William,	his x mark,	[L. S.]
CHEEN-LEN-TEN, or George,	his x mark,	[L. S.]
NAS-YAH, or John,	his x mark,	[L. S.]
ABSAQUIL, or Cheenook,	his x mark,	[L. S.]
JO,	his x mark,	[L. S.]
TOM,	his x mark,	[L. S.]

Executed in the presence of us,

EDWARD R. GEARY, *Secretary,*  
CRIS. TAYLOR,  
JOHN FLETT, *Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
“March 3, 1855.

Assent of  
Senate.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Calapooia Creek, Douglas county, Oregon Territory, this twenty-ninth day of November, eighteen hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians, and of the Calapooias, residing in Umpqua Valley, to wit: Na-pe-sa, or Louis, head chief; Peter, or Injice; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma, or William; Cheen-len-ten, or George; Nas-yah, or John; Absaquil, or Cheenook; Joe; and Tom; they being assembled in council with their respective bands.

“Attest:

ASBURY DICKINS,  
“Secretary.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this thirtieth day of March, in the year of our Lord, one thousand eight hundred and fifty-five, and of the independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

Dec. 9, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

WHEREAS a treaty was made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America and the chiefs and headmen of the confederate tribes of the Ottoe and Missouri Indians, which treaty is in the words following, to wit:—

Title.

Article of agreement and convention made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America, by George Hepner, United States Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Ottoe and Missouri Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes, on the fifteenth day of March, one thousand eight hundred and fifty-four.

Ante, p. 1038.

Preamble.

Ante, p. 1038.

Whereas, by the first article of the treaty in the caption mentioned, it is stipulated that the confederate tribes of Ottoe and Missouri Indians cede to the United States all their country west of the Missouri River, excepting a strip of land on the waters of the Big Blue River, ten miles in width, and bounded as follows: commencing at a point in the middle of the main branch of the Big Blue River, in a west or southwest direction from old Fort Kearney, at a place called by the Indians the "Islands;" thence west to the western boundary of the country hereby ceded; thence in a northerly course with said western boundary ten miles; thence east to a point due north of the starting-point, and ten miles therefrom; thence to the place of beginning.

And whereas, upon exploration of said reservation by the said confederate tribes, it was found that they had been mistaken as to the location thereof, much the larger portion, or nearly the entirety of it, being to the west of the Big Blue River, and without sufficiency of timber, and they being dissatisfied therewith, and the United States being desirous of removing all cause of complaint, this article is entered into.

Boundaries of  
reservation in  
lieu of that in  
former treaty.

Ante, p. 1038.

ARTICLE. It is agreed and stipulated, between the United States and the said confederate tribes of Ottoe and Missouri Indians, that the initial point of their reservation, in lieu of that stated in the treaty, in the caption hereof mentioned, shall be a point five miles due east thereof, thence west twenty-five miles, thence north ten miles, thence east to a point due north of the starting-point, and ten miles therefrom, thence to the place of beginning; and the country embraced within said boundaries shall be taken and considered as the reservation and home of said confederate tribes, in lieu of that provided for them and described in the first article of said treaty.

In witness whereof, the said George Hepner and the undersigned chiefs and head men of the said confederate tribes of Ottoes and Missou-

rias, have hereunto set their hands and seals, at the place and on the day and year above written.

GEORGE HEPNER, [SEAL.]  
*United States Indian Agent.*

HICK KAPOO,	his x mark,	[SEAL.]
BIL SOLDIER,	his x mark,	[SEAL.]
CHI-AN-A-KA, or BUFFALO CHIEF,	his x mark,	[SEAL.]
MISSOURI CHIEF,	his x mark,	[SEAL.]
WHITE WATER,	his x mark,	[SEAL.]

Executed in presence of —

LEWIS BERNARD, his x mark.

*U. S. Interpreter.*

H. P. DOWNS,

JOHN BAULWARE.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-eighth day of February, one thousand eight hundred and fifty-five, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: —

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“February 28, 1855.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the article of agreement and convention made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America, by George Hepner, United States Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Ottoe and Missouri Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes, on the fifteenth day of March, one thousand eight hundred and fifty-four.

Consent of  
Senate.

“Attest:

ASBURY DICKINS,  
“Secretary.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this tenth day of April, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

Dec. 26, 1854.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Title.

WHEREAS a treaty was made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, on the twenty-sixth day of December, one thousand eight hundred and fifty-four, between the United States of America and the Nisqually and other bands of Indians, which treaty is in the words following, to wit:—

Articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth-day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-chass, T'Peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

Cession to  
United States.

ARTICLE I. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, to wit: Commencing at the point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott bays; thence running in a southeasterly direction, following the divide between the waters of the Puyallup and Dwamish, or White rivers, to the summit of the Cascade Mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck Creek; thence to and down said creek, to the coal mine; thence northwesterly, to the summit of the Black Hills; thence northerly, to the upper forks of the Satsop River; thence northeasterly, through the portage known as Wilkes's Portage, to Point Southworth, on the western side of Admiralty Inlet; thence around the foot of Vashon's Island, easterly and southeasterly, to the place of beginning.

Reservation for  
said tribes.

ARTICLE II. There is, however, reserved for the present use and occupation of the said tribes and bands, the following tracts of land, viz: The small island called Klah-che-min, situated opposite the mouths of Hammersley's and Totten's inlets, and separated from Hartstene Island by Peale's Passage, containing about two sections of land by estimation; a square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam Creek, one mile west of the meridian line of the United States land survey, and a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement Bay; all which tracts shall be

set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the tribe and the superintendent or agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through their reserves, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them.

Removal there-  
to.

Roads may be  
constructed.

ARTICLE III. The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians, in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however,* That they shall not take shell fish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding horses, and shall keep up and confine the latter.

Rights to fish.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of thirty-two thousand five hundred dollars, in the following manner, that is to say: For the first year after the ratification hereof, three thousand two hundred and fifty dollars; for the next two years, three thousand dollars each year; for the next three years two thousand dollars each year; for the next four years fifteen hundred dollars each year; for the next five years twelve hundred dollars each year, and for the next five years one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

Payments for  
said cession.

How applied.

ARTICLE V. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of three thousand two hundred and fifty dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

Expense of re-  
moval, &c.

ARTICLE VI. The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment be made accordingly therefor.

Removal from  
said reservation.

*Ante*, p. 1044.

ARTICLE VII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

Annuities not  
to be taken for  
debts.

Stipulations respecting conduct of Indians.

ARTICLE VIII. The aforesaid tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article, in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Intemperance.

ARTICLE IX. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same; and, therefore, it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Schools, shops, &c.

ARTICLE X. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support, for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands, in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employées, and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

Slaves to be freed.

ARTICLE XI. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

Trade out of the limits of the U. S. forbidden.

ARTICLE XII. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

Foreign Indians not to reside on reservation.

Treaty, when to take effect.

ARTICLE XIII. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian Affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS,

[L. s.]

*Governor and Superintendent Territory of Washington.*

QUI-EE-METL,  
SNO-HO-DUMSET,  
LESH-HIGH,

his x mark. [L. s.]  
his x mark. [L. s.]  
his x mark. [L. s.]

SLIP-O-ELM,	his x mark.	[L. S.]
KWI-ATS,	his x mark.	[L. S.]
STEE-HIGH,	his x mark.	[L. S.]
DI-A-KEH,	his x mark.	[L. S.]
HI-TEN,	his x mark.	[L. S.]
SQUA-TA-HUN,	his x mark.	[L. S.]
KAHK-TSE-MIN,	his x mark.	[L. S.]
SONAN-O-YUTL,	his x mark.	[L. S.]
KL-TEHP,	his x mark.	[L. S.]
SAHL-KO-MIN,	his x mark.	[L. S.]
T'BET-STE-HEH-BIT,	his x mark.	[L. S.]
TCHA-HOOS-TAN,	his x mark.	[L. S.]
KE-CHA-HAT,	his x mark.	[L. S.]
SPEE-PEH,	his x mark.	[L. S.]
SWE-YAH-TUM,	his x mark.	[L. S.]
CHAH-ACHSH,	his x mark.	[L. S.]
PICH-KEHD,	his x mark.	[L. S.]
S'KLAH-O-SUM,	his x mark.	[L. S.]
SAH-LE-TATL,	his x mark.	[L. S.]
SEE-LUP,	his x mark.	[L. S.]
E-LA-KAH-KA,	his x mark.	[L. S.]
SLUG-YEH,	his x mark.	[L. S.]
HI-NUK,	his x mark.	[L. S.]
MA-MO-NISH,	his x mark.	[L. S.]
CHEELS,	his x mark.	[L. S.]
KNUTCANU,	his x mark.	[L. S.]
BATS-TA-KOBE,	his x mark.	[L. S.]
WIN-NE-YA,	his x mark.	[L. S.]
KLO-OUT,	his x mark.	[L. S.]
SE-UCH-KA-NAM,	his x mark.	[L. S.]
SKE-MAH-HAN,	his x mark.	[L. S.]
WUTS-UN-A-PUM,	his x mark.	[L. S.]
QUUTS-A-TADM,	his x mark.	[L. S.]
QUUT-A-HEH-MTSN,	his x mark.	[L. S.]
YAH-LEH-CHN,	his x mark.	[L. S.]
TO-LAHL-KUT,	his x mark.	[L. S.]
YUL-LOUT,	his x mark.	[L. S.]
SEE-AHTS-OOT-SOOT,	his x mark.	[L. S.]
YE-TAHKO,	his x mark.	[L. S.]
WE-PO-IT-EE,	his x mark.	[L. S.]
KAH-SLD,	his x mark.	[L. S.]
LA'H-HOM-KAN,	his x mark.	[L. S.]
PAH-HOW-AT-ISH,	his x mark.	[L. S.]
SWE-YEHM,	his x mark.	[L. S.]
SAH-HWILL,	his x mark.	[L. S.]
SE-KWAHT,	his x mark.	[L. S.]
KAH-HUM-KLT,	his x mark.	[L. S.]
YAH-KWO-BAH,	his x mark.	[L. S.]
WUT-SAH-LE-WUN,	his x mark.	[L. S.]
SAH-BA-HAT,	his x mark.	[L. S.]
TEL-E-KISH,	his x mark.	[L. S.]
SWE-KEH-NAM,	his x mark.	[L. S.]
SIT-OO-AH,	his x mark.	[L. S.]
KO-QUEL-A-CUT,	his x mark.	[L. S.]
JACK,	his x mark.	[L. S.]
KEH-KISE-BE-LO,	his x mark.	[L. S.]
GO-YEH-HN,	his x mark.	[L. S.]

SAH-PUTSH,  
WILLIAM,

his x mark. [L. S.]  
his x mark. [L. S.]

Executed in the presence of us :—

M. T. SIMMONS,  
*Indian Agent.*

JAMES DOTY,  
*Secretary of the Commission.*

C. H. MASON,  
*Secretary Washington Territory.*

W. A. SLAUGHTER,  
*1st Lieut. 4th Infantry.*

JAMES MCALISTER,  
E. GIDDINGS, jr.,  
GEORGE SHAZER,  
HENRY D. COCK,  
S. S. FORD, jr.,  
JOHN W. MCALISTER,  
CLOVINGTON CUSHMAN,  
PETER ANDERSON,  
SAMUEL KLADY,  
W. H. PULLEN,  
P. O. HOUGH,  
E. R. TYERALL,  
GEORGE GIBBS,  
BENJ. F. SHAW, *Interpreter,*  
HAZARD STEVENS.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit :—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

Consent of  
Senate.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steth-chass, T'Peeksin, Squi-aitl, and Sa-heh-wamish tribes and bands of Indians occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

“Attest :

ASBURY DICKINS,

“Secretary.”

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this tenth day of April, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State*.

Jan. 18, 1855. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Title.

WHEREAS a convention between the United States of America and the Kingdom of Hanover was concluded and signed by their respective plenipotentiaries, in London, on the eighteenth day of January, eighteen hundred and fifty-five; which convention, being in the English and German languages, is, word for word, as follows:—

Preamble as to extradition of criminals.

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the government of the United States on the one part, and the kingdom of Hanover on the other part.

The United States of America and his Majesty the King of Hanover, actuated by an equal desire to further the administration of justice, and to prevent the commission of crime in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed, in all cases, with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the government of the United States shall be held equally free from any obligation to surrender citizens of the United States.

Neither country to deliver up its own subjects or citizens.

Vertrag zwischen den Vereinigten Staaten einerseits und dem Königreich Hannover andererseits wegen der in gewissen Fällen zu gewährenden gegenseitigen Auslieferung der vor der Justiz flüchtigen Verbrecher.

Die Vereinigten Staaten von Amerika und Seine Majestät der König von Hannover, von dem gleichen Wunsche beseelt, in den beiderseitigen Staaten die Verwaltung der Rechtspflege und die Verhütung von Verbrechen zu befördern, in Erwägung dass die verbesserten Verkehrsmittel zwischen Europa und Amerika das Entkommen von Verbrechern erleichtern, und dass es daher einer gemeinschaftlichen Vorsorge bedarf, damit nicht die Zwecke der Gerechtigkeit vereitelt werden, dann in Berücksichtigung der Verfassung und Gesetzgebung Hannovers, welche es der Hannoverischen Regierung nicht gestatten, ihre eignen Unterthanen zur Aburtheilung vor fremden Gerichtshöfen auszuliefern, sowie in Berücksichtigung des Grundsatzes genauer Reciprocität, nach welchem auch die Regierung der Vereinigten Staaten eine Verbindlichkeit zur Auslieferung von Bürgern der Vereinigten Staaten, gegenüber der Hannoverischen Regierung, nicht eingehen soll, haben sich entschlossen, eine Uebereinkunft abzuschliessen, welche in allen Fällen zur Richtschnur des Verfahrens hinsichtlich der Auslieferung solcher Personen dienen soll, welche in dem einen Lande gewisse hiernach namentlich aufgezählte Verbrechen verübt, und sich sodann in das Gebiet des andern Staates geflüchtet haben.

For which purpose the high contracting powers have appointed as their plenipotentiaries: The President of the United States, James Buchanan, envoy extraordinary and minister plenipotentiary of the United States at the court of the United Kingdom of Great Britain and Ireland; his Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his envoy extraordinary and minister plenipotentiary to her Britannic majesty, grand cross of the order of the Guelphs, &c., &c., who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:—

## ARTICLE I.

The government of the United States and the Hanoverian government promise and engage, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other

Zu diesem Zwecke haben die hohen contrahirenden Theile zu Ihren Bevollmächtigten ernannt: Der Präsident der Vereinigten Staaten James Buchanan, ausserordentlichen Gesandten und bevollmächtigten Minister der Vereinigten Staaten am Hofe des Vereinigten Königreichs von Grossbritannien und Irland; Seine Majestät der König von Hannover den Grafen Adolph von Kielmansegge, Allerhöchst Ihren ausserordentlichen Gesandten und bevollmächtigten Minister bei Ihrer grossbritannischen Majestät, Grosskreuz des Guelphen-Ordens, etc., etc., welche nach gegenseitiger Mittheilung ihrer einschlägigen in guter und gehöriger Form befundenen Vollmachten über nachfolgende Artikel übereingekommen sind:—

Negotiator.

## ARTIKEL I.

Die Regierung der Vereinigten Staaten und die königlich Hanoversche Regierung versprechen und machen sich verbindlich, auf gegenseitige Requisitionen, welche respective sie selbst, oder ihre Gesandten, Beamten oder Behörden erlassen, alle Individuen der Justiz auszuliefern, welche beschuldigt, das Verbrechen des Mordes oder eines Angriffs in mörderischer Absicht, oder des Seeraubes, oder der Brandstiftung, oder des Raubes, oder der Fälschung, oder des Ausgebens falscher Documente, oder der Verfertigung oder Verbreitung falschen Geldes, sei es gemünztes oder Papiergeld, oder des Defectes, oder der Unterschlagung öffentlicher Gelder, innerhalb der Gerichtsbarkeit eines der beiden Theile begangen zu haben, in dem Gebiete des anderen Theiles eine Zuflucht suchen, oder dort aufgefunden werden, mit der Beschränkung jedoch, dass dies nur auf solche Beweise für die Strafbarkeit geschehen soll, welche nach den Gesetzen des Ortes, wo der Flüchtling oder das so beschuldigte Individuum aufgefunden wird, dessen Verhaftung und Stellung vor Gericht rechtfertigen würden, wenn das Verbrechen oder Vergehen dort begangen wäre, und die respectiven

For what crimes extradition may be demanded.

Evidence.

Mode of surrender.

magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

#### ARTICLE II.

Other Germanic States may accede to this treaty.

The stipulations of this convention shall be applied to any other State of the Germanic confederation which may hereafter declare its accession thereto.

#### ARTICLE III.

Neither party to surrender its own subjects or citizens.

None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

#### ARTICLE IV.

Provision when the criminal has committed a new crime.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

Richter und anderen Behörden der beiden Regierungen sollen Macht, Befugniss und Autorität haben, auf eidlich erhärtete Angabe einen Befehl zur Verhaftung des Flüchtlings oder so beschuldigten Individuums zu erlassen, damit er vor die gedachten Richter oder anderen Behörden zu dem Zwecke gestellt werde, dass der Beweis für die Strafbarkeit gehört und in Erwägung gezogen werde, und wenn bei dieser Vernehmung der Beweis für ausreichend zur Aufrechthaltung der Beschuldigung erkannt wird, so soll es die Pflicht des prüfenden Richters oder der Behörde sein, selbigen für die betreffende executive Behörde festzustellen, damit ein Befehl zur Auslieferung eines solchen Flüchtlings erlassen werden könne.

Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Theile getragen und erstattet werden, welcher die Requisition erlässt, und den Flüchtling in Empfang nimmt.

#### ARTIKEL II.

Die Bestimmungen dieser Uebereinkunft sollen auf jeden anderen Staat des Deutschen Bundes Anwendung finden, der später seinen Beitritt zu derselben erklärt.

#### ARTIKEL III.

Keiner der contrahirenden Theile soll gehalten sein, in Gemässheit der Bestimmungen dieser Uebereinkunft, seine eigenen Unterthanen oder Bürger auszuliefern.

#### ARTIKEL IV.

Wenn ein Individuum welches eines der in dieser Uebereinkunft aufgezählten Verbrechen angeklagt ist, ein neues Verbrechen in dem Gebiete des Staates begangen haben sollte, wo er eine Zuflucht gesucht hat oder aufgefunden wird, so soll ein solches Individuum nicht eher in Gemässheit der Bestimmungen dieser Uebereinkunft ausgeliefert werden, als bis dasselbe vor Gericht gestellt worden sein, und die auf ein solches neues Verbrechen gesetzte

## ARTICLE V.

The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

## ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Hanover, and the ratifications shall be exchanged, in London, within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the independence of the United States.

JAMES BUCHANAN, [L. s.]  
A. KIELMANSEGGE, [L. s.]

Strafe erlitten haben, oder freigesprochen worden sein wird.

## ARTIKEL V.

Die gegenwärtige Uebereinkunft soll bis zum ersten Januar Ein tausend acht hundert und acht und fünfzig in Kraft bleiben, und wenn kein Theil dem anderen sechs Monate vorher Mittheilung von seiner Absicht macht, dieselbe dann aufzuheben, so soll sie ferner in Kraft bleiben, bis zu dem Ablaufe von zwölf Monaten, nachdem einer der hohen contrahirenden Theile dem anderen von einer solchen Absicht Kenntniss gegeben; wobei jeder der hohen contrahirenden Theile sich das Recht vorbehält, dem anderen eine solche Mittheilung, zu jeder Zeit nach dem Ablaufe des gedachten ersten Januars Eintausend acht hundert und acht und fünfzig zugehen zu lassen.

Duration of  
this convention.

## ARTIKEL VI.

Die gegenwärtige Uebereinkunft soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten, und von der Hannoverschen Regierung, und die Ratificationen sollen zu London innerhalb drei Monaten von dem heutigen Datum oder wo möglich früher ausgewechselt werden.

Ratification.

Zu Urkunde dessen haben die respectiven Bevollmächtigten diese Uebereinkunft unterzeichnet und hierunter ihre Siegel begedrückt.

In zweifacher Ausfertigung geschehen zu London den achtzehnten Januar des Jahres Eintausend acht hundert und fünf und fünfzig und im neun und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

JAMES BUCHANAN, [L. s.]  
A. KIELMANSEGGE, [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in London, on the seventeenth ultimo:—

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to

be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done in the city of Washington, this fifth day of May, in the  
[L. s.] year of our Lord, one thousand eight hundred and fifty-five,  
and of the independence of the United States, the seventy-  
ninth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Jan. 22, 1855.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

WHEREAS a treaty was made and concluded at Dayton, Oregon Territory, in the month of January, eighteen hundred and fifty-five, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs of the confederated bands of Indians residing in the Willamette Valley, which treaty is in the words following, to wit:—

Articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs of the confederated bands of Indians residing in the Willamette Valley, they being duly authorized thereto by their respective bands, to wit: Ki-a-kuts, Le Medicin, and Yatskaw, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow, or Kompetine, chiefs of the Che-luk-i-ma-uke band; Ah-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quineflat, or Ben, chiefs of the Chem-a-pho, or Maddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-e-la, or Long Tom band, all of the Calapooias; Qui-a-qua-ty, Yal-kus, and Kow-ka-ma, or Long Hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tec, or Sam, To-phor, or Jim Brown, and Hal-la-be, or Doctor, of the Tekopa band; Pulk-tah, of the Chafan band of the Calapooia tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no, Te-ap-i-nick and Wal-lah-pi-coto, chiefs of the Clack-a-mas tribe; Lallak and Cuck-a-man-na, or David, of the Clow-we-wal-la or Willamette Tum-water band; Tow-ye-col-la, or Louis; Yelk-ma, or Jo, La-ham, or Tom, Joseph Sanegeritta, Pullican, Te-na, or Kiles, Pul-kup-li-ma, or John, Sallaf, or Silas, Hoip-ke-nek, or Jack, Yepta and Sat-invose, or James, chiefs and headmen of the Santiam bands of Calapooias.

ARTICLE FIRST. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country included in the following boundaries, to wit:—

Cession to the  
United States.

Commencing in the middle of the main channel of the Columbia River, opposite the mouth of the first creek emptying into said river from the south below Oak point, thence south to the first standard parallel north of the base line in the government survey, thence west to the summit of the coast range of mountains, thence southerly along the summit of said range to the Calapooia Mountains, thence easterly along the summit of said mountains to the summit of the Cascade Mountains, thence along said summit northerly, to the middle of the Columbia River, at the Cascade Falls, and thence down the middle of said river to the place of beginning.

Title.

Temporary reservation.

Protection.

Removal to a home to be assigned.

Payments to said Indians.

How expended.

Further payment.

How expended.

Provision if any refuse to sign this treaty.

Provision if any claim to territory North of the Columbia is established.

*Provided, however,* that said bands be permitted to remain within the limits of the country ceded, and on such temporary reserves as may be made for them by the superintendent of Indian affairs, until a suitable district of country shall be designated for their permanent home, and proper improvements made thereon: *And provided,* that the United States make proper provision for the security of their persons and property from the hostile attacks of Indians of other tribes and bands. At which time, or when thereafter directed by the superintendent of Indian affairs, or agent, said confederated bands engage peaceably, and without expense to the United States other than that provided for in this treaty, to vacate the country hereby ceded, and remove to the district which shall be designated for their permanent occupancy.

ARTICLE SECOND. In consideration of, and payment for the country herein described, the United States agree to pay to the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit: ten thousand dollars per annum for the first five years, commencing on the first day of September, 1855.

Eight thousand dollars per annum for the term of five years next succeeding the first five.

Six thousand five hundred dollars per annum for the term of five years next succeeding the second five.

Five thousand five hundred dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may, from time to time, at his discretion, determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be expended for such articles as the superintendent of Indian affairs shall furnish the Indians, as soon as practicable after the signing of this treaty; and in providing, after the ratification thereof, and while the Indians shall reside on the temporary reserves that may be assigned them, horses, oxen, and other stock; wagons, agricultural implements, clothing and provisions, as the President may direct; and for erecting on the tract that may be selected as their permanent homes, mills, shops, school-houses, a hospital, and other necessary buildings, and making improvements; for seeds, stock, and farming operations thereon; for paying for the permanent improvements of settlers, should any such be on said tract at the time of its selection; to pay the expenses of the removal of the Indians thereto, and in providing for their subsistence thereon for the first year after their removal. *Provided, however,* that if any band or bands of Indians, residing on or claiming any portion or portions of the country described in article first, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several annual and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may bear to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And, provided,* any of the bands becoming parties to this treaty establish a legitimate claim to any portion of the country north of the Columbia River, that the amount to which they may be entitled as a consideration for such country, in any treaties here-

after entered into with the United States, shall be added to the annuities herein provided for.

ARTICLE THIRD. In addition to the considerations specified, the United States agree to provide for the employment, for the term of five years from and after the removal of said Indians to their permanent reserve, of a physician, a school teacher, a blacksmith, and a superintendent of farming operations.

Physician, &c.

ARTICLE FOURTH. The President may, from time to time, at his discretion, cause the whole or such portion as he may think proper, of the tract that may hereafter be set apart as the permanent home of these Indians, to be surveyed into lots, and assign them to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently; to a single person, over twenty-one years of age, twenty acres; to a family of two persons, forty acres; to a family of three, and not exceeding five persons, fifty acres; to a family of six persons, and not exceeding ten, eighty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family, for such assigned land, conditioned that the tract shall not be aliened or leased for a longer time than two years, and shall be exempt from levy, sale, or forfeiture; which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions: *Provided, however,* that no state legislature shall remove the restrictions herein provided for, without the consent of Congress. And if any such family shall, at any time, neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same; or, if not issued, cancel the assignment; and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resume the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of the Indians residing on the reserve.

Reservation and home may be surveyed and allotted.

ARTICLE FIFTH. The annuities of the Indians shall not be taken to pay the debts of individuals.

Annuities not to be taken for debts.

ARTICLE SIXTH. The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other band or tribe of Indians, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

Stipulations as to conduct of said Indians.

ARTICLE SEVENTH. In order to prevent the evils of intemperance among said Indians, it is hereby provided that any one of them who

Intemperance.

shall drink liquor, or procure it for other Indians to drink, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Roads may be  
constructed.

ARTICLE EIGHTH. The said confederated bands agree that when a permanent reserve shall be assigned them, all roads, highways, and railroads, demanded at any time by the public convenience, shall have the right of way therein, a just compensation being made therefor.

Treaty, when  
obligatory.

ARTICLE NINTH. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs of the said confederated bands, have hereunto set their hands and seals this fourth day of January, eighteen hundred and fifty-five, at Dayton, in Oregon Territory.

JOEL PALMER, *Superintendent of Indian Affairs.* [L. s.]

KI-AC-KUTS, first chief,	his x mark,	[L. s.]
LE MEDICIN, or DOCTOR, second chief,	his x mark,	[L. s.]
YATS-KOW, or DAVE, third chief,	his x mark,	[L. s.]
SHAP-H, or WILLIAM, first chief,	his x mark,	[L. s.]
SHEL-KE-AH, or DAVID, second chief,	his x mark,	[L. s.]
CHE-AH, or JESSE, third chief,	his x mark,	[L. s.]
DABO, or JIM, first chief,	his x mark,	[L. s.]
SCO-LA-QUIT, or JOHN, second chief,	his x mark,	[L. s.]
YAH-KOW, or KOMPETINE, third chief,	his x mark,	[L. s.]
AH-MO, or GEORGE, first chief,	his x mark,	[L. s.]
HINC-PHOR, or HUBBARD, second chief,	his x mark,	[L. s.]
OH-NO, or TIM, third chief,	his x mark,	[L. s.]
MA-MAH-MO, or CHARLEY PETER,		
first chief,	his x mark,	[L. s.]
CHA-CHE-CLUE, or TOM, second chief,	his x mark,	[L. s.]
QUINEFLAT, or BEN, third chief,	his x mark,	[L. s.]
LUCK-A-MA-FOO, or ANTOINE,		
first chief,	his x mark,	[L. s.]
HOO-TIL, or CHARLEY, second chief,	his x mark,	[L. s.]

Executed in presence of us—

EDWARD R. GEARY, *Secretary.*

JOHN FLETT, *Interpreter.*

GEORGE DORSEY,

PHILLIP A. DECKER,

LORENZO PALMER.

We, the chiefs of the Molalla band of Molallas, and of the Calapooia band of Calapooias, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, this ninth day of January, eighteen hundred and fifty-five.

QUIA-QUATY, first chief,	his x mark.	[L. s.]
YALKUS, second chief,	his x mark.	[L. s.]
KAW-KA-MA, or LONG HAIR, third chief,	his x mark.	[L. s.]
KILES, or JIM, first chief,	his x mark.	[L. s.]
KOWAH-TOUGH, or JOHN, second chief,	his x mark.	[L. s.]

Executed in presence of us —

EDWARD R. GEARY, *Secretary*.  
CRIS. TAYLOR, *Assistant Secretary*.  
JOHN FLETT, *Interpreter*.  
PHILLIP A. DECKER,  
LORENZO PALMER.

We, the chiefs and headmen of the Nin-ne-felly, Mohawk, Chapen, and Te-co-pa bands of Calapooias, Wal-lal-lah band of Tum-waters, and the Clockamus tribe of Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this tenth day of January, eighteen hundred and fifty-five.

AN-TA, first chief,	his x mark,	[L. S.]
QUIL-AL-LA, or JOHN, second chief,	his x mark,	[L. S.]
ME-QUAH, or DICK,	his x mark,	[L. S.]
YACK-A-TEE, or SAM, first chief,	his x mark,	[L. S.]
TO-PHOR, or JIM BROWN, second chief,	his x mark,	[L. S.]
HAL-LA-LE, or DOCTOR,	his x mark,	[L. S.]
PULK-TAH, second chief,	his x mark,	[L. S.]
TUM-WALTH, first chief,	his x mark,	[L. S.]
O-BAN-A-HAH, second chief,	his x mark,	[L. S.]
WATCH-A-NO, first chief,	his x mark,	[L. S.]
TE-AP-I-NICK, second chief,	his x mark,	[L. S.]
WAL-LAH-PI-CATE, third chief,	his x mark,	[L. S.]

Executed in presence of us —

CRIS. TAYLOR, *Assistant Secretary*.  
ANDREW SMITH,  
JOHN FLETT, *Interpreter*.

We, the chiefs and headmen of the Clow-we-wal-la, or Willamette Tum-water band of Indians, being assembled in council, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Linn city, Oregon Territory, this nineteenth day of January, eighteen hundred and fifty-five.

LAL-BICK, or JOHN,	his x mark,	[L. S.]
CUCK-A-MAN-NA, or DAVID,	his x mark,	[L. S.]

Executed in presence of us —

CRIS. TAYLOR, *Assistant Secretary*.  
JOHN FLETT, *Interpreter*.

We, the chiefs and headmen of the Santam bands of Calapooia Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this twenty-second day of January, eighteen hundred and fifty-five.

TOW-YE-COLLA, or LOUIS, first chief,	his x mark,	[L. S.]
LA-HAM, or TOM, third chief,	his x mark,	[L. S.]

SENEGERTTA,  
PUL-I-CAN,  
TE-NA, or KILES,  
PUL-KUP-TI-MA, or JOHN,  
SAL-LAF, or SILAS,  
HOIP-KE-NEK, or JACK,  
YEP-TAH,  
SATINVOSE, or JAMES,

his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]  
his x mark, [L. s.]

Executed in presence of us —

EDWARD R. GEARY, *Secretary*.  
CRIS. TAYLOR,  
ANDREW SMITH,  
JOHN FLETT, *Interpreter*.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit: —

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

Assent of  
Senate.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs on the part of the United States, and the following named chiefs of the confederated bands of Indians residing in the Willamette valley, they being duly authorized thereto by their respective bands, to wit: Ki-a-kuts, Le Medicin, and Yats-kow, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow, or Kompetine, chiefs of the Che-luk-i-ma-uke band; Ah-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho, or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quine-flat, or Ben, chiefs of the Chem-a-pho, or Maddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-c-la, or Long Tom band, all of the Calapooias; Qui-a-qua-ty, Yal-kus, and Kow-kama, or Long Hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tee, or Sam, To-phor or Jim Brown, and Hal-la-be, or Doctor, of the Tekopa band; Pulk-tah, of the Chafan band of the Calapooia tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no; Te-ap-i-nick and Wal-lah-pi-cote, chiefs of the Clack-a-mas tribe; Lallak and Cuck-a-man-na, or David, of the Clow-we-wal-la, or Willamette Tum-water band; Tow-ye-col-la, or Louis; Yalk-ma, or Jo, La-ham, or Tom, Joseph Sanegertta, Pullican, Te-na, or Kiles, Pul-kup-li-ma, or John, Sallaf, or Silas, Hoip-ke-nek or Jack, Yepta, and Sat invose, or James, chiefs and headmen of the Santam bands of the Calapooias.”

“Attest:

ASBURY DICKINS,

“*Secretary*.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and

consent of the Senate, as expressed in their resolution of the third day of March, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. s.] Done at the city of Washington, this tenth day of April,  
in the year of our Lord, one thousand eight hundred and  
fifty-five, and of the independence of the United States, the  
seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

Jan. 22, 1855.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a consular convention between the United States of America and his Majesty the King of the Netherlands, was concluded and signed at the Hague, by their respective plenipotentiaries, on the twenty-second day of January last, which convention, being in the English and Dutch languages, is, word for word, as follows :—

## Preamble.

His Majesty the King of the Netherlands, wishing to strengthen the bonds of friendship subsisting between the United States of America and the kingdom of the Netherlands, and to give the amplest possible development to the commercial intercourse so happily established between the two nations, has, for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the government of the United States, consented to receive consuls from said States in the principal ports of the Dutch colonies, with the reservation, however, of making this concession the subject of a special convention, which shall determine, in a clear and precise manner, the rights, duties, and privileges of said consuls in the colonies above mentioned.

## Negotiators.

Accordingly, the President of the United States has named August Belmont, a citizen of the United States, and their minister resident near his Majesty the King of the Netherlands;

His Majesty the King of the Netherlands, the Sieur Floris Adrian Van Hall, Grand Cross of the Order of the Netherlands Lion, his Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, his Majesty's minister for the colonies;

Zijne Majesteit de Koning der Nederlanden, de vriendschapsbanden, die tusschen de Vereenigde Staten van Amerika en het Koninkrijk der Nederlanden bestaan, naauwer wenshende toe te halen en aan de handels betrekkingen, die zoo gelukkig tusschen de beide Staten tot stand zijn gebragt, de meest mogelijke uitbreiding willende geven, heeft ten einde dat doel te bereiken en omite voldoen aan een herhaaldelijk te kennen gegeven verlangen van de Regering der Vereenigde Staten, toegestemd in het toelaten van Consuls van die Staten in de voornaamste havens der nederlandsche Kolonien onder voorbehoud evenwel deze vergunning tot het onderwerp te maken eener uitdrukkelijke Overeenkomst, waarbij de regten, verplichtingen en voorregten dier Consuls in de gezegde Kolonien duidelijk en naauwkeurig werden omschreven.

Fedien einde heeft de President der Vereenigde Staten benoemd den Heer August Belmont, burger der Vereenigde Staten, en Minister Resident van die Staten bij Zijne Majesteit den Koning der Nederlanden;

Zijne Majesteit de Koning der Nederlanden heeft benoemd de Heeren Floris Adriaan Van Hall, Grootkruis der Orde van den Nederlandschen Leeuw, Hoogstdezelfs Minister van Staat en van Buitenlandsche Zaken, en Karel Ferdinand Pahud, Grootkruis der Orde van Nederlandschen Leeuw, Hoogstdezelfs Minister van Kolonien —

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles :—

## ARTICLE I.

Consuls-general, consuls, and vice-consuls of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

## ARTICLE II.

The consuls-general, consuls, and vice-consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen, in the ports within the circumference of their consular districts.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention established in their favor.

## ARTICLE III.

The consuls-general and consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of his Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said consular agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the governor of the colony, on a statement of the reasons for doing so.

Die, na mededeeling hunner volmagten, welke in goeden en behoorlijken vorm zijn bevonden, omtrent de navolgende artikelen zijn overeengekomen :—

## ARTIKEL I.

Er worden Consuls Generaal, Consuls, en Vice-Consuls der Vereenigde Staten van Amerika toegelaten in al de havens van de overzeesche bezittingen of kolonien der Nederlanden, welke open zijn voor de schepen van alle landen.

American consuls, &c., admission of, to certain possessions and colonies of the Netherlands.

## ARTIKEL II.

De Consuls Generaal, Consuls, en Vice-Consuls der Vereenigde Staten van Amerika worden beschouwd als handelsagenten, ter bescherming van den zeehandel hunner landgenooten, in de havens van het ressort van hun consulaire arrondissement.

Their powers and office.

Zij zijn onderworpen zoowel aan de burgerlijke als aan de strafwetten des lands, waar zij gevestigd zijn, onverminderd de uitzonderingen, die de tegenwoordige overeenkomst in hun belang vaststelt.

To be subject to the laws.

## ARTIKEL III.

De Consuls Generaal en Consuls, alvorens tot de uitoefening hunner werkzaamheden te worden toegelaten en het genot te hebben van de vrijdommen, die daaraan verbonden zijn, leggen an de Regering van Zijne Majesteit den Koning der Nederlanden eene commissie in behoorlijken vorm over.

Their commissions to be presented.

Nadat het Exequatur, 't welk zoo spoedig mogelijk door den Gouverneur der Kolonie zal worden mede onderteeekend, is verleend, hebben gezegde Agenten regt op de bescherming der Regering en op den bijstand der plaatselijke overheid voor de vrije uitoefening hunner betrekking.

Exequaturs.

De Regering behoudt zich, bij het verleen van het Exequatur, de bevoegdheid voor, dit weder in te trekken of door den Gouverneur der Kolonie te doen intrekken, met opgave der redenen.

## ARTICLE IV.

Inscription on their offices.

The consuls-general and consuls are authorized to place on the outer door of their consulates, the arms of their government, with the inscription: "Consulate of the United States of America."

Not to give the right of asylum.

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

## ARTICLE V.

Archives, &c., not subject to search or examination.

It is, nevertheless, understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

## ARTICLE VI.

Consuls, &c., not to have diplomatic powers, except, &c.

The consuls general, consuls, and vice-consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands government, it must be done through the medium of the diplomatic agent residing at the Hague, if one be there.

The consul may, in case of urgency, apply to the governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

## ARTICLE VII.

Vice-consuls may be appointed.

Consuls-general and consuls shall be free to establish vice-consuls in the ports mentioned in article one, and situated in their consular districts.

The vice-consuls may be taken

## ARTIKEL IV.

De Consuls Generaal en Consuls zijn gerechtigd boven de buitendeur hunner consulaten het wapen van hunne Regering te plaatsen, met het opschrift: "Consulaat van de Vereenigde Staten van Amerika."

Het is uitdrukkelijk verstaan dat dit uitwendig teeken nimmer kan worden aangemerkt als gevende het *jus asyli*, noch als kunnende de woning en hare bewoners onttrekken aan de vervolging der plaatselijke justitie.

## ARTIKEL V.

Het staat echter vast dat de archieven en bescheiden betreffende de zaken van het Consulaat, tegen elk onderzoek zullen beschermd zijn, en dat geen overheid of ambtenaar de bevoegdheid zal hebben, die op eenigerhande wijze of onder eenig voorwendsel te onderzoeken, in beslag te nemen of daarvan inzage te hebben.

## ARTIKEL VI.

De Consuls Generaal, Consuls en Vice-Consuls zijn met geenerhande diplomatieke waardigheid bekleed.

Indien eene aanvraag aan de Nederlandsche Regering moet worden gedaan, geschiedt zulks door tusschenkomst van den diplomatieken agent, te 's Gravenhage gevestigd, indien er een is.

In spoed vereischende gevallen kan de Consul zelf de aanvraag doen aan den Gouverneur der Kolonie, daarbij het dringende der zaak aantoonende en de redenen, waarom de aanvraag niet aan de ondergeschikte overheid kan worden gedaan, of dat de vroegere aanvragen aan deze overheden zonder gevolg zijn gebleven.

## ARTIKEL VII.

De Consuls Generaal en de Consuls zijn bevoegd Vice-Consuls te benoemen in de havens, vermeld in Artik. 1, en gelegen in hun Consulair District.

De Vice-Consuls kunnen zonder

indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing, or having the privilege, according to the local laws, to fix their residence in the port to which the vice-consul shall be named.

These vice-consuls, whose nomination shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the consul under whose orders they exercise their functions.

The governor of the colony may, in all cases withdraw from the vice-consuls the aforesaid sanction, in communicating to the consul-general, or consul of the respective district the motives for his doing so.

#### ARTICLE VIII.

Passports delivered or signed by consuls or consular agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the governor of the colony to prohibit the residence in, or to order the departure from, the colony of any person to whom a passport may have been delivered, remains undisturbed.

#### ARTICLE IX.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the consul-general, consul, or vice-consul who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the consul-general, consul, or vice-consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

onderscheid worden gekozen uit de Nederlandsche onderdanen, uit de burgers der Vereenigde Staten of uit die van elk ander land, gevestigd of kunnende, volgens de bepalingen der plaatselijke wetten, worden toegelaten tot het zich vestigen in de haven, waar de Vice Consul wordt aangesteld.

Deze Vice Consuls, wier benoeming onderworpen is aan de goedkeuring van den Gouverneur der Kolonie, worden voorzien van eene aanstelling, afgegeven door den Consul, onder wiens bevelen zij werkzaam moeten zijn.

De Gouverneur der Kolonie kan in ieder geval de goedkeuring, waarvan zoeven is gesproken, aan de Vice Consuls ontnemen, onder mededeeling der redenen aan den Consul Generaal of Consul van het betrokken district.

#### ARTIKEL VIII.

De paspoorten door Consuls of Consulaire Agenten afgegeven of geviseerd, ontslaan geenszins van de verplichting om zich te voorzien van al de stukken, door de plaatselijke wetten tot het reizen of zich vestigen in de Kolonien gevorderd.

Het regt om het verblijf in de Kolonie te ontzeggen, of de verwijdering te bevelen van den persoon aan wien een paspoort is afgegeven, blijft den Gouverneur der Kolonie voorbehouden.

#### ARTIKEL IX.

Wanneer een schip der Vereenigde Staten op de kusten van eener der Nederlandsche Kolonien komt te stranden, neemt, bij afwezigheid van den Kapitein of den Supercarga, of met hunne toestemming, de Consul Generaal, Consul of Vice-Consul, aanwezig ter plaatse van den schipbreuk, al de noodige maatregelen tot redding van schip, lading en alles wat daartoe behoort.

Bij afwezendheid van den Consul Generaal, Consul of Vice-Consul, neemt de Nederlandsche overheid der plaats, waar het schip is gestrand, de maatregelen, bij de wetten der Kolonie voorgeschreven.

Wrecks.

## ARTICLE X.

Reclamation  
of deserters from  
vessels.

Consuls-general, consuls, and vice-consuls may, in so far as the extradition of deserters from merchant vessels or ships-of-war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said consuls, and may be confined in the public prisons at the request, and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

## ARTICLE XI.

Estates of deceased persons.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the ad-

## ARTIKEL X.

De Consuls Generaal, Consuls en Vice-Consuls, kunnen, voor zoover de uitlevering van deserteurs van koopvaardij of vorlogschepen bij tractaat is bedongen, de hulp der plaatselijke overheid inroepen tot het aanhouden, gevangen nemen en in verzekerde bewaring houden van deserteurs van schepen der Vereenigde Staten; zij wenden zich te dien einde tot de bevoegde ambtenaren en eischen de gezegde deserteurs schriftelijk op, mits uit de scheepsregisters, monsterrollen of ieder ander authentiek stuk, bewijzende, dat de opgeëischte personen behoord hebben tot de manschap.

Wanneer de opeischung op deze wijze is gestaafd, is de plaatselijke overheid gehouden, gebruik te maken van al de middelen in hare magt, ten einde de uitlevering der deserteurs geschiede.

Na hunne aanhouding worden deze deserteurs gesteld ter beschikking van de gezegde Consuls, en kunnen op aanvraag en op kosten van degenen die hen opeischen, worden opgesloten in de openbare gevangenissen, ten einde te worden gezonden naar de schepen, waartoe zij behooren, of naar andere schepen van dezelfde natie. Indien zij echter binnen vier maanden na den dag hunner aanhouding niet terug gezonden zijn, worden zij in vrijheid gesteld, en kunnen zij om dezelfde reden niet wederom in hechtenis worden genomen.

Het staat echter vast dat, indien de deserter bevonden werd eenige misdaad, wanbedrijf of overtreding te hebben gepleegd, zijne uitlevering kan worden uitgesteld tot dat de betrokken regtbank uitspraak hebbe gedaan en deze ten uitvoer gelegd zij.

## ARTIKEL XI.

Wanneer een burger der Vereenigde Staten komt te overlijden, zonder bekende erfgenamen of uiterstewils uitvoerders nate laten, geven de Nederlandsche ambtenaren, die krachtens de wetten der Kolonie

ministration of the estate, will inform the consuls, or consular agents, of the circumstance, in order that the necessary information may be forwarded to parties interested.

## ARTICLE XII.

The consuls-general, consuls, and vice-consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country, or that the consuls-general, consuls, or vice-consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

## ARTICLE XIII.

The consuls-general, consuls, and vice-consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade besides their consular functions, are, in so far as in the United States the same privileges are granted to the consuls-general, consuls, and vice-consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shall never extend to custom-house duties

met het beheer van den boedel zijn belast, daarvan kennis aan de consulaire agenten, ten einde de noodige mededeeling aan de belanghebbenden te doen geworden.

## ARTIKEL XII.

De Consuls Generaal, Consuls en Vice-Consuls hebben als zoodanig, voor zoover de wetgeving der Vereenigde Staten zulks toelaat, het regt om tot scheidsmannen te worden benoemd in de geschillen, die tusschen de bevelvoerders en de manschap der schepen van de Vereenigde Staten mogten ontstaan, en zulks zonder tusschenkomst der plaatselijke overheid, ten zij het gedrag der manschap of van den bevelvoerder van dien aard zij geweest, dat het de orde en rust van het land kunne storen, of dat de Consuls Generaal, Consuls of Vice-Consuls den bijstand inroepen der gezege overheid, om hunne uitspraken ten uitvoer te leggen of het gezag daarvan te handhaven.

Het staat echter vast dat deze bijzondere vorm van regtspleging of van uitspraak door scheidsmannen de twistende partijen het regt niet ontneeft omdaarvan, na hunne terugkomst, bij de regterlijke magt van hun eigen land in hooger beroep te komen.

## ARTIKEL XIII.

De Consuls Generaal, Consuls en Vice-Consuls, die geen onderdanen zijn der Nederlanden, die, op het oogenblik hunner benoeming, niet als ingezetenen gevestigd zijn in het Koninkrijk der Nederlanden of zijne kolonien, en die, behalve die van Consuls Generaal, Consuls en Vice-Consuls geene betrekking hebben of geen beroep of handel uitoefenen, zijn, voor zoover in de Vereenigde Staten dezelfde gunsten aan de Consuls Generaal, Consuls en Vice-Consuls der Nederlanden zijn toegestaan, vrijgesteld van de inkwartiering, van de personele belasting, en daarenboven van alle lands of gemeentelijke belastingen, die worden aangemerkt als van personen aard, in dier voege dat deze

Arbitration by consuls.

Liability of consuls, &c., to local taxes, services, &c.

or other taxes, whether indirect or real.

The consuls-general, consuls, and vice-consuls who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfil duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

The consuls-general, consuls, and vice-consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the government of the United States of America, are obliged to fulfil duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

#### ARTICLE XIV.

To have privileges of most favored nation.

The consuls-general, consuls, and vice-consuls of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

#### ARTICLE XV.

Duration of this convention.

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner, if possible.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective plenipotentiaries have signed

vrijdom zich nimmer kan uitstrekken tot de in en uitgaande regten of andere indirecte of reële belastingen.

De Consuls Generaal, Consuls en Vice-Consuls, die geen, ingezetenen of erkende onderdanen zijn der Nederlanden, maar die, gelijktijdig met hunne betrekking van Consul, eenig beroep of eenigen handel mogten uitoefenen, zijn gehouden, de lasten te vervullen en de regten en belastingen te voldoen, even als alle Nederlandsche onderdanen en andere inwoners.

De Consuls Generaal, Consuls en Vice-Consuls, die onderdanen zijn der Nederlanden, maar aan wien is toegestaan eene Consulaire betrekking waartenemen, door de Regering der Vereenigde Staten van Amerika opgedragen, zijn gehouden de lasten te vervullen en de regten en belastingen te voldoen, even als alle Nederlandsche onderdanen en andere inwoners.

#### ARTIKEL XIV.

De Consuls Generaal, Consuls en Vice-Consuls der Vereenigde Staten genieten in de Nederlandsche koloniën alle andere voorregten, vrijstellingen en vrijdommen, die in het vervolg aan de agenten van gelijken rang van de meest bevoordeelde natie mogten worden toegestaan.

#### ARTIKEL XV.

De tegenwoordige overeenkomst zal van kracht blijven gedurende vijf jaren, integraan met de uitwisseling der bekrachtigingen, welke zal plaats hebben binnen den termijn van twaalf maanden, of, zoo mogelijk vroeger.

In geval geene der contracterende partijen, twaalf maanden vóór het verloop van den gezegden tijd van vijf jaren haar voornemen te kennen geeft om deze overeenkomst niet te vernieuwen, zal zij een jaar, langer van kracht blijven, en zoo van jaar tot jaar, tot na verloop van een jaar, te rekenen van den dag waarop een der partijen zoodanige kennisgeving zal doen.

Ten blijke waarvan de wederzijdsche Gevolmagtigden de tegen-

the present convention, and have affixed thereto the seals of their arms.

Done at the Hague, this twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

AUGUST BELMONT, [L. s.]  
VAN HALL, [L. s.]  
C. F. PAHUD, [L. s.]

woordige overeenkomst hebben onderteeekenden met hunne wapenen bezegeld.

Gedaan te 's Gravenhage, den twee en twintigsten van de maand Januarij van het jaar onzes Heeren een duizend acht honderd vijf en vijftig.

AUGUST BELMONT, [L. s.]  
VAN HALL, [L. s.]  
C. F. PAHUD, [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were yesterday exchanged at Washington, by William L. Marcy, Secretary of State of the United States, and the Chevalier J. C. Gevers, envoy extraordinary and minister plenipotentiary of his Majesty the King of the Netherlands to this government, on the part of their respective governments :

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*



## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

Jan. 31, 1855

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, on the thirty-first day of January, in the year of our Lord one thousand eight hundred and fifty-five, by George W. Manypenny, as commissioner on the part of the United States, and the following named chiefs and delegates of the Wyandott tribe of Indians, viz: Tan-roo-mee, Mathew Mudeater, John Hicks, Silas Armstrong, George J. Clark, and Joel Walker, they being thereto duly authorized by said tribe, which treaty is in the words following, to wit:—

Articles of agreement and convention, made and concluded at the city of Washington, on the thirty-first day of January, one thousand eight hundred and fifty-five, by George W. Manypenny, as commissioner on the part of the United States, and the following-named chiefs and delegates of the Wyandott tribe of Indians, viz: Tan-roo-mee, Mathew Mudeater, John Hicks, Silas Armstrong, George J. Clark, and Joel Walker, they being thereto duly authorized by said tribe.

ARTICLE 1. The Wyandott Indians having become sufficiently advanced in civilization, and being desirous of becoming citizens, it is hereby agreed and stipulated, that their organization, and their relations with the United States, as an Indian tribe, shall be dissolved and terminated, on the ratification of this agreement; except so far as the further and temporary continuance of the same may be necessary in the execution of some of the stipulations herein; and from and after the date of such ratification, the said Wyandott Indians, and each and every of them, except as hereinafter provided, shall be deemed, and are hereby declared, to be citizens of the United States, to all intents and purposes; and shall be entitled to all the rights, privileges, and immunities of such citizens; and shall in all respects be subject to the laws of the United States, and of the Territory of Kansas, in the same manner as other citizens of said Territory; and the jurisdiction of the United States and of said Territory, shall be extended over the Wyandott country, in the same manner as over other parts of said Territory. But such of the said Indians as may so desire and make application accordingly, to the commissioners hereinafter provided for, shall be exempt from the immediate operation of the preceding provisions, extending citizenship to the Wyandott Indians, and shall have continued to them the assistance and protection of the United States, and an Indian agent in their vicinity, for such a limited period or periods of time, according to the circumstances of the case, as shall be determined by the Commissioner of Indian Affairs; and on the expiration of such period or periods, the said exemption, protection, and assistance shall cease; and said persons shall then, also, become citizens of the United States, with all the rights and privileges, and subject to the obligations, above stated and defined.

Wyandotts to be citizens of the United States.

Exceptions.

ARTICLE 2. The Wyandott nation hereby cede and relinquish to the United States, all their right, title, and interest in and to the tract of country situate in the fork of the Missouri and Kansas Rivers, which was purchased by them of the Delaware Indians, by an agreement dated the fourteenth day of December, one thousand eight hundred and forty-three, and sanctioned by a joint resolution of Congress approved July

Cession by Wyandotts of land purchased of the Delawares.

Vol. ix. p. 337.

Partition of  
said lands among  
the Wyandotts.

twenty-fifth, one thousand eight hundred and forty-eight, the object of which cession is, that the said lands shall be subdivided, assigned, and reconveyed, by patent, in fee simple, in the manner hereinafter provided for, to the individuals and members of the Wyandott nation, in severalty; except as follows, viz: The portion now enclosed and used as a public burying-ground, shall be permanently reserved and appropriated for that purpose; two acres, to include the church building of the Methodist Episcopal Church, and the present burying-ground connected therewith, are hereby reserved, granted, and conveyed to that church; and two acres, to include the church building of the Methodist Episcopal Church South, are hereby reserved, granted, and conveyed to said church. Four acres, at and adjoining the Wyandott ferry, across and near the mouth of the Kansas River, shall also be reserved, and, together with the rights of the Wyandotts in said ferry shall be sold to the highest bidder, among the Wyandott people, and the proceeds of sale paid over to the Wyandotts. On the payment of the purchase-money in full, a good and sufficient title to be secured and conveyed to the purchaser, by patent from the United States.

Same subject.

ARTICLE 3. As soon as practicable after the ratification of this agreement, the United States shall cause the lands ceded in the preceding article, to be surveyed into sections, half and quarter sections, to correspond with the public surveys in the Territory of Kansas; and three commissioners shall be appointed — one by the United States, and two by the Wyandott council, — whose duty it shall be to cause any additional surveys to be made that may be necessary, and to make a fair and just division and distribution of the said lands among all the individuals and members of the Wyandott tribe; so that those assigned to or for each shall, as nearly as possible, be equal in quantity, and also in value, irrespective of the improvements thereon; and the division and assignment of the lands shall be so made as to include the houses, and, as far as practicable, the other improvements, of each person or family; be in as regular and compact a form as possible; and include those for each separate family all altogether. The judgment and decision of said commissioners, on all questions connected with the division and assignment of said lands, shall be final.

On the completion of the division and assignment of the lands, as aforesaid, said commissioners shall cause a plat and schedule to be made, showing the lands assigned to each family or individual, and the quantity thereof. They shall also make up carefully prepared lists of all the individuals and members of the Wyandott tribe — those of each separate family being arranged together — which lists shall exhibit, separately, first, those families the heads of which the commissioners, after due inquiry and consideration, shall be satisfied are sufficiently intelligent, competent, and prudent to control and manage their affairs and interests, and also all persons without families.

Second, those families the heads of which are not competent and proper persons to be entrusted with their shares of the money, payable under this agreement; and, third, those who are orphans, idiots, or insane. Accurate copies of the lists of the second and third of the above classes, shall be furnished by the commissioners to the Wyandott council; whereupon said council shall proceed to appoint or designate the proper person or persons to be recognized as the representatives of those of the second class, for the purpose of receiving and properly applying the sums of money due and payable to or for them, as hereinafter provided, and also those who are to be entrusted with the guardianship of the individuals of the third class, and the custody and management of their rights and interests; the said acts or proceedings of the council, duly authenticated, to be forwarded to the Commissioner of Indian Affairs, and filed in his office; and the same shall be annually revised by the said council, until the pay-

ment of the last instalment of the moneys payable to the Wyandotts, under this agreement, and such change or changes made therein, as may, from casualties or otherwise, become necessary; such revisions and changes, duly authenticated, to be communicated to, and subject to the approval of, the Commissioner of Indian Affairs.

The said commissioners shall likewise prepare a list of all such persons and families, among the Wyandott people, as may apply to be temporarily exempted from citizenship, and for continued protection and assistance from the United States and an Indian agent, as provided for in the first article of this agreement. The agent through and by whom such protection and assistance is to be furnished, shall be designated by the Commissioner of Indian Affairs.

The aforesaid plat and schedule, and lists of persons, duly authenticated by the commissioners, shall be forwarded to the Commissioner of Indian Affairs, and filed in his office, and copies of the said plat and schedule, and of the list of persons temporarily exempted from citizenship and entitled to the continued protection and assistance of the United States and an Indian agent, duly attested by the commissioners, shall be filed by them in each of the offices of the secretary of the Territory of Kansas, and the clerk of the county in which the Wyandott lands are situated.

ARTICLE 4. On the receipt, by the Commissioner of Indian Affairs, of the plat and schedule, lists of persons, and of the first proceedings of the Wyandott council; mentioned in the next preceding article, patents shall be issued by the General Land-Office of the United States, under the advisement of the Commissioner of Indian Affairs, to the individuals of the Wyandott tribe, for the lands severally assigned to them, as provided for in the third article of this agreement, in the following manner, to wit: To those reported by the commissioners to be competent to be entrusted with the control and management of their affairs and interests, the patents shall contain an absolute and unconditional grant in fee simple; and shall be delivered to them by the Commissioner of Indian Affairs, as soon as they can be prepared and recorded in the General Land-Office: but to those not so competent, the patents shall contain an express condition, that the lands are not to be sold or alienated for a period of five years; and not then, without the express consent of the President of the United States first being obtained; and the said patents may be withheld by the Commissioner of Indian Affairs, so long as, in his judgment, their being so withheld may be made to operate beneficially upon the character and conduct of the individuals entitled to them. Patents to issue.

None of the lands to be thus assigned and patented to the Wyandotts, shall be subject to taxation for a period of five years from and after the organization of a State government over the territory where they reside; and those of the incompetent classes shall not be aliened or leased for a longer period than two years, and shall be exempt from levy, sale, or forfeiture, until otherwise provided by State legislation, with the assent of Congress.

ARTICLE 5. Disinterested persons, not to exceed three, shall be appointed by the Commissioner of Indian Affairs, to make a just and fair appraisement of the parsonage houses, and other improvements connected therewith, on the Wyandott lands, belonging to the Methodist Episcopal Church, and the Methodist Episcopal Church South, the amounts of which appraisements shall be paid to the said churches, respectively, by the individual or individuals of the Wyandott tribe, to whom the lands on which said houses and improvements are, shall have been assigned under the provisions of this agreement; said payments to be made within a reasonable time, in one or more instalments, to be determined by said appraisers; and until made in full, no patent or other evidence of title to the lands so assigned to said individual or individuals, shall be issued or given to them. Appraisement of the improvements of the Methodist Episcopal Church, and Church South.

Release of  
claims under  
treaties.

ARTICLE 6. The Wyandott nation hereby relinquish, and release the United States from, all their rights and claims to annuity, school moneys, blacksmith establishments, assistance and materials, employment of an agent for their benefit, or any other object or thing, of a national character, and from all the stipulations and guarantees of that character, provided for or contained in former treaties, as well as from any and all other claims or demands whatsoever, as a nation, arising under any treaty or transaction between them and the government of the United States; in consideration of which release and relinquishment, the United States hereby agree to pay to the Wyandott nation, the sum of three hundred and eighty thousand dollars, to be equally distributed and paid to all the individuals and members of the said nation, in three annual instalments, payable in the months of October, commencing the present year; the shares of the families whose heads the commissioners shall have decided not to be competent and proper persons to receive the same, and those of orphans, idiots, and insane persons, to be paid to and receipted for by the individuals designated or appointed by the Wyandott council to act as their representatives and guardians.

Payment in  
lieu thereof.

Such part of the annuity, under the treaty of one thousand eight hundred and forty-two, as shall have accrued, and may remain unpaid, at the date of the payment of the first of the above-mentioned instalments, shall then be paid to the Wyandotts, and be in full, and a final discharge of, said annuity.

Additional  
payments.

ARTICLE 7. The sum of one hundred thousand dollars, invested under the treaty of one thousand eight hundred and fifty, together with any accumulation of said principal sum, shall be paid over to the Wyandotts, in like manner with the three hundred and eighty thousand dollars mentioned in the next preceding article; but in two equal annual instalments, commencing one year after the payment of the last instalment of said above-mentioned sum. In the mean time, the interest on the said invested fund, and on any accumulation thereof, together with the amount which shall be realized from the disposition of the ferry and the land connected therewith, the sale of which is provided for in the second article of this agreement, shall be paid over to the Wyandott council, and applied and expended, by regular appropriation of the legislative committee of the Wyandott nation, for the support of schools, and for other purposes of a strictly national or public character.

Persons enti-  
tled to land and  
money.

ARTICLE 8. The persons to be included in the apportionment of the lands and money, to be divided and paid under the provisions of this agreement, shall be such only as are actual members of the Wyandott nation, their heirs and legal representatives, at the date of the ratification hereof, and as are entitled to share in the property and funds of said nation, according to the laws, usages, and customs thereof.

Grantees under  
former treaty of  
1842 permitted to  
locate elsewhere.

ARTICLE 9. It is stipulated and agreed, that each of the individuals, to whom reservations were granted by the fourteenth article of the treaty of March seventeenth, one thousand eight hundred and forty-two, or their heirs or legal representatives, shall be permitted to select and locate said reservations, on any government lands west of the States of Missouri and Iowa, subject to preëmption and settlement, said reservations to be patented by the United States, in the names of the reservees, as soon as practicable after the selections are made; and the reservees, their heirs or proper representatives, shall have the unrestricted right to sell and convey the same, whenever they may think proper; but, in cases where any of said reservees may not be sufficiently prudent and competent to manage their affairs in a proper manner, which shall be determined by the Wyandott council, or where any of them have died, leaving minor heirs, the said council shall appoint proper and discreet persons to act for such incompetent persons, and minor heirs, in the sale of the reservations, and the custody and management of the proceeds thereof, — the persons

so appointed, to have full authority to sell and dispose of the reservations in such cases, and to make and execute a good and valid title thereto.

The selections of said reservations, upon being reported to the surveyor-general of the district in which they are made, shall be entered upon the township plats, and reported, without delay, to the Commissioner of the General Land-Office, and patents issued to the reservees, accordingly. And any selection of, settlement upon, or claim to, land included in any of said reservations, made by any other person or persons, after the same shall have been selected by the reservees, their heirs or legal representatives, shall be null and void.

ARTICLE 10. It is expressly understood, that all the expenses connected with the subdivision and assignment of the Wyandott lands, as provided for in the third article hereof, or with any other measure or proceeding, which shall be necessary to carry out the provisions of this agreement, shall be borne and defrayed by the Wyandotts, except those of the survey of the lands into sections, half and quarter sections, the issue of the patents, and the employment of the commissioner to be appointed by the United States; which shall be paid by the United States.

Expenses, how  
to be borne.

ARTICLE 11. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the said chiefs and delegates of the Wyandott tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEO. W. MANYPENNY,		[ L. S. ]
TAN-ROO-MEE,	his x mark.	[ L. S. ]
MATHEW MUDEATER,		[ L. S. ]
JOHN HICKS,	his x mark.	[ L. S. ]
SILAS ARMSTRONG,		[ L. S. ]
GEO. J. CLARK,		[ L. S. ]
JOEL WALKER,		[ L. S. ]

Executed in presence of

A. CUMMING, *Superintendent Indian Affairs*,  
ROBERT S. NEIGHBORS, *Special Agent*,  
WILL. P. ROSS, *Cherokee Delegate*,  
J. T. COCHRANE.

And, whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the 20th day of February, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by the following resolution:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“ *February, 20, 1855.*

“ *Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, on the thirty-first day of January, one thousand eight hundred and fifty-five, by George W. Manypenny, as commissioner on the part of the United States, and the following-named chiefs and delegates of the Wyandott tribe of

## TREATY WITH THE WYANDOTTS. JAN. 31, 1855.

Indians, viz : Tan-roo-mee, Mathew Mudeater, John Hicks, Silas Armstrong, George J. Clark, and Joel Walker, they being thereto duly authorized by said tribe.

"Attest :

ASBURY DICKINS,

*"Secretary."*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of February twentieth, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the City of Washington, this first day of March, one  
[L. s.] thousand eight hundred and fifty-five.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary.*

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Feb. 22, 1855.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, on the twenty-second day of February, one thousand eight hundred and fifty-five, between the United States and the Mississippi bands of Chippewa Indians, which treaty is in the words following, to wit:—

Articles of agreement and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, Commissioner, on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz: Pug-o-na-ke-shick, or Hole in the Day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-awe-showe-we-ke-shig, or Crossing Sky; Petud-dunce, or Rat's Liver; Mun-o-min-e-kay-shein, or Rice Maker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-daush, or the Attempter; Caw-caug-e-we-goan, or Crow Feather; and Show-baush-king, or He that passes under Everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-ke-bug-e-koshe, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun-a-caush, or Young Man's Son; Maug-e-gaw-bow, or Stepping Ahead; Mi-gi-si, or Eagle, and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians respectively.

Title.

ARTICLE I. The Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians hereby cede, sell, and convey to the United States all their right, title, and interest in, and to, the lands now owned and claimed by them, in the Territory of Minnesota, and included within the following boundaries, viz: Beginning at a point where the east branch of Snake River crosses the southern boundary line of the Chippewa country, east of the Mississippi River, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven, running thence, up the said branch, to its source; thence, nearly north in a straight line, to the mouth of East Savannah River; thence, up the St. Louis River, to the mouth of East Swan River; thence, up said river, to its source; thence, in a straight line, to the most westwardly bend of Vermillion River; thence, northwestwardly, in a straight line, to the first and most considerable bend in the Big Fork River; thence, down said river, to its mouth; thence, down Rainy Lake River, to the mouth of Black River; thence, up that river, to its source; thence, in a straight line, to the northern extremity of Turtle Lake; thence in a straight line, to the mouth of Wild Rice River; thence, up Red River of the North, to the mouth of Buffalo River; thence, in a straight line, to the southwestern extremity of Otter Tail Lake; thence, through said lake, to the source of Leaf River; thence down said river, to its junction with Crow Wing River; thence down Crow Wing River, to its junction with the Mississippi River; thence to the commencement on said river of the southern boundary line of the Chippewa country, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven; and

Cession to the  
United States

thence, along said line, to the place of beginning. And the said Indians do further fully and entirely relinquish and convey to the United States, any and all right, title, and interest, of whatsoever nature the same may be, which they may now have in, and to any other lands in the Territory of Minnesota or elsewhere.

Reservations  
for permanent  
homes.

ARTICLE II: There shall be, and hereby is, reserved and set apart, a sufficient quantity of land for the permanent homes of the said Indians; the lands so reserved and set apart, to be in separate tracts, as follows, viz:—

For the Mis-  
sissippi bands of  
Chippewas.

For the Mississippi bands of Chippewa Indians: The first to embrace the following fractional townships, viz: forty-two north, of range twenty-five west; forty-two north, of range twenty-six west; and forty-two and forty-three north, of range twenty-seven west; and, also, the three islands in the southern part of Mille Lac. Second, beginning at a point half a mile east of Rabbit Lake; thence south three miles; thence westwardly, in a straight line, to a point three miles south of the mouth of Rabbit River; thence north to the mouth of said river; thence up the Mississippi River to a point directly north of the place of beginning; thence south to the place of beginning. Third, beginning at a point half a mile southwest from the most southwestwardly point of Gull Lake; thence due south to Crow Wing River; thence down said river, to the Mississippi River; thence up said river to Long Lake Portage; thence, in a straight line, to the head of Gull Lake; thence in a southwestwardly direction, as nearly in a direct line as practicable, but at no point thereof, at a less distance than half a mile from said lake, to the place of beginning. Fourth, the boundaries to be, as nearly as practicable, at right angles, and so as to embrace within them Pokagomon Lake; but nowhere to approach nearer said lake than half a mile therefrom. Fifth, beginning at the mouth of Sandy Lake River; thence south, to a point on an east and west line, two miles south of the most southern point of Sandy Lake; thence east, to a point due south from the mouth of West Savannah River; thence north, to the mouth of said river; thence north to a point on an east and west line, one mile north of the most northern point of Sandy Lake; thence west, to Little Rice River; thence down said river to Sandy Lake River; and thence down said river to the place of beginning. Sixth, to include all the islands in Rice Lake, and also half a section of land on said lake, to include the present gardens of the Indians. Seventh, one section of land for Pug-o-na-ke-shick, or Hole in the Day, to include his house and farm; and for which he shall receive a patent in fee-simple.

For the Pil-  
lager and Lake  
Winnibigoshish  
bands.

For the Pillager and Lake Winnibigoshish bands, to be in three tracts, to be located and bounded as follows, viz: First, beginning at the mouth of Little Boy River; thence up said river to Lake Hassler; thence through the centre of said lake to its western extremity; thence in a direct line to the most southern point of Leech Lake; and thence through said lake, so as to include all the islands therein, to the place of beginning. Second, beginning at the point where the Mississippi River leaves Lake Winnibigoshish; thence north, to the head of the first river; thence west, by the head of the next river, to the head of the third river, emptying into said lake; thence down the latter to said lake; and thence in a direct line to the place of beginning. Third, beginning at the mouth of Turtle River; thence up said river to the first lake; thence east, four miles; thence southwardly, in a line parallel with Turtle River, to Cass Lake; and thence, so as to include all the islands in said lake, to the place of beginning; all of which said tracts shall be distinctly designated on the plats of the public surveys.

Reservations  
may be surveyed  
and allotted.

And at such time or times as the President may deem it advisable for the interests and welfare of said Indians, or any of them, he shall cause the said reservations, or such portion or portions thereof, as may be

necessary, to be surveyed; and assign to each head of a family, or single person over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for his or their separate use; and he may, at his discretion, as the occupants thereof become capable of managing their business and affairs, issue patents to them for the tracts so assigned to them, respectively; said tracts to be exempt from taxation, levy, sale, or forfeiture; and not to be aliened or leased for a longer period than two years, at one time, until otherwise provided by the legislature of the State in which they may be situate, with the assent of Congress. They shall not be sold, or alienated, in fee, for a period of five years after the date of the patents; and not then without the assent of the President of the United States being first obtained. Prior to the issue of the patents, the President shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts may be assigned thereafter abandon them, the President may make such rules and regulations, in relation to such abandoned tracts, as in his judgment may be necessary and proper.

ARTICLE III. In consideration of, and in full compensation for, the cessions made by the said Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians, in the first article of this agreement, the United States hereby agree and stipulate to pay, expend, and make provision for, the said bands of Indians, as follows, viz: For the Mississippi bands:

Payment to the Mississippi band for the above cessions.

Ten thousand dollars (\$10,000) in goods, and other useful articles, as soon as practicable after the ratification of this instrument, and after an appropriation shall be made by Congress therefor, to be turned over to the delegates and chiefs for distribution among their people.

Fifty thousand dollars (\$50,000) to enable them to adjust and settle their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior; and any balance remaining of said sum not required for the above-mentioned purpose shall be paid over to said Indians in the same manner as their annuity money, and in such instalments as the said secretary may determine; provided, that an amount not exceeding ten thousand dollars (\$10,000) of the above sum shall be paid to such full and mixed bloods as the chiefs may direct, for services rendered heretofore to their bands.

Twenty thousand dollars (\$20,000) per annum, in money, for twenty years, provided, that two thousand dollars (\$2,000) per annum of that sum, shall be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians, subject to the approval of the Secretary of the Interior.

Five thousand dollars (\$5,000) for the construction of a road from the mouth of Rum River to Mille Lac, to be expended under the direction of the commissioner of Indian affairs.

A reasonable quantity of land, to be determined by the Commissioner of Indian Affairs, to be ploughed and prepared for cultivation in suitable fields, at each of the reservations of the said bands, not exceeding, in the aggregate, three hundred acres for all the reservations, the Indians to make the rails and inclose the fields themselves.

For the Pillager and Lake Winnibigoshish bands:

Ten thousand dollars (\$10,000) in goods, and other useful articles, as soon as practicable, after the ratification of this agreement, and an appropriation shall be made by Congress therefor; to be turned over to the chiefs and delegates for distribution among their people.

Payment to the Pillager and Lake Winnibigoshish bands for said cessions.

Forty thousand dollars (\$40,000) to enable them to adjust and settle

their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior; and any balance remaining of said sum, not required for that purpose, shall be paid over to said Indians, in the same manner as their annuity money, and in such instalments as the said secretary may determine; provided that an amount, not exceeding ten thousand dollars (\$10,000) of the above sum, shall be paid to such mixed bloods as the chiefs may direct, for services heretofore rendered to their bands.

Ten thousand six hundred and sixty-six dollars and sixty-six cents (\$10,666.66) per annum, in money, for thirty years.

Eight thousand dollars (\$8,000) per annum, for thirty years, in such goods as may be requested by the chiefs, and as may be suitable for the Indians, according to their condition and circumstances.

Four thousand dollars (\$4,000) per annum, for thirty years, to be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians; subject to the approval of the Secretary of the Interior: *Provided*, That an amount not exceeding two thousand dollars thereof, shall, for a limited number of years, be expended under the direction of the Commissioner of Indian Affairs, for provisions, seeds, and such other articles or things as may be useful in agricultural pursuits.

Such sum as can be usefully and beneficially applied by the United States, annually, for twenty years, and not to exceed three thousand dollars, in any one year, for purposes of education; to be expended under the direction of the Secretary of the Interior.

Three hundred dollars' (\$300) worth of powder, per annum, for five years.

One hundred dollars' (\$100) worth shot and lead, per annum, for five years.

One hundred dollars' (\$100) worth of gilling twine, per annum, for five years.

One hundred dollars' (\$100) worth of tobacco, per annum, for five years.

Hire of three laborers at Leech Lake, of two at Lake Winnibigoshish, and of one at Cass Lake, for five years.

Expense of two blacksmiths, with the necessary shop, iron, steel, and tools, for fifteen years.

Two hundred dollars (\$200) in grubbing hoes and tools, the present year.

Fifteen thousand dollars (\$15,000) for opening a road from Crow Wing to Leech Lake; to be expended under the direction of the Commissioner of Indian Affairs.

To have ploughed and prepared for cultivation, two hundred acres of land, in ten or more lots, within the reservation at Leech Lake; fifty acres, in four or more lots, within the reservation at Lake Winnibigoshish; and twenty-five acres in two or more lots within the reservation at Cass Lake: *Provided*, That the Indians shall make the rails and inclose the lots themselves.

A saw-mill, with a portable grist-mill attached thereto, to be established whenever the same shall be deemed necessary and advisable by the Commissioner of Indian Affairs, at such point as he shall think best; and which, together with the expense of a proper person to take charge of and operate them, shall be continued during ten years: *Provided*, That the cost of all the requisite repairs of the said mills shall be paid by the Indians, out of their own funds.

ARTICLE IV. The Mississippi bands have expressed a desire to be permitted to employ their own farmers, mechanics, and teachers; and it is therefore agreed that the amounts to which they are now entitled, under former treaties, for purposes of education, for blacksmiths and

Payment to the Mississippi bands under former treaties may be made in cash.

assistants, shops, tools, iron and steel, and for the employment of farmers and carpenters, shall be paid over to them as their annuities are paid: *Provided, however,* That whenever, in the opinion of the Commissioner of Indian Affairs, they fail to make proper provision for the above-named purposes, he may retain said amounts, and appropriate them according to his discretion, for their education and improvement.

ARTICLE V. The foregoing annuities, in money and goods, shall be paid and distributed as follows: Those due the Mississippi bands, at one of their reservations; and those due the Pillager and Lake Winnibigoshish bands, at Leech Lake; and no part of the said annuities shall ever be taken or applied, in any manner, to or for the payment of the debts or obligations of Indians contracted in their private dealings, as individuals, whether to traders or other persons. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys or goods, due and payable to such, and cause the same to be expended, applied, or distributed, so as to insure the benefit thereof to their families. If, at any time, before the said annuities in money and goods of either of the Indian parties to this convention shall expire, the interests and welfare of said Indians shall, in the opinion of the President, require a different arrangement, he shall have the power to cause the said annuities, instead of being paid over and distributed to the Indians, to be expended or applied to such purposes or object as may be best calculated to promote their improvement and civilization.

How the above annuities shall be paid.

ARTICLE VI. The missionaries and such other persons as are now, by authority of law, residing in the country ceded by the first article of this agreement, shall each have the privilege of entering one hundred and sixty acres of the said ceded lands, at one dollar and twenty-five cents per acre; said entries not to be made so as to interfere, in any manner, with the laying off of the several reservations herein provided for.

Preemption rights in said cession.

And such of the mixed bloods as are heads of families, and now have actual residences and improvements in the ceded country, shall have granted to them, in fee, eighty acres of land, to include their respective improvements.

Grant of land to mixed bloods.

ARTICLE VII. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within and upon the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines, or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress.

Laws extended to said reservations.

ARTICLE VIII. All roads and highways, authorized by law, the lines of which shall be laid through any of the reservations provided for in this convention, shall have the right of way through the same; the fair and just value of such right being paid to the Indians therefor; to be assessed and determined according to the laws in force for the appropriation of lands for such purposes.

Roads may be constructed.

ARTICLE IX. The said bands of Indians, jointly and severally, obligate and bind themselves not to commit any depredations or wrong upon other Indians, or upon citizens of the United States; to conduct themselves at all times in a peaceable and orderly manner; to submit all difficulties between them and other Indians to the President, and to abide by his decision in regard to the same, and to respect and observe the laws of the United States, so far as the same are to them applicable. And they also stipulate that they will settle down in the peaceful pursuits of life, commence the cultivation of the soil, and appropriate their means to the erection of houses, opening farms, the education of their children, and such other objects of improvement and convenience, as are incident

Stipulations as to conduct of the Indians.

to well-regulated society; and that they will abstain from the use of intoxicating drinks and other vices to which they have been addicted.

ARTICLE X. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the said chiefs and delegates of the Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEO. W. MANYPENNY, *Commissioner*. [L. s.]

TUG-O-NA-KE-SHICK, or Hole in the Day, his x mark, [L. s.]

QUE-WE-SANS-ISH, or Bad Boy, his x mark, [L. s.]

WAUD-E-KAW, or Little Hill, his x mark, [L. s.]

I-AWE-SHOWE-WE-KE-SHIG,

or Crossing Sky, his x mark, [L. s.]

PETUD-DUNCE, or Rat's Liver, his x mark, [L. s.]

MUN-O-MIN-E-KAY-SHEIN, or Rice Maker, his x mark, [L. s.]

MAH-YAH-GE-WAY-WE-DURG,

or the Chorister, his x mark, [L. s.]

KAY-GWA-DAUSH, or The Attempter, his x mark, [L. s.]

CAW-CANG-E-WE-GWAN, or Crow Feather, his x mark, [L. s.]

SHOW-BAUSH-KING,

or He that passeth under Everything, his x mark, [L. s.]

*Chiefs and delegates of the Mississippi bands.*

AISH-KE-BUG-E-KOSHE, or Flat Mouth, his x mark, [L. s.]

BE-SHECK-KEE, or Buffalo, his x mark, [L. s.]

NAY-BUN-A-CAUSH, or Young Man's Son, his x mark, [L. s.]

MAUG-E-GAW-BOW, or Stepping Ahead, his x mark, [L. s.]

MI-GI-SI, or Eagle, his x mark, [L. s.]

KAW-BE-MUB-BEE, or North Star, his x mark, [L. s.]

*Chiefs and delegates of the Pillager and Lake Winnibigoshish bands.*

Executed in presence of—

HENRY M. RICE,

GEO. CULVER,

D. B. HERRIMAN, *Indian Agent*.

J. E. FLETCHER,

JOHN DOWLING,

T. A. WARREN, *U. S. Interpreter*,

PAUL H. BEAULIEU, *Interpreter*,

EDWARD ASHMAN, “

C. H. BEAULIEU, “

PETER ROY, “

WILL. P. ROSS, *Cherokee Nation*,

RILEY KEYS.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:—

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement

and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner, on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz: Pug-o-na-ke-shick, or Hole in the Day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-awe-showe-we-ke-shig, or Crossing Sky; Petud-Dunce, or Rat's Liver; Mun-o-min-e-kay-shein, or Rice Maker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-daush, or the Attempter; Caw-caug-e-we-gwon, or Crow Feather; and Show-baush-king, or He that Passes Under Everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-ke-bug-e-koshe, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun-a-caush, or Young Man's Son; Mang-e-gaw-bow, or Stepping Ahead; Mi-gi-si, or Eagle; and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians, respectively.

"Attest:

ASBURY DICKINS,

*"Secretary."*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this seventh day of April, in the  
[L. s.] year of our Lord one thousand eight hundred and fifty-five,  
and of the independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

## FRANKLIN PIERCE,

Feb. 27, 1855.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,  
GREETING :

## Preamble.

WHEREAS a treaty was made and concluded at the city of Washington, on the twenty-seventh day of February, eighteen hundred and fifty-five, by George W. Manypenny, as commissioner on the part of the United States, and the following named chiefs and delegates of the Winnebago tribe of Indians, viz : Waw-kon-chaw-koo-kaw, The Coming Thunder, or Kinnoskik ; Sho-go-nik-kaw, or Little Hill ; Maw-he-coo-sha-naw-zhe-kaw, One that Stands and Reaches the Skies, or Little Decorie ; Waw-kon-chaw-hoo-no-kaw, or Little Thunder ; Hoonk-hoo-no-kaw, Little Chief, or Little Priest ; Honch-hutta-kaw, or Big Bear ; Watch-ha-ta-kaw, or Big Canoe ; Ha-zhum-kee-kaw, or One Horn ; Ha-zee-kaw, or Yellow Bank, and Baptiste Lassallier ; they being duly authorized by said tribe, which treaty is in the words following, to wit :—

## Title.

Articles of agreement and convention, made and concluded at Washington city, on the twenty-seventh day of February, eighteen hundred and fifty-five, between George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Winnebago tribe of Indians, viz : Waw-kon-chaw-koo-kaw, The Coming Tunder, or Kinnoshik ; Sho-go-nik-kaw, or Little Hill ; Maw-he-coo-shah-naw-zhe-kaw, One that Stands and Reaches the Skies, or Little Decorie ; Waw-kon-chaw-hoo-no-kaw, or Little Thunder ; Hoonk-hoo-no-kaw, Little Chief, or Little Priest ; Honch-hutta-kaw, or Big Bear ; Watch-ha-ta-kaw, or Big Canoe ; Ha-zhum-kee-kaw, or One Horn ; Ha-zee-kaw, or Yellow Bank ; and Baptiste Lassallier, they being thereto duly authorized by said tribe :

Cession to the United States of the land granted pursuant to treaty of Oct. 13, 1846, vol. ix. p. 878.

ARTICLE 1. The Winnebago Indians hereby cede, sell, and convey to the United States, all their right, title, and interest in, and to, the tract of land granted to them pursuant to the third article of the treaty concluded with said tribe, at Washington city, on the thirteenth day of October, one thousand eight hundred and forty-six, lying north of St. Peter's River, and west of the Mississippi River, in the Territory of Minnesota, and estimated to contain about eight hundred and ninety-seven thousand and nine hundred (897,900) acres ; the boundary lines of which are thus described, in the second article of the treaty concluded between the United States and the Chippewa Indians of the Mississippi and Lake Superior, on the second day of August, one thousand eight hundred and forty-seven, viz : " Beginning at the junction of the Crow-Wing and Mississippi rivers ; thence, up the Crow-Wing River, to the junction of that river with the Long Prairie River ; thence, up the Long Prairie River, to the boundary line between the Sioux and Chippewa Indians ; thence, southerly, along the said boundary line, to a lake at the head of Long Prairie River ; thence, in a direct line, to the sources of the Watab River ; thence, down the Watab to the Mississippi River ; thence, up the Mississippi, to the place of beginning : " *Provided, however,* that the portions of said tract embracing the improved lands of the Indians, the grist and saw mill, and all other improvements made for or by them,

Vol. ix. p. 904.

Certain parts of said cession to be sold for benefit of said tribe.

shall be specially reserved from preëmption, sale, or settlement, until the said mills and improvements, including the improvements to the land, shall have been appraised, and sold at public sale, to the highest bidder, for the benefit of the Indians, but no sale thereof shall be made for less than the appraised value. And the President may prescribe such rules and regulations in relation to said sale as he may deem proper; and the person or persons purchasing said mills and improvements, shall have the right, when the land is surveyed, to enter the legal subdivisions thereof, including the improvements purchased by them, at one dollar and twenty-five cents per acre.

ARTICLE 2. In consideration of the cessions aforesaid, and in full compensation therefor, the United States agree to pay to the said Indians, the sum of seventy thousand dollars, (\$70,000,) and to grant them, as a permanent home, a tract of land equal to eighteen miles square, on the Blue Earth River, in the Territory of Minnesota, which shall be selected and located by the agent of the government and a delegation of the Winnebagoes, immediately after the ratification of this instrument, and after the necessary appropriations to carry it into effect shall have been made; and a report of such selection and location, shall be made in writing, to the superintendent of Indian affairs, for the Territory of Minnesota, who shall attach his official signature to the same, and forward it to the Commissioner of Indian Affairs; and the country thus selected shall be the permanent home of the said Indians; *Provided*, said tract shall not approach nearer the Minnesota River than the mouth of the La Serrer fork of the Blue Earth River.

Payment for the above cession.

Provision for a permanent home.

ARTICLE 3. It is agreed, that the moneys received from the sale of the Indian improvements, as provided for in the first article, and the sum stipulated to be paid by the second article of this instrument, shall be expended under the direction of the President, in removing the Indians to their new homes, including those who are now severed from the main body of the tribe, living in Kansas Territory, Wisconsin, or elsewhere; in subsisting them a reasonable time after their removal; in making improvements, such as breaking and fencing land, and building houses; in purchasing stock, agricultural implements and household furniture, and for such other objects as may tend to promote their prosperity and advancement in civilization. And the said Winnebago Indians agree to remove to their new homes immediately after the selection of the tract hereinbefore provided for, is made.

How payments and proceeds of sale shall be expended.

ARTICLE 4. In order to encourage the Winnebago Indians to engage in agriculture, and such other pursuits as will conduce to their well-being and improvement, it is agreed: that at such time or times as the President may deem advisable, the land herein provided to be selected as their future home, or such portion thereof as may be necessary, shall be surveyed; and the President shall, from time to time, as the Indians may desire it, assign to each head of a family, or single persons over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for their separate use; and he may, at his discretion, as the occupants thereof become capable of managing their business and affairs, issue patents to them for the tracts so assigned to them respectively; said tracts to be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by the legislature of the State in which they may be situated, with the assent of Congress; nor shall they be sold or alienated, in fee, within fifteen years after the date of the patents, and not then, without the assent of the President of the United States being first obtained. Prior to the patents being issued, the President shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and

Survey and allotment of the permanent home.

should any of the Indians to whom tracts may be assigned, thereafter abandon them, the President may take such action in relation to such abandoned tracts, as in his judgment may be necessary and proper.

Payments under former treaties, how to be made.

ARTICLE 5. All unexpended balances now in the hands of the agent of the tribe, arising under former treaties, for schools, pay of interpreter therefor, support of blacksmiths and assistants; and also of the sum of ten thousand dollars set apart by the treaty of October thirteenth eighteen hundred and forty-six, for manual-labor schools, shall be expended and applied, in the opening of farms, building and furnishing of houses, and the purchase of stock for said Indians. And the stipulations in former treaties providing for the application or expenditure of particular sums of money for specific purposes, are hereby so far modified and changed, as to confer upon the President the power, in his discretion, to cause such sums of money, in whole or in part, to be expended for, or applied to such other objects and purposes, and in such manner, as he shall deem best calculated to promote the welfare and improvement of said Indians.

Payments not to be taken for debts.

ARTICLE 6. No part of the moneys stipulated to be paid to the Winnebago Indians by these articles of agreement and convention, nor any of the future instalments due and payable under former treaties between them and the United States, shall ever be taken, by direction of the chiefs, to pay the debts of individual Indians, contracted in their private dealings, known as national or tribal debts.

Preëmption rights in said cession.

ARTICLE 7. The missionaries, or other persons who are, by authority of law, now residing on the lands ceded by the first article of this agreement, shall each have the privilege of entering one hundred and sixty acres of the said ceded lands, to include any improvements they may have, at one dollar and twenty-five cents per acre: and such of the mixed bloods, as are heads of families, and now have actual residences and improvements of their own, in the ceded country, shall each have granted to them, in fee, eighty acres of land, to include their improvements: *Provided, however*, that said entries and grants shall in no case be upon, or in any manner interfere with, any of the lands improved by the government, or by or for the Indians, or on which the agency building, saw and grist mill, or other public or Indian improvements have been erected or made.

Grant of land to the mixed blood Indians.

Laws extended to said home.

ARTICLE 8. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, shall continue and be in force within the country herein provided to be selected as the future permanent home of the Winnebago Indians; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, in the Indian country, shall continue and be in force within the country herein ceded to the United States, until otherwise provided by Congress.

Roads may be constructed.

ARTICLE 9. All roads and highways authorized by law, the lines of which may be required to be laid through any part of the country herein provided as the future permanent home of the Winnebago Indians, shall have right of way through the same; a fair and just value of such right being paid to the Indians, in money, to be assessed and determined according to the laws in force for the appropriation of land for such purposes.

Provisions as to conduct of said tribe.

ARTICLE 10. The said tribe of Indians, jointly and severally, obligate and bind themselves, not to commit any depredation or wrong upon other Indians, or upon citizens of the United States; to conduct themselves at all times in a peaceable and orderly manner; to submit all difficulties between them and other Indians to the President, and to abide by his decision; to respect and observe the laws of the United States, so far as the same are to them applicable; to settle down in the peaceful pursuits of life; to commence the cultivation of the soil; to educate their children,

and to abstain from the use of intoxicating drinks and other vices to which many of them have been addicted. And the President may withhold from such of the Winnebagoes as abandon their homes, and refuse to labor, and from the idle, intemperate, and vicious, the benefits they may be entitled to under these articles of agreement and convention, or under articles of former treaties, until they give evidences of amendment and become settled, and conform to, and comply with, the stipulations herein provided; or, should they be heads of families, the same may be appropriated, under the direction of the President, to the use and enjoyment of their families.

Payments may be withheld from the ill behaved.

ARTICLE 11. These articles of agreement and convention, shall be in lieu of the "Articles of a Convention made and concluded between Willis A. Gorman and Johnathan E. Fletcher, on the part of the United States, and the chiefs and headmen of the Winnebago tribe of Indians, on the 6th day of August, A. D. 1853," and the amendments of the Senate thereto, as expressed in its resolution of July twenty-first, eighteen hundred and fifty-four; to which amendments the said Winnebago Indians refused to give their assent, which refusal was communicated to the Commissioner of Indian Affairs, by the governor of Minnesota Territory, on the twenty-fourth of January, eighteen hundred and fifty-five.

This treaty to be in lieu of an unratified one.

ARTICLE 12. The United States will pay the necessary expenses incurred by the Winnebago delegates in making their present visit to Washington, while here, and in returning to their homes.

Expense of visit to Washington to be paid.

ARTICLE 13. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the said chiefs and delegates of the Winnebago tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*.

[L. S.]

WAW-KON-CHAW-KOO-HAW,

The coming Thunder, or Win-no-shik,

his x mark, [L. S.]

SHO-GO-NIK-KAW, or Little Hill,

his x mark, [L. S.]

MAW-HE-COO-SHAH-NAW-ZHE-KAW,

One that Stands and Reaches the Skies, or

Little Decorie,

his x mark, [L. S.]

WAW-KON-CHAW-HOO-NO-KAW,

Or Little Thunder,

his x mark, [L. S.]

HOONK-HOO-NO-KAW,

Little Chief, or Little Priest,

his x mark, [L. S.]

HONCH-HUTTA-KAW, or Big Bear,

his x mark, [L. S.]

WATCH-HA-TA-KAW, or Big Canoe,

his x mark, [L. S.]

HA-ZHUN-KEE-KAW, or One Horn,

his x mark, [L. S.]

HA-ZEE-KAW, or Yellow Bank,

his x mark, [L. S.]

BAPTISTE LASSALLIER.

In presence of —

GEO. CULVER,

ASA WHITE,

JOHN DOWLING,

J. E. FLETCHER,

PETER MANAIY, *U. S. Intp.*

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, eighteen hundred and fifty-five, advise and con-

sent to the ratification of its articles, by the following resolution, in the words and figures following, to wit: —

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

Assent of  
Senate.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Washington city, on the twenty-seventh day of February, eighteen hundred and fifty-five, between George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Winnebago tribe of Indians, viz: Waw-kon-chaw-koo-kaw, The Coming Thunder, or Kin-no-shik; Sho-go-nik-kaw, or Little Hill; Maw-he-coo-sha-naw-zhe-kaw, one that Stands and Reaches the Skies, or Little Decorie; Waw-kon-chaw-hoo-no-kaw, or Little Thunder; Hoonk-hoo-no-kaw, Little Chief, or Little Priest; Honch-hutta-kaw, or Big Bear; Watch-ha-ta-kaw, or Big Canoe; Ha-zhun-kee-kaw, or One Horn; Ha-zee-kaw, or Yellow Bank; and Baptiste Lasallier; they being thereto duly authorized by said tribe.

“Attest:

ASBURY DICKINS,

“*Secretary.*”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March third, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

[L. S.] Done at the city of Washington, this twenty-third day of March, eighteen hundred and fifty-five, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary.*