

## TREATIES.

*Convention between the Choctaws and Chickasaws. Concluded January 17, 1837. Approved and Confirmed March 24, 1837.\** Jan. 17, 1837.

ARTICLES of convention and agreement made on the seventeenth day of January, one thousand eight hundred and thirty-seven, between the undersigned chiefs and commissioners, duly appointed and empowered by the Choctaw tribe of red People, and John McLish, Pitman Colbert, James Brown, and James Perry, delegates of the Chickasaw tribe of Indians, duly authorized by the chiefs and head men of said people for that purpose, subject to the approval of the President and Senate of the United States.

Negotiators.

ARTICLE I. It is agreed by the Choctaws that the Chickasaws shall have the privilege of forming a district within the limits of their country, to be held on the same terms that the Choctaws now hold it, except the *right* of disposing of it, which is held in common with the Choctaws and Chickasaws, to be called the Chickasaw district of the Choctaw Nation, to have an equal representation in their General Council, and to be placed on an equal footing in every other respect with any of the other districts of said nation, except a voice in the management of the consideration which is given for these rights and privileges; and the Chickasaw people to be entitled to all the rights and privileges of Choctaws, with the exception of participating in the Choctaw annuities, and the consideration to be paid for these rights and privileges, and to be subject to the same laws to which the Choctaws are; but the Chickasaws reserve to themselves the sole right and privilege of controlling and managing the residue of their funds, as far as is consistent with the late treaty between the said people and the Government of the United States, and of making such regulations and electing such officers for that purpose as they may think proper.

Chickasaws may form a district in the Choctaw country.

Conditions and limitations.

ARTICLE II. The Chickasaw district shall be bounded as follows, viz: beginning on the north bank of Red River, at the mouth of Island bayou, about eight or ten miles below the mouth of False Wachitta, thence running north along the main channel of said bayou to its source; thence along the dividing ridge between the Wachitta and Low Blue rivers, to the road leading from Fort Gibson to Fort Wachitta; thence along said road, to the line dividing Mushallatubbee and Pushmatahaw districts; thence, eastwardly, along said district line, to the source of Brushy Creek; thence, down said creek, to where it flows into the Canadian River, ten or twelve miles above the mouth of the south fork of the Canadian; thence, west, along the main Canadian River, to its source, if in the limits of the United States, or to those limits; and thence, due south to Red River, and down Red River to the beginning.

Boundaries of district.

ARTICLE III. The Chickasaws agree to pay the Choctaws, as a consideration for these rights and privileges, the sum of five hundred and thirty thousand dollars; thirty thousand of which shall be paid at the time, and in the manner, that the Choctaw annuity of 1837 is paid; and the remaining five hundred thousand dollars to be invested in some safe and secure

Payment for these privileges

\* Published in compliance with a resolution of the Senate of the United States, dated February 9, 1859.

stocks, under the direction of the Government of the United States, redeemable within a period of not less than twenty years; and the Government of the United States shall cause the interest arising therefrom to be paid annually to the Choctaws, in the following manner: twenty thousand dollars of which to be paid, as the present Choctaw annuity is paid, for four years, and the residue to be subject to the control of the General Council of the Choctaws; and, after the expiration of the four years, the whole of said interest to be subject to the entire control of the said council.

Differences as to the construction of this agreement to be referred to the Choctaw agent.

ARTICLE IV. To provide for the future adjustment of all complaints or dissatisfactions which may arise to interrupt the peace and harmony which have so long and so happily existed between the Choctaws and Chickasaws, it is hereby agreed by the parties that all questions relative to the construction of this agreement shall be referred to the Choctaw agent, to be by him decided; reserving, however, to either party, should it feel itself aggrieved thereby, the right of appealing to the President of the United States, whose decision shall be final and binding. But, as considerable time might elapse before the decision of the President could be had, *in the mean time*, the decision of the said agent shall be binding.

Appeal to the President.

Both to have equal rights and privileges.

ARTICLE V. It is hereby declared to be the intention of the parties hereto, that equal rights and privileges shall pertain to both Choctaws and Chickasaws to settle in whatever district they may think proper, and to be eligible to all the different offices of the Choctaw Nation, and to vote on the same terms in whatever district they may settle, except that the Choctaws are not to vote *in any wise* for officers in relation to the residue of the Chickasaw fund.

Except.

Signatures.

In testimony whereof, the parties hereto have hereunto subscribed their names and affixed their seals, at Doaksville, near Fort Towson, in the Choctaw country, on the day and year first above written.

In the presence of—

WM. ARMSTRONG, *Act. Supt. West'n Ter'y*,  
HENRY R. CARTER, *Conductor of the Chickw. Delegn*,  
JOSIAH S. DOAK,  
VINCT. B. TIMS,  
DANIEL McCURTAIN, *U. S. Interpreter*,  
P. J. HUMPHREYS,  
J. T. SPRAGUE, *Lieut. U. S. M. Corps*,  
THOMAS LAFLOOR, his x mark, *Chief of Oaklafalaya district*,  
NITUCHACHUE, his x mark, *Chief of Pushmatahaw district*,  
JOSEPH KINCAID, x his mark, *Chief of Mushalatubbee district*,

Commissioners of the Choctaw Nation—

P. P. PITCHLYNN,  
GEORGE W. HASKINS,  
ISRAEL FOLSOM,  
R. M. JONES,  
SILAS D. FISHER,  
SAMUEL WOWSTER,  
JOHN McKENNEY, x  
EYACHAHOFEE, x  
NATHANIEL FOLSOM, x  
LEWIS BRASHEARS, x  
JAMES FLETCHER, x  
GEORGE PUSLEY, x

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

Captains—

OAK-CHI-A, x  
THOMAS HAYS, x

PIS-TAM-BEE,	x
HO-LAH-TA-HO-MA,	x
E-YO-TAH,	x
ISAAC PERRY,	x
NO-WAH-HAM-BEE,	x

*Chickasaw delegation—*

J. McLISH,  
 PITMAN COLBERT,  
 JAMES BROWN, his x mark.  
 JAMES PERRY, his x mark.

In the presence of

WM. ARMSTRONG, *Acting Superintendent, Western Territory,*  
 HENRY R. CARTER, *Conductor of the Chickasaw Delegation,*  
 JOSIAH S. DOAK,  
 VINCT. B. TIMS,  
 DANIEL MCCURTAIN, *U. S. Interpreter,*  
 R. I. HUMPHREYS,  
 J. T. SPRAGUE, *Lieut. U. S. M. Corps.*

WHEREAS a convention or agreement was made and entered into at Doaksville, in the Choctaw Country, on the seventeenth day of January, eighteen hundred and thirty-seven, by and between the Choctaw and Chickasaw Tribes of Indians, which convention or agreement was made subject to the approval of the President and Senate of the United States ;

And whereas the Senate, by their resolution passed on the twenty-fifth day of February last, did approve of the said convention or agreement,

Now be it known that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said convention or agreement, do, by these presents, declare that I approve and confirm the same, and every clause and article thereof.

Given under my hand, at the City of Washington, the twenty-fourth day of March, in the year of our Lord eighteen hundred and thirty-seven, and of the independence of the United States the sixty-first.

M. VAN BUREN.

By the President :

JOHN FORSYTH, *Secretary of State.*





*Treaty between the United States of America and the Stockbridge and Munsee Tribe of Indians.\**

MARTIN VAN BUREN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Sept. 3, 1839.

WHEREAS, a treaty was made at Stockbridge, in the Territory of Wisconsin, on the third day of September, one thousand eight hundred and thirty-nine, between the United States of America, by their Commissioner Albert Gallup, and the Stockbridge and Munsee tribes of Indians, who reside upon Lake Winnebago, in the Territory of Wisconsin; which treaty is word for word as follows, to wit:

Negotiators.

Articles of a treaty made at Stockbridge, in the Territory of Wisconsin, on the third day of September, in the year of our Lord one thousand eight hundred and thirty-nine, between the United States of America, by their Commissioner, Albert Gallup, and the Stockbridge and Munsee tribes of Indians, who reside upon Lake Winnebago, in the Territory of Wisconsin.

ARTICLE I. The Stockbridge and Munsee tribes of Indians, (formerly of New York,) hereby cede and relinquish to the United States, the east half of the tract of forty-six thousand and eighty acres of land, which was laid off for their use, on the east side of Lake Winnebago, in pursuance of a treaty made by George B. Porter, Commissioner on the part of the United States, and the Menominee nation of Indians, on the twenty-seventh day of October, one thousand eight hundred and thirty-two. The said east half, hereby ceded, to contain twenty-three thousand and forty acres of land, to be of equal width at the north and south ends, and to be divided from the west half of said tract of forty-six thousand and eighty acres, by a line to be run parallel to the east-line of said tract. The United States to pay therefor, one dollar per acre at the time and in the manner hereinafter provided.

Relinquishment of territory to the United States.

ARTICLE II. Whereas, a portion of said tribes, according to a census or roll taken, and hereunto annexed, are desirous to remove west, and the others to remain where they now are; and whereas the just proportion of the emigrating party in the whole tract of forty-six thousand and eighty acres, is eight thousand seven hundred and sixty-seven and three fourths acres of land, it is agreed that the United States pay to the said emigrating party, the sum of eight thousand seven hundred and sixty-seven dollars and seventy-five cents, as a full compensation for all their interest in the lands held by the party who remain, as well as in the lands hereby ceded to the United States.

Payment to those emigrating for lands.

ARTICLE III. Whereas the improvements of the emigrating party are on that part of the original tract which is reserved and still held by the party who remain in Stockbridge, and it is but equitable that those who remain should pay those who emigrate for such improvements; it is agreed that the United States shall pay to the emigrating party the sum of three thousand eight hundred and seventy-nine dollars and thirty cents, the appraised value of said improvements; and it is hereby agreed and expressly understood, that the moneys payable to the emigrating party

United States to pay value of improvements to emigrants.

\* Published in compliance with a resolution of the Senate of the United States, dated February 9, 1859.

shall be distributed among the heads of families according to the schedule hereunto annexed, the whole amount to be paid to the emigrating party, under this and the preceding article being the sum of twelve thousand six hundred and forty-seven dollars and five cents.

Payment of balance. ARTICLE IV. The balance of the consideration money for the lands hereby ceded, (after deducting the sums mentioned in the second and third Articles,) amounting to the sum of ten thousand three hundred and ninety-two dollars and ninety-five cents, is to be paid to, and invested for the benefit of, such of the Stockbridge and Munsee tribes of Indians (numbering three hundred and forty-two souls) as remain at their present place of residence at Stockbridge on the east side of Winnebago Lake, as follows :

Mode of payment. Six thousand dollars of said sum to be invested by the United States in public stocks at an interest of not less than five per cent. per annum as a permanent school fund ; the interest of which shall be paid annually to the sachem and counsellors of their tribes, or such other person as they may appoint to receive the same, whose receipt shall be a sufficient voucher therefor ; and the balance thereof amounting to four thousand three hundred and ninety-two dollars and ninety-five cents, shall be paid to the said sachem and counsellors, or to such person as they may appoint to receive the same, whose receipt shall be a sufficient voucher therefor.

To be paid in one year. ARTICLE V. The moneys herein secured to be paid by the United States to the Stockbridge and Munsee tribes, amounting in all to twenty-three thousand and forty dollars, are to be paid in manner aforesaid, in one year from the date hereof, or sooner if practicable.

United States will pay expense of removal west. ARTICLE VI. It is agreed that an exploring party, not exceeding three in number, may visit the country west, if the Indians shall consider it necessary, and that whenever those who are desirous of emigrating shall signify their wish to that effect, the United States will defray the expenses of their removal west of the Mississippi, and furnish them with subsistence for one year after their arrival at their new homes. The expenses of the exploring party to be borne by the emigrants.

Agent of U. S. to settle accounts between the emigrants and those who remain. ARTICLE VII. Whereas there are certain unliquidated claims and accounts existing between the emigrating party and those who remain where they now are, which it is now impossible to liquidate and adjust ; it is hereby agreed that the same shall be submitted to the agent of the United States who shall be appointed to make the payments under this treaty, and that his decision shall be final thereon.

Signature. In witness whereof, we have hereunto set our hands and seals this third day of September, in the year of our Lord one thousand eight hundred and thirty-nine.

ALBERT GALLUP, [L. S.]  
*Commissioner on the part of the United States.*  
AUSTIN E. QUINNEY, *Sachem.* [L. S.]  
THOMAS T. HENDRICK, [L. S.]  
JOHN METOXEN, [L. S.]  
JACOB CHICKS, [L. S.]  
ROBERT KONKAPOT, his x mark. [L. S.]  
CAPT. PORTER, *Munsee Chief*, his x mark. [L. S.]  
JAMES RAIN, *Munsee War Chief*, his x mark. [L. S.]

STOCKBRIDGES.

TIMOTHY JOURDAN, [L. S.]  
BENJ. PALMER, his x mark. [L. S.]  
JOHN N. CHICKS, [L. S.]  
JOHN W. QUINNEY, [L. S.]  
JOHN P. QUINNEY, [L. S.]  
JOHN W. NEWCOMB, [L. S.]

THOMAS S. BRANCH,	[L. S.]
LEVI KONKAPOT, his x mark.	[L. S.]
JOHN LITTLEMAN,	[L. S.]
PETER SHERMAN, his x mark.	[L. S.]
J. L. CHICKS,	[L. S.]

MUNSEE.

JOHN X KILLSNAKE.	[L. S.]
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STOCKBRIDGES.

JEREMIAH SLINGERLAND,	[L. S.]
JONAS THOMPSON, his x mark.	[L. S.]
ELI HENDRICK,	[L. S.]
ELISHA KONKAPOT, his x mark.	[L. S.]
HENRY SKICKET,	[L. S.]
SIMON S. METOXEN,	[L. S.]
SAMUEL MILLER,	[L. S.]
GERRET THOMPSON, his x mark.	[L. S.]
DANIEL DAVID,	[L. S.]
ZIBA T. PETERS,	[L. S.]
SIMEON KINKAPOT, his x mark.	[L. S.]
DAVID ABRAMS, his x mark.	[L. S.]
JONAS KONKAPOT, his x mark.	[L. S.]
DAVID CALVIN, his x mark.	[L. S.]
BENJAMIN PYE, SEN., his x mark.	[L. S.]
AARON NINHAM,	[L. S.]

Signed and sealed in presence of

A. S. KELLOGG.  
 CUTTING MARSH.  
 CLARK WHITNEY.  
 JOHN DEEN.  
 JOHN WILBER.

*Roll and Schedule referred to in Articles II. and III. of the foregoing Treaty.*

Names of heads of families of emigrating party.	No. of each family.	No. of acres of land to each family.	Value of lands in dollars and cents.	Appraised value of improve- ments.	Total value of lands and im- provements and amount to be paid to head of each family.
Thomas T. Hendrick,	6	713	\$713.00	\$480.50	\$1,193.50
Robert Konkapot,	4	490 $\frac{1}{2}$	490.50	939.00	1,429.50
Timothy Tousse,	6	642	642.00	135.00	777.00
Elisha Konkapot,	6	642	642.00	67.50	709.50
Cornelius Charles,	7	686	686.00	—	686.00
Jonas Konkapot,	3	321	321.00	56.25	377.25
Levi Konkapot,	1	107	107.00	384.00	491.00
David Abrams,	2	214	214.00	—	214.00
Dolly Dockstader,	5	597 $\frac{1}{2}$	597.50	168.75	766.25
Eli Hendrick,	3	321	321.00	238.25	559.25
Simeon Konkapot,	3	321	321.00	—	321.00
Lydia Hendrick,	1	107	107.	305.00	412.00
Thomas S. Branch,	1	131 $\frac{1}{2}$	131.50	—	131.50
John Baldwin,	1	107	107.00	—	107.00
John W. Newcomb,	5	535	535.00	—	535.00
Jonas Littleman,	1	107	107.00	—	107.00
Henry Skickett,	3	321	321.00	—	321.00
Betsy Bennet,	1	107	107.00	—	107.00
Peter Sherman,	1	107	107.00	390.00	497.00
David Calvin,	1	44 $\frac{1}{2}$	44.50	—	44.50
Eli Williams,	1	107	107.00	—	107.00
Catharine Littleman,	6	642	642.00	—	642.00
James Rain,	6	642	642.00	40.00	682.00
Big Deer,	1	107	107.00	—	107.00
Ziba T. Peters,	3	246 $\frac{1}{2}$	246.25	144.30	390.55
Cornelius Chemaucum, and	2	214	214.00	—	214.00
other heirs of Phebe Ducham	—	187 $\frac{1}{2}$	187.50	530.75	718.25
	80	8,767 $\frac{3}{4}$	8,767.75	3,879.30	12,647.05

## Ratification.

Now, therefore, be it known, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the 13th day of May, one thousand eight hundred and forty, accept, ratify, and confirm the same, and every article and clause thereof.

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

Done at the City of Washington, the sixteenth day of May, one thousand eight hundred and forty, and of the Independence of the United States the sixty-fourth.

[L. S.]

M. VAN BUREN.

By the President:

JOHN FORSYTH, *Secretary of State.*

*Treaty between the United States of America and the Wyandott Nation of Indians.\**

JOHN TYLER,

March 17, 1842.

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 Upper Sandusky, Crawford county, Ohio, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-two, between John Johnston, commissioner on the part of the United States, and the chiefs, counsellors, and headmen of the Wyandott nation of Indians, in full council assembled, on the other part :

And whereas said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the seventeenth day of August one thousand eight hundred and forty-two, advise and consent to the ratification of said treaty with certain amendments :

Preamble.

And whereas, the said Indians did, by their chiefs and counsellors, in full council assembled, on the sixteenth day of September, one thousand eight hundred and forty-two, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid ; which treaty, resolution of the Senate making the amendments to said treaty, and the assent of the Indians to said amendments, are in the words following, to wit :

JOHN TYLER, President of the United States of America, by John Johnston, formerly Agent for Indian Affairs, now a citizen of the State of Ohio, commissioner duly authorized and appointed to treat with the Wyandott nation of Indians for a cession of all their lands lying and being within the States of Ohio and Michigan ; and the duly constituted chiefs, counsellors, and headmen of the said Wyandott nation, in full council assembled, on the other part ; have entered into the following articles and conditions, viz :

Negotiators.

ARTICLE I. The Wyandott nation of Indians do hereby cede to the United States all that tract of land situate lying and being in the county of Crawford and State of Ohio, commonly known as the residue of the large Reserve, being all of their remaining lands within the State of Ohio, and containing one hundred and nine thousand one hundred and forty-four acres, more or less. The said nation also hereby cedes to the United States all their right and title to the Wyandott Reserve on both sides of the River Huron, in the State of Michigan, containing four thousand nine hundred and ninety-six acres, be the same more or less, being all the remaining lands claimed or set apart for the use of the Wyandotts within the State of Michigan ; and the United States hereby promises to pay the sum of five hundred dollars towards the expenses of removing the Indians of the River Huron to Upper Sandusky, but before the latter clause of this article is binding on the contracting parties, the consent of the headmen of the River Huron Wyandotts is to be had in writing.

Cession of  
lands to the U. S.

ARTICLE II. In consideration of the foregoing cession, the United States hereby grant to the aforesaid Wyandott nation, a tract of land west of the Mississippi River, [in a square or oblong form, as the chiefs of said nation may prefer,] to contain one hundred and forty-eight thousand acres, and to be located upon any lands owned by the United States, now set apart, or

Grant by the  
U. S. to the Wy-  
andotts.Part in [ ]  
stricken out by  
the amendment.

Post, p. 584.

\* Published in compliance with a resolution of the Senate of the United States, dated February 9, 1859.

Part in [] other tribe or nation, [and the United States having reserved three sections stricken out by of land of six hundred and forty acres each, within the Shawanoese territory, immediately below the junction of the Kanza River with the Missouri, for the purposes of erecting a fort thereon, and it being no longer necessary to be retained for that use, they are hereby ceded to the said Wyandott nation, both of these cessions to be made in fee simple to the Wyandotts, and to their heirs forever.]

Post, p. 584.

Annuity.

ARTICLE III. The United States agree to pay the Wyandott nation a perpetual annuity of seventeen thousand five hundred dollars in specie, the first payment to be made within the present year, 1842, to enable the nation the more speedily to remove to their new home in the west;—this includes all former annuities.

School.

ARTICLE IV. The United States agree to make a permanent provision of five hundred dollars per annum, for the support of a school, to be under the direction of the chiefs, and for no other purpose whatever, the first payment to be made three years hence, and afterwards at the payment of the annuity in each succeeding year.

Value of improvements to be paid the Wyandotts.

ARTICLE V. The United States agree to pay the Wyandotts the full value of their improvements in the country hereby ceded by them in Ohio and Michigan, which valuation shall be made by two persons to be appointed by the President of the United States, who shall be sworn faithfully to do justice to the parties, the amount of such valuation to be paid at any time after the 1st day of April, 1843, as shall be acceptable to the Wyandott chiefs, to meet their arrangements for emigrating.

Debts.

ARTICLE VI. The United States hereby agree to pay the debts due by members of the Wyandott nation to citizens of the United States, amounting to \* dollars in conformity to a schedule hereto annexed.

Post, p. 585.

Improvements to be used on condition.

ARTICLE VII. The Wyandotts shall be allowed the use and occupancy of their improvements until the 1st of April, 1844, on the condition that they nor any persons claiming or occupying under them by lease or otherwise shall not commit waste or damage on the premises hereby ceded, but this is not to prevent the United States from surveying and selling the land at any time previous to the said 1st day of April, 1844.

Blacksmith.

ARTICLE VIII. The United States engage to provide and support a blacksmith and an assistant blacksmith for the Wyandott nation, and to furnish annually a sufficient quantity of iron, steel, coal, files, tools, and all other things necessary and proper in such an establishment, and to erect a suitable shop and house or houses for the residence of the blacksmith and his assistant.

Sub-agent and interpreter.

ARTICLE IX. The United States engage to maintain and support a sub-agent and interpreter to reside among the Wyandotts, to aid them in the protection of their persons and property, and to manage their intercourse with the Government and citizens of the United States.

Mission buildings to remain.

ARTICLE X. The buildings and farm occupied by the mission of the Methodist Episcopal Church, shall remain in possession of the present incumbents until the 1st day of April, 1844, and permission is hereby given to harvest and remove the crop of fall grain which may be then sown.

Who may share the annuity.

ARTICLE XI. All persons identified as members of the Wyandott nation, and their heirs, and who may emigrate to the west, shall participate equally in the benefits of the annuity, and all other national privileges, and it is expressly understood that those who do not emigrate, and any that may hereafter cease to remain with the nation, will not be entitled to the benefits and privileges aforesaid.

Völ. vii. p. 164.  
Heirs of Horonu.

ARTICLE XII. Whereas by the 8th article of the treaty of Miami Rapids of September 29th, 1817, there was granted unto Horonu, or

\* Blank filled by Senate amendment, (post, p. 147,) with *twenty-three thousand eight hundred and sixty*.

Cherokee Boy, a Wyandott chief, one section of land to contain six hundred and forty acres, and whereas the said Horonu did, during his lifetime, sell and convey to James Whitaker one quarter-section of said land containing 160 acres, which sale was confirmed by the President of the United States. The said Horonu died in the month of March, 1826, having by his last will bequeathed the remaining three quarter-sections, containing 480 acres, to Squeendehtee and Sooharress, or Isaac Williams, they being the nearest of kin to the deceased, now to the intent that the purposes of the testator may be fully complied with, it is hereby agreed the 480 acres of land, as aforesaid, shall be immediately sold under the directions of the President of the United States, and the nett proceeds, after deducting all expenses, be paid over to the heirs aforesaid.

ARTICLE XIII. The chiefs of the Wyandott nation hereby agree to remove their whole people to the west of the Mississippi River without any other cost to the United States than the sum of ten thousand dollars; five thousand dollars of which is to be paid the said chiefs when the first detachment of their people sets out on their journey to the west, and the remaining five thousand dollars on the arrival of the whole nation at the place of their destination in the west.

Removal.

ARTICLE XIV. The United States agree to grant by patent in fee simple to each of the following named persons, and their heirs, all of whom are Wyandotts by blood or adoption, one section of land of six hundred and forty acres each, out of any lands west of the Mississippi \* River set apart for Indian use, not already claimed or occupied by any person or tribe, viz: Silas Armstrong, John M. Armstrong, Matthew R. Walker, William Walker, Joel Walker, Charles B. Garrett, George Garrett, George J. Clark, Irwin P. Long, Ethan A. Long, Joseph L. Tennery, Robert Robertaille, Jared S. Dawson, Joseph Newell, John T. Walker, Peter D. Clark, James Rankin, Samuel McCulloch, Elliot McCulloch, Isaiah Walker, William M. Tennery, Henry Clay Walker, Ebenezer Z. Reed, and Joel Walker Garrett, and to the following chiefs and councillors one section each, Francis A. Hicks, James Washington, Squeendehtee, Henry Jaques, Tauroonee, Doctor Grey Eyes, George Armstrong, Warpole, John Hicks, Peacock, and George Punch. The lands hereby granted to be selected by the grantees, surveyed and patented at the expense of the United States, but never to be conveyed by them or their heirs without the permission of the President of the United States.

Grant to certain persons.

Post, p. 585.

ARTICLE XV. The United States agree to pay to William Walker and Joel Walker, each, the sum of two hundred and fifty dollars, and to John M. Armstrong the sum of one hundred and fifty dollars, for services rendered as interpreters in the progress of the negotiation; and to Warpole, a former chief of the Wyandott nation, one hundred and fifty dollars, money expended by him as one of the party who accompanied Joseph McCutchen, a former commissioner of the United States, to the city of Washington in September, 1839.

Payment for services.

ARTICLE XVI. In the year 1812 the houses, barns, stables, fences, horses, cattle, and hogs, with farming utensils and household furniture, to a large amount, the property of the late William Walker, of Brownstown, in the Territory of Michigan, was destroyed by the enemy, while in the occupancy of the United States forces; and by reason of his attachment to the cause of his country, being a native citizen, taken prisoner in early life by the Wyandott Indians, intermarried, and ever after living among them, the evidence of all which is ample and conclusive. There is therefore granted unto Catharine Walker, widow of the said William Walker, and to his heirs, the sum of three thousand dollars, in full satisfaction of their claim, to be paid by the United States to her or them, after the ratification of this treaty.

Grant to Catharine Walker.

\* The word "Missouri" substituted for "Mississippi" by Senate amendment. Post, p. 147.

## Reservation.

ARTICLE XVII. There shall be reserved from sale, and forever devoted to public use, two acres of ground as near as can be in a square form, to include the stone meeting-house and burying-ground near to and north of Upper Sandusky, one acre to include the burying-ground on the bank near the council-house at Upper Sandusky, and one half acre to include the burying-ground on the farm of Silas Armstrong, which several lots of ground shall forever remain open and free to all persons for the purpose of interment, and houses of worship, and for no other purposes whatever.

## When to take effect.

ARTICLE XVIII. 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 thereof.

Signature.  
March 17, 1842.

In testimony whereof the said John Johnston, commissioner as aforesaid, and the chiefs and councillors and headmen of the Wyandott nation in open council, at the council-house at Upper Sandusky in the county of Crawford, and the State of Ohio, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-two, have set their names.

[SEAL.]

JOHN JOHNSTON.

FRAN. A. HICKS, *Principal Chief*.

JAMES WASHINGTON, x

SQUEENDEHTEE, x

HENRY JAQUIS, x

TAUROONE, x

GEORGE ARMSTRONG, x

DOCTOR GREY EYES, x

Signed in presence of us,

JOHN W. BEAR, *Sub Indian Agent*,JAMES RANKIN, *U. S. Interpreter*,

G. C. WORTH,

JOHN CARY,

SAMUEL NEWELL,

STEPHEN FOWLER,

CHARLES GRAHAM,

JOHN WALKER,

CHESTER WELLS,

I. DUDDLESON,

ANDREW GARDNER, *jur.*,

JOHN JUSTUS.

IN THE SENATE OF THE UNITED STATES,

August 17, 1842.

## Amendments.

*Resolved*, (two thirds of the senators present concurring therein,) That the Senate advise and consent to the ratification of the treaty between the United States of America and the Wyandott nation of Indians, concluded at Upper Sandusky, Crawford county, Ohio, on the 17th March, 1842, with the following amendments :—

ARTICLE II. Lines 4 and 5, strike out the words "in a square or oblong form as the chiefs of said nation may prefer."

ARTICLE II. From the word nation in line 10, strike out to the end of that article the following words : "and the United States having reserved three sections of land of six hundred and forty acres each, within the Shawnoese territory, immediately below the junction of the Kanza River with the Missouri, for the purpose of erecting a fort thereon ; and it being no longer necessary to be retained for that use, they are hereby ceded to



the said Wyandott nation, both of these cessions to be made in fee simple to the Wyandotts and to their heirs forever."

ARTICLE VI. Insert in the blank line 4, the following words: "twenty-three thousand eight hundred and sixty."

ARTICLE XIV. Line 6, strike out "Mississippi," and insert *Missouri*.

Attest :

(Signed)

ASBURY DICKINS,

*Secretary.*

We, the undersigned, chiefs and counsellors of the Wyandott nation of Indians, residing in the State of Ohio, and representing also the Wyandotts of the River Huron, in Michigan, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States on the 17th day of August, one thousand eight hundred and forty-two, to the treaty concluded by us with the United States on the 17th day of March, 1842, the same having been submitted and fully explained to us by John Johnston, commissioner on the part of the United States for that purpose, in full council assembled.

Assent to  
amendments  
Aug. 17, 1842.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Upper Sandusky, Ohio, the sixteenth day of September, one thousand eight hundred and forty-two, 1842.

Signature.  
Sept. 16, 1842.

HENRY JACQUES, *Principal Chief,*

this year,	his x mark.	[L. S.]
JAMES WASHINGTON,	his x mark.	[L. S.]
DOCTOR GREY EYES,	his x mark.	[L. S.]
GEORGE PUNCH, sen.,	his x mark.	[L. S.]
TAUROOME,EE,	his x mark.	[L. S.]
JAMES BIG TREE,	his x mark.	[L. S.]
FRANCIS A. HICKS,		[L. S.]

In presence of us,

JOHN JOHNSTON, *U. S. Commissioner,*

JAMES RANKIN, *U. S. Interpreter,*

JOHN CARY,

JOSEPH CHAFFEE,

JAMES WHEELER, *Missionary to the Methodist Episcopal Church,*  
*Wyandotts,*

WILLIAM M. BUELL,

CHAS. GRAHAM,

H. J. STARR.

Now therefore, be it known, that I, JOHN TYLER, 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 August, one thousand eight hundred and forty-two, accept, ratify, and confirm the said treaty, with the amendments set forth in the said resolution.

Ratification  
Oct. 5, 1842.

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

Done at the City of Washington, the fifth day of October, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of the United States the sixty-seventh.

JOHN TYLER.

By the President :

FLETCHER WEBSTER, *Acting Secretary of State.*  
VOL. XI. TREAT.—77



## TREATIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Nov. 25, 1850.

### A PROCLAMATION.

WHEREAS a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals, between the United States of America and the Swiss Confederation, was concluded and signed by their respective plenipotentiaries, in the city of Berne, on the twenty-fifth day of November, eighteen hundred and fifty; which convention, as subsequently amended by competent authorities of the respective governments, and being in the English and French languages, is word for word as follows:

Preamble.

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals.

For this purpose, they have appointed as their plenipotentiaries, to wit:

The President of the United States, A. Dudley Mann, special agent of the United States on a mission to the Swiss Confederation; and the Swiss Federal Council, Henry Druey, President of the Swiss Confederation, Director of the Political Department, and Frederick Frey-Hérosée, member of the Federal Council, Director of the Department of Commerce and of Tolls; who, after a communication of their respective full powers, have agreed to the following articles:

#### ARTICLE I.

The citizens of the United States of America and the citizens of Swit-

Les Etats Unis d'Amérique et la Confédération Suisse également animés du désir de maintenir et de reserrer de plus en plus les liens d'amitié qui existent si heureusement entre les deux républiques, ainsi que d'accroître, par tous les moyens à leur disposition, les relations commerciales de leurs citoyens respectifs, ont de part et d'autre résolu de conclure un traité général d'amitié, d'établissements réciproques, de commerce et d'extradition des criminels.

A cet effet, ils ont nommé pour leurs plenipotentiaries, savoir:

Negotiators.

Le Président des Etats Unis, A. Dudley Mann, agent spécial des Etats Unis en mission auprès de la Confédération Suisse, et le Conseil Fédéral Suisse, Henri Druey, Président de la Confédération Suisse, Directeur du Département Politique, et Frédéric Frey-Hérosée, membre du Conseil Fédéral, Directeur du Département du Commerce et des Péages, lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, sont convenus des articles suivans:

#### ARTICLE I.

Les citoyens des Etats Unis d'Amérique et les citoyens de la

Respective citizens to be on a footing of equality.

Liberties granted.

zerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in article V;) to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

Restriction on said liberties.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Suisse seront admis et traités sur un pied d'égalité réciproque dans les deux pays, lorsque cette admission et ce traitement n'auront rien de contraire aux dispositions constitutionnelles ou légales, tant fédérales que des Etats et des cantons des parties contractantes. Les citoyens des Etats Unis et les citoyens de la Suisse, ainsi que les membres de leurs familles, pourvu qu'ils se conforment aux dispositions constitutionnelles et légales ci-dessus mentionnés et qu'ils obéissent aux lois, réglemens et usages du pays où ils résideront, pourront aller, venir, séjourner temporairement, prendre un domicile fixe ou s'établir d'une manière permanente, les premiers dans les cantons de la Confédération Suisse, les Suisses dans les Etats de l'Union Américaine; y acquérir, posséder, et aliéner des propriétés, (ainsi qu'il est expliqué à l'art. V;) y gérer leurs affaires; y exercer leur profession, leur industrie, et leur commerce; y avoir des établissemens; y tenir des magasins; y consigner leurs produits, et leurs marchandises, les vendre en gros ou en détail, tant par eux-mêmes que par tels courtiers ou autres agents qu'ils jugeront convenable; ils auront libre accès devant les tribunaux et pourront faire valoir leurs droits en justice, à l'instar des nationaux, soit par eux-mêmes, soit par tels avocats, avoués, ou autres agents qu'ils jugeront convenable de choisir. On ne pourra leur imposer pour la résidence ou l'établissement, ou pour l'exercice des droits mentionnés plus haut, aucune condition pécuniaire ou autre, plus onéreuse qu'aux citoyens du pays dans lequel ils résident, ni aucune condition à laquelle ceux-ci ne seraient pas tenus.

Ne sont cependant pas compris dans les avantages mentionnés ci-dessus, l'exercice des droits politiques et la participation aux biens des communes, des corporations ou des fondations dans lesquelles les citoyens de l'un des pays établis dans l'autre n'auraient pas été reçus membres ou à titre de co-propriétaires.

ARTICLE II.

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside with respect to indemnities for damages they may have sustained.

ARTICLE III.

The citizens of one of the two republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

ARTICLE IV.

In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports, or of other papers in due form, certifying their nationality, as well as that of the

ARTICLE II.

Les citoyens de l'un des deux pays, résidant ou établis dans l'autre, seront affranchis du service militaire personnel; mais ils seront tenus aux prestations pécuniaires ou matérielles, imposées, par compensation, aux citoyens du pays où ils résident, libérés de ce service.

Liability to taxes.

On ne pourra exiger des citoyens de l'un des deux pays résidant ou établis dans l'autre, aucun impôt, à quelque titre que ce soit, plus élevé que ceux auxquels sont soumis les citoyens du pays dans lequel ils résident, non plus qu'aucune contribution quelconque qui ne serait pas exigée de ces derniers.

No discriminating tax to be imposed.

En cas de guerre ou d'expropriation pour cause d'utilité publique, les citoyens de l'un des deux pays résidant ou établis dans l'autre seront assimilés aux citoyens du pays où ils résident, en ce qui concerne les indemnités pour les dommages qu'ils auront éprouvés.

Indemnities for damages.

ARTICLE III.

Les citoyens de l'une des deux républiques, résidant ou établis dans l'autre, qui voudront retourner dans leur pays, ou qui y seront renvoyés par sentence du juge, par mesure de police, ou d'après les lois et réglemens sur les mœurs et la mendicité, seront reçus en tout temps et en toute circonstance, eux, leurs femmes et leurs descendans légitimes, dans le pays dont ils sont originaires et où ils auront conservé leurs droits conformément aux lois.

Provisions as to citizens who wish or are compelled to return.

ARTICLE IV.

Afin de constater leur qualité de citoyens des Etats Unis d'Amérique ou de citoyens Suisses, les ressortissants des deux pays contractans devront être porteurs de passe-ports, ou d'autres papiers en due forme, attestant leur nationalité, ainsi que celle des membres de leur famille,

Passports, &c.

members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

## ARTICLE V.

Power to dispose of and inherit property.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament, or *ab intestato*, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

Care of property of deceased persons.

These provisions — how far applicable to real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

Power to sell real estate which cannot be held by an alien.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the canton in which it may be situated, there shall be accorded to the said heir, or other successor, such term as the laws of the State or canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds

et délivrés ou visés par un agent diplomatique ou consulaire de leur nation, résidant dans celui des deux pays où ils veulent habiter.

## ARTICLE V.

Les citoyens de chacune des parties contractantes pourront librement disposer de leurs biens personnels, sis dans la juridiction de l'autre, soit par vente, testament, donation, ou de toute autre manière, et leurs héritiers testamentaires ou *ab intestato*, ou leurs successeurs quelconques, citoyens de l'autre partie, acquerront ces dits biens ou en hériteront, et ils pourront en prendre possession, eux-mêmes ou par fondés de pouvoirs; ils pourront en disposer comme ils l'entendront, n'ayant à payer d'autres droits que ceux auxquels sont soumis en pareil cas les habitants mêmes du pays dans lequel ces biens sont situés. En l'absence de l'héritier, ou des héritiers ou des autres successeurs, l'autorité prendra, pour la conservation des dits biens, les mêmes soins que s'il s'agissait de la conservation des biens d'un natif du même pays, et cela jusqu'à ce que le propriétaire légal des biens ait pu prendre les mesures convenables pour les recueillir.

Les dispositions ci-dessus s'appliqueront en plein aux propriétés immobilières sises dans les Etats de l'Union Américaine ou dans les cantons de la Confédération Suisse dans lesquels les étrangers sont admis à la possession en nature ou à l'héritage de propriétés foncières.

Mais si des propriétés immobilières sises sur le territoire de l'une des parties contractantes, venaient à échoir à un citoyen de l'autre partie, qui à cause de sa qualité d'étranger, ne serait pas admis à la possession en nature de ces propriétés, dans l'Etat ou dans le canton dans lequel elles sont situées, il serait accordé à cet héritier ou successeur quelconque tel terme que les lois de l'Etat ou du canton le permettent pour vendre ces propriétés; il pourra toujours en retirer et ex-

thereof without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE VI.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any consul [or vice-consul] shall act as such, he shall, in the ordinary form, be approved of by the government to which he is commissioned.

In their private and business transactions, consuls and vice-consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a consul or a vice-consul, the government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

porter le produit sans difficulté et sans payer au gouvernement aucun autre droit que celui qui, dans un cas analogue, serait dû par un habitant du pays dans lequel les propriétés foncières sont situées.

ARTICLE VI.

Les contestations qui pourraient s'élever entre les prétendants à une succession, sur la question de savoir à qui les biens doivent appartenir, seront portées devant les tribunaux et juges d'après les lois du pays dans lequel la propriété est située.

Controversies among claimants to a succession.

ARTICLE VII.

Les parties contractantes s'accordent mutuellement le droit d'avoir, dans les grandes villes et les places de commerce importantes de leurs Etats respectifs, des consuls et des vice-consuls, nommés par elles, qui jouiront, dans l'exercice de leurs fonctions, des mêmes privilèges et des mêmes pouvoirs, que ceux des nations les plus favorisées. Mais avant qu'un consul ou un vice-consul puisse agir en cette qualité, il devra avoir été reconnu dans la forme ordinaire, par le gouvernement auprès duquel il est accrédité.

Consuls and vice-consuls.

Pour leurs affaires privées et commerciales les consuls et vice-consuls seront soumis aux mêmes lois et aux mêmes usages que les particuliers, citoyens de l'endroit où ils résident.

Exequatur.

Il est entendu qu'en cas d'infraction aux lois par un consul ou un vice-consul, le gouvernement auprès duquel il est accrédité, pourra, suivant les circonstances, lui retirer l'exéquatur, le renvoyer du pays ou le faire punir conformément aux lois, en faisant savoir à l'autre gouvernement les raisons qui l'ont déterminé.

Les archives et les papiers appartenant aux consulats seront inviolablement respectés, et aucun magistrat, ni aucun autre fonctionnaire ne pourra, sous quelque prétexte que ce soit, les visiter, le saisir, ou s'y immiscer d'une manière quelconque.

Archives, &c. to be inviolate.

## ARTICLE VIII.

Each nation to have rights of "the most favored nation," respecting imports, exports, and transit of products.

In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, State, or society, as is explained in the following articles :

## ARTICLE IX.

No discriminating duties.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

## ARTICLE X.

Future commercial privileges granted to any nation, to be extended to the other.

In order the more effectually to attain the object contemplated in article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, State, or society, which shall not immediately be enjoyed by the other party.

## ARTICLE XI.

Origin of products, how established.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

## ARTICLE XII.

Regulations as to commerce.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America : in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free

## ARTICLE VIII.

Pour tout ce qui concerne l'importation, l'exportation, et le transit de leurs produits respectifs, les Etats Unis d'Amérique et la Confédération Suisse se traiteront réciproquement comme la nation, l'union de nations, l'état ou la société la plus favorisée, ainsi qu'il est expliqué aux articles ci-après :

## ARTICLE IX.

Aucune des parties contractantes ne pourra exiger, pour l'importation, l'exportation, ou le transit des produits naturels ou industriels de l'autre, des droits plus élevés ni d'autres droits, que ceux qui sont ou seront imposés sur les mêmes articles, provenant de tout autre pays en dehors de ses limites actuelles.

## ARTICLE X.

Afin d'atteindre d'autant mieux le but qu'elles se proposent à l'article VIII, chacune des parties contractantes s'engage à n'accorder à aucune nation, union de nations, état ou société que ce soit, de faveur en fait de commerce, sans en faire aussitôt jouir l'autre partie.

## ARTICLE XI.

Si l'une des parties contractantes imposait des droits différentiels sur les produits de quelque nation, l'autre partie pourra déterminer comme elle l'entendra, la manière de constater l'origine de ses propres produits, destinés à être importés dans le pays où se perçoivent les droits différentiels.

## ARTICLE XII.

Le territoire Suisse demeurera ouvert à l'entrée des objets venant des Etats Unis d'Amérique ; de même, aucun port de ces Etats ne sera fermé aux objets venant de la Suisse, pourvu que ceux-ci arrivent sur des navires des Etats Unis ou sur tout autre navire ayant libre accès dans les ports de l'Union.



access to the ports of said States. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four foregoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

#### ARTICLE XIII.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

#### ARTICLE XIV.

Persons shall be delivered up, according to the provisions of this

VOL. XI. TREAT.—78

Arrivant sous pavillon des Etats Unis, ou sous celui d'une des nations les plus favorisées, les marchandises Suisses paieront les mêmes droits, que celle de cette dernière nation; sous un autre pavillon, elles seront traitées comme les marchandises du pays auquel appartient le navire.

En cas de naufrage et de sauvetage sur les côtes des Etats Unis, les marchandises Suisses seront considérées et traitées comme celles appartenant à des citoyens des Etats Unis.

Les Etats Unis consentent à étendre aux produits Suisses, arrivant ou expédiés sous leur pavillon, les avantages dont jouissent ou jouiront les produits de la nation la plus favorisée, arrivant ou expédiés sous le même pavillon.

Il est entendu que les dispositions du présent article ne dérogent en rien à celles des quatre articles ci-dessus, non plus qu'aux mesures dans l'intérêt de la moralité, de la sécurité ou de l'ordre public, prises ou qui pourront être ordonnées dans l'un ou dans l'autre des pays contractans.

#### ARTICLE XIII.

Les Etats Unis d'Amérique et la Confédération Suisse, seront tenus, sur les réquisitions faites en leur nom par l'intermédiaire de leurs agents diplomatiques ou consulaires respectifs, de se livrer réciproquement, pour être traduits en justice, les individus qui, prévenus des crimes énumérés à l'article suivant, commis dans la juridiction de la partie requérante, chercheront un asile ou seront trouvés sur les territoires de l'autre partie: *Toutefois*, L'extradition ne sera obligatoire que dans le cas où les faits à la charge du prévenu seront constatés de manière à justifier son arrestation et sa mise en jugement, si le crime eût été commis dans le pays où le dit individu a été trouvé.

#### ARTICLE XIV.

Seront livrés, en vertu des dispositions de cette convention, les indi-

Shipwreck.

"Most favored nation" clause.

Extradition of criminals.

Crimes for which extradition shall be made.

convention, who shall be charged with any of the following crimes, to wit :

Murder (including assassination, parricide, infanticide, and poisoning) : attempt to commit murder ; rape ; forgery, or the emission of forged papers ; arson ; robbery with violence, intimidation, or forcible entry of an inhabited house ; *piracy* ; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

#### ARTICLE XV.

Surrender, how to be made.

On the part of the United States the surrender shall be made only by the authority of the Executive thereof ; and on the part of the Swiss Confederation by that of the Federal Council.

#### ARTICLE XVI.

Payment of expenses.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

#### ARTICLE XVII.

No extradition for past or political offences.

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

#### ARTICLE XVIII.

Duration of this convention.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications ; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer,

vidus prévenus de l'un des crimes suivans, savoir :

Le meurtre (y compris les crimes qualifiés d'assassinat, de parricide, d'infanticide, et d'empoisonnement ;) la tentative de meurtre ; le viol ; le faux, y compris l'émission de faux papiers ; l'incendie ; le vol commis avec violence, ou par intimidation, ou avec effraction, ou escalade, dans une maison habitée ; la piraterie ; la soustraction commise par des dépositaires publics, ou des personnes salariées, au détriment de ceux qui les emploient, mais dans le cas seulement où ces crimes entraîneraient à des peines infamantes.

#### ARTICLE XV.

L'extradition ne sera effectuée de la part du gouvernement des États Unis, que sur l'ordre du pouvoir exécutif ; et de la part de la Confédération, que sur l'ordre du Conseil Fédéral.

#### ARTICLE XVI.

Les frais de détention et d'extradition, opérées en vertu des articles précédens, seront supportés par le gouvernement au nom duquel la réquisition aura été faite.

#### ARTICLE XVII.

Les dispositions des articles ci-dessus, qui se rapportent à l'extradition des criminels, ne seront point applicables aux crimes commis antérieurement à la date de la présente convention, ni aux crimes et délits ayant un caractère politique.

#### ARTICLE XVIII.

La présente convention est conclue pour dix ans, à dater du jour de l'échange des ratifications. Elle continuera d'être obligatoire pendant douze mois, si, un an avant l'expiration du premier terme, aucune des parties contractantes n'a déclaré à l'autre par une notification officielle qu'elle renonce au traité, et ainsi de suite d'année en année, jusqu'à l'expiration des douze mois

and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XIX.

This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratification shall be exchanged at the city of Washington as soon as circumstances shall admit.

In faith whereof, the respective plenipotentiaries have signed the above articles, under reserve of the above-mentioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done, in quadruplicate, at the city of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

A. DUDLEY MANN. [L. s.]  
H. DRUEY. [L. s.]  
F. FREI-HEROSEE. [L. s.]

qui suivront une pareille déclaration de renonciation, quelque soit l'époque à laquelle elle aura été notifiée.

ARTICLE XIX.

Cette convention sera soumise, de part et d'autre à l'approbation et à la ratification des autorités compétentes respectifs de chacune des parties contractantes; et les ratifications en seront échangées à Washington, aussitôt que les circonstances le permettront.

En foi de quoi les plenipotentiaries respectifs ont, sous réserve des ratifications qui viennent d'être mentionnées, signé les articles ci-dessus, dans les langues Anglaise et Française, et y ont apposé leurs sceaux.

Ainsi fait, par quadruplicata à Berne, ce vingt-cinq Novembre de l'an de Grâce mil-huit-cent-cinquante.

H. DRUEY. [L. s.]  
F. FREI-HEROSEE. [L. s.]  
A. DUDLEY MANN. [L. s.]

Ratification.

Signatures.

And whereas the convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the 8th instant, by William L. Marcy, Secretary of State of the United States, and John Hitz, Consul General of the Swiss Confederation, on the part of their respective governments:

Exchange of  
ratifications,  
Nov. 8, 1855.

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 ninth day of November, in the year of our Lord one thousand eight hundred and fifty-five, and of the Independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President :  
W. L. MARCY, *Secretary of State.*



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS a treaty of peace and amity between the United States of America and the Empire of Japan was concluded and signed between their plenipotentiaries at Kanagawa on the thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-four, which treaty is, word for word, as follows:—

March 31, 1854.

The United States of America and the Empire of Japan, desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace and amity, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object the President of the United States has conferred full powers on his commissioner, Matthew Calbraith Perry, special ambassador of the United States to Japan, and the August Sovereign of Japan has given similar full powers to his commissioners, Hayashi, Daigaku-no-kami, Ido, prince of Tsus-Sima, Izawa, prince of Mimasaki, and Udono, member of the board of revenue. And the said commissioners, after having exchanged their said full powers, and duly considered the premises, have agreed to the following articles:—

Title.

Preamble.

ARTICLE 1. There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the empire of Japan on the other part, and between their people respectively, without exception of persons or places.

Peace to exist.

ARTICLE 2. The port of Simoda, in the principality of Idzu, and the port of Hakodade, in the principality of Matsmai, are granted by the Japanese as ports for the reception of American ships, where they can be supplied with wood, water, provisions, and coal, and other articles their necessities may require, as far as the Japanese have them. The time for opening the first-named port is immediately on signing this treaty; the last-named port is to be opened immediately after the same day in the ensuing Japanese year. [*Note.*—A tariff of prices shall be given by the Japanese officers of the things which they can furnish, payment for which shall be made in gold and silver coin.]

Simoda and Hakodade opened as ports for certain purposes.

ARTICLE 3. Whenever ships of the United States are thrown or wrecked on the coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their countrymen appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

Provision for the case of wrecks.

ARTICLE 4. Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amenable to just laws.

ARTICLE 5. Shipwrecked men and other citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of seven Japanese miles (or *ri*) from a small island in the harbor of Simoda, marked on the accompanying chart hereto appended; and shall in like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

Same subject.

Same subject.

ARTICLE 6. If there be any other sort of goods wanted, or any business which shall require to be arranged, there shall be careful deliberation between the parties in order to settle such matters.

Provision for deliberation if other things are wanted.

Trade permitted.

ARTICLE 7. It is agreed that ships of the United States resorting to the ports open to them shall be permitted to exchange gold and silver coin and articles of goods for other articles of goods, under such regulations as shall be temporarily established by the Japanese government for that purpose. It is stipulated, however, that the ships of the United States shall be permitted to carry away whatever articles they are unwilling to exchange.

Things wanted to be supplied by Japanese officers.

ARTICLE 8. Wood, water, provisions, coal, and goods required, shall only be procured through the agency of Japanese officers appointed for that purpose and in no other manner.

Favors granted to other nations to be extended to the U. States.

ARTICLE 9. It is agreed that if at any future day the government of Japan shall grant to any other nation or nations privileges and advantages which are not herein granted to the United States and the citizens thereof, that these same privileges and advantages shall be granted likewise to the United States and to the citizens thereof, without any consultation or delay.

No other ports to be resorted to except when in distress, &c.

ARTICLE 10. Ships of the United States shall be permitted to resort to no other ports in Japan but Simoda and Hakodade, unless in distress or forced by stress of weather.

Consuls or agents may be appointed at Simoda.

ARTICLE 11. There shall be appointed, by the government of the United States, consuls or agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty : provided that either of the two governments deem such arrangement necessary.

Ratification, how and when to be made.

ARTICLE 12. The present convention having been concluded and duly signed, shall be obligatory and faithfully observed by the United States of America and Japan, and by the citizens and subjects of each respective power ; and it is to be ratified and approved by the President of the United States, by and with the advice and consent of the Senate thereof, and by the August Sovereign of Japan, and the ratification shall be exchanged within eighteen months from the date of the signature thereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries of the United States of America and the empire of Japan aforesaid, have signed and sealed these presents.

Done at Kanagawa this thirty-first day of March, in the year of our Lord Jesus Christ one thousand eight hundred and fifty-four, and of Kayei, the seventh year, third month, and third day.

M. C. PERRY.

Exchange of ratifications at Simoda, Feb. 21, 1855.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Simoda, on the 21st of February last, by Commander H. A. Adams, of the United States navy, and Ido Tsocsima, Nokami, Isawa Mimasaki, Nokami, Tsococki Socroega, Nokami, Ido Towsé, Kokahien Itsilo, with Tasnoske for interpreter, 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.

Done at the city of Washington, this twenty-second day of June,  
[L. s.] 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.*

## TREATIES.

*Supplementary Article to the Treaty with the Creek Tribe of Indians made and concluded at Fort Gibson on the twenty-third day of November, in the year eighteen hundred and thirty-eight.* June 13, 1854.  
Vol. vii. p. 574.

WHEREAS the third article of said treaty provided for the investment by the United States of the sum of three hundred and fifty thousand dollars for the benefit of certain individuals of the Creek nation, but which sum remains uninvested; and the fourth article of the same treaty further provides that at the expiration of twenty-five years from the date thereof, the said sum of three hundred and fifty thousand dollars shall be appropriated for the common benefit of the Creek nation; which provision has caused great dissatisfaction, the individuals to whom the fund rightfully belongs never having authorized or assented to such a future disposition thereof; and whereas the chiefs and people of the Creek nation recognize and consider the said fund as the exclusive property of said individuals, and are opposed to their hereafter being deprived thereof; and whereas the annual interest thereon is of no advantage to the great body of the persons to whom it is payable, and the distribution of the principal of the fund would be far more beneficial for them and prevent probable contest and difficulty hereafter; and such distribution has been requested by the chiefs representing both the nation and the individual claimants of said fund, the following supplementary article to the aforesaid treaty of 1838, has this day been agreed to and entered into, by and between William H. Garrett, United States agent for the Creeks and Tuckabatche Micco, Hopothle Yoholo, Benjamin Marshall, and George W. Stidham, chiefs and delegates of the Creek nation duly empowered to represent and act for the same and the individuals thereof to wit:

Preamble.

ARTICLE. It is hereby agreed and stipulated by and between the aforementioned parties, that the third and fourth articles of the treaty with the Creek nation of November 23d, 1838, shall be and the same are hereby annulled; and the fund of three hundred and fifty thousand dollars therein mentioned and referred to shall be divided and paid out to the individuals of said nation for whose benefit the same was originally set apart, according to their respective and proportionate interests therein, as exemplified and shown by the schedule mentioned in the second article of said treaty; the said division and payment to be made by the United States so soon as the necessary appropriation for that purpose can be obtained from Congress.

Third and fourth article of treaty of Nov. 23, 1838, annulled, and fund to be divided.

In testimony whereof the said parties have hereunto set their hands and seals on this thirteenth day of June in the year of our Lord one thousand eight hundred and fifty-four.

Date.

W. H. GARRETT, [L. S.]  
United States Agent for the Creeks.  
TUCKABATCHE MICCO, his x mark, [L. S.]  
HOPOTHLEGOHOLO, his x mark, [L. S.]  
B. MARSHALL, [L. S.]  
G. W. STIDHAM, [L. S.]

Signed and sealed in presence of

JAMES ABERCROMBIE, Sen.  
ANDREW R. POTTS,  
ROBERT A. ALLEN,  
PHILIP H. RAIFORD.

## SUPPLEMENTARY TREATY WITH CREEKS, JUNE 13, 1854.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 21, 1854.

Assent of Sen-  
ate.

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the supplementary article, concluded at Washington, the 13th day of June, in the year of our Lord, 1854, to the treaty with the Creek tribe of Indians, made and concluded at Fort Gibson, on the 23d day of November, in the year eighteen hundred and thirty-eight.

Attest:

ASBURY DICKINS, *Secretary*.



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Aug. 21, 1854.

## A PROCLAMATION.

WHEREAS a convention between the United States of America and his Highness the Duke of Brunswick and Luneburg was concluded and signed by their respective Plenipotentiaries, in the city of Washington on the twenty-first day of August, eighteen hundred and fifty-four; which convention, being in the English and German languages, is word for word as follows:

The President of the United States of America and his Highness the Duke of Brunswick and Luneburg, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have, to this effect, appointed as their plenipotentiaries, to wit: The President of the United States of America, William L. Marcy, Secretary of State of the United States; and his Highness the Duke of Brunswick and Luneburg, Dr. Julius Samson, his said Highness' consul at Mobile, Alabama; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

## ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, subject to the laws of the State or country where the domicil is, or the property is found, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them

VOL. XI. TREAT.—79

Der Präsident der Vereinigten Staaten von America und Seine Hoheit der Herzog von Braunschweig und Lüneburg, bewogen durch den Wunsch, durch eine Convention die so glücklich bestehenden freundschaftlichen Beziehungen Ihrer beiden Staaten zu befestigen und weiter auszudehnen, haben zu diesem Zwecke zu Ihren Bevollmächtigten ernannt: Der Präsident der Vereinigten Staaten von America, Herrn William L. Marcy, Staats-Secretär der Vereinigten Staaten und Seine Hoheit der Herzog von Braunschweig und Lüneburg Herrn Dr. Julius Samson, Sr. Hoheit Consul in Mobile, Alabama, welche Bevollmächtigte nach vollzogener Auswechslung ihrer gegenseitig in richtiger und gehöriger Form befundenen Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben:

## ARTIKEL I.

Den Staatsangehörigen eines jeden der Hohen contrahirenden Theile soll in den Staaten des andern die Freiheit zustehen, über ihre beweglichen Güter, nach den Gesetzen des Staats oder Landes wo sich das Domizil befindet oder diese Güter vorhanden sind, durch Testament, Schenkung, *ab intestato* oder auf irgend andere Weise zu verfügen, und deren Erben, wenn sie Angehörige des andern abschliessenden Theiles sind, sollen im Besitze solcher beweglichen Güter nachfolgen, entweder durch Testament

Preamble.

Negotiators.

Right of owning and disposing of property.

Provision for  
absent heirs.

as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir or heirs the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

#### ARTICLE II.

Devises or  
heirs of real es-  
tate, who as al-  
iens cannot hold,  
may sell the  
same.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

#### ARTICLE III.

Duration of  
this convention.

The present convention shall be in force for the term of twelve years

oder *ab intestato*, auch Possession von solchen nehmen entweder in Person, oder durch andere, welche an ihrer Stelle handeln, und nach Gutdünken damit schalten können, ohne andere Steuern zu bezahlen, als solche, welchen die Einwohner des Landes, worin sich die genannten Güter befinden, bei gleichem Anlasse unterworfen sind; und im Falle der Abwesenheit des Erben oder der Erben soll hinsichtlich der erwähnten Güter dieselbe Sorgfalt angewendet werden, welche man bei gleichem Anlasse zur Sicherstellung des Nachlasses eines Staatsangehörigen desselben Landes anwenden würde, bis der gesetzsmässige Eigenthümer Zeit gehabt hat, selbigen Nachlass in Besitz zu nehmen; und sollten Streitigkeiten wegen der nachgelassenen Güter zwischen Personen, welche Erben zu sein beanspruchen, entstehen, so sollen dieselben nach den Gesetzen und von den Richtern des Landes entschieden werden, in welchem das Object der Erbschaft sich befindet.

#### ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von Immobilien oder Grundeigenthum, welche sich auf dem Gebiete des einen der Hohen contrahirenden Theile befinden, solche Güter nach dem Gesetze des Landes oder nach testamentarischer Verfügung auf einen Angehörigen des andern Theils übergehen würden, dem es aber, da er ein Fremder, nicht erlaubt ist, solche Güter in wirklichem Besitze zu halten, dann soll ihm ein solcher Termin, die obigen Güter zu verkaufen, die Geldereinzusätze und den Ertrag zu sich zu nehmen gewährt werden, wie ihn die Gesetze des Staates oder Landes gewähren, ohne der Regierung andere Steuern zu bezahlen, als in einem ähnlichen Falle ein Angehöriger des Staates, wo sich der Grundbesitz befindet, zu bezahlen verbunden wäre.

#### ARTIKEL III.

Der gegenwärtige Vertrag soll für zwölf Jahrelang vom heutigen Tage

from the date hereof; and further, until the end of twelve months after the government of the United States on the one part, or that of his Highness the Duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged, at Washington, within twelve months after its date, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this twenty-first day of August, in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

W. L. MARCY, [L. s.]  
JULIUS SAMSON, [L. s.]

an gerechnet, Verbindlichkeit haben, und für weiter bis zum Ende von zwölf Monaten, bis nachdem die Regierung der Vereinigten Staaten einerseits oder Seine Hoheit der Herzog von Braunschweig und Lüneburg andererseits von Deren Absicht diese Convention aufhören zu lassen, Anzeige gemacht haben.

Dieser Vertrag soll ratificirt und die Ratifications-Urkunden innerhalb zwölf Monaten, vom heutigen Tage an gerechnet, oder wo möglich früher, in Washington ausgewechselt werden.

In Urkund dessen haben die beiderseitigen Bevollmächtigten gegenwärtigen Vertrag unterschrieben und ihre Siegel begedrückt.

Ausgestellt in Washington heutigen Tages am 21sten August im Jahre des Herrn Ein Tausend acht Hundert [und vier] und fünfzig und dem neun und siebenzigsten der Unabhängigkeit der Vereinigten Staaten.

JULIUS SAMSON, [L. s.]  
W. L. MARCY, [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the 28th instant: Ratifications  
exchanged July  
28, 1855.

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 in the city of Washington, this thirtieth day of July, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President;

W. HUNTER, *Acting Secretary of State.*



## TREATIES.

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 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 :

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.

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.

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 headmen of the said confederate tribes of Ottoes and Missouriias have hereunto set their hands and seals, at the place and on the day and year above written.

GEORGE HEPNER,  
*United States Indian Agent.*

[SEAL.]

Dec. 9, 1854.

Title.

Vol. x. p. 1038.

Preamble.

Boundary of  
their reservation.

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.*

Consent of Senate.

*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 Otoe and Missouria 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.

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 year of our Lord one thousand eight hundred and fifty-five,  
[L. s.] 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: Jan. 13, 1855.

## A PROCLAMATION.

WHEREAS a convention between the United States of America and his Majesty the King of the Kingdom of the Two Sicilies was concluded and signed by their respective plenipotentiaries in the city of Naples on the thirteenth day of January, one thousand eight hundred and fifty-five: which convention, being in the English and Italian languages, is word for word as follows:

*Convention between the United States of America and his Majesty the King of the Kingdom of the Two Sicilies, signed at Naples January 13th, 1855.*

Title.

The United States of America and his Majesty the King of the kingdom of the Two Sicilies, 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 Robert Dale Owen, minister resident at Naples, of the United States of America; and his Majesty the King of the kingdom of the Two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the dukes of Traetto, weekly major-domo of his Majesty, commendator of his royal order of the civil merit of Francis the First, grand cross of the distinguished royal Spanish order of Charles the Third, great officer of the order of the legion d'honneur, grand cross of the order of St. Michael of Baviera, grand cross of the Florentine order of the merit under the title of St. Joseph, grand cross of the order of Parma of the merit under the title of St. Ludovico, grand cross of the Brazilian order of the rose, provisionally charged with the portfolio of foreign affairs; and said plenipotentiaries

Sua Maestà il Re del Regno delle due Sicilie e gli Stati Uniti di America, animati da egual desiderio di mantenere e preservare da qualunque alterazione i rapporti di buona intelligenza che in ogni tempo hanno felicemente esistito fra Loro e fra gli abitanti de Loro Stati rispettivi, hanno di comune accordo risoluto di sanzionare, per mezzo di una formal convenzione, i principi de'diritti de'neutri sul mare, ch'Egolino riconoscono quali condizioni indispensabili di ogni libertà di navigazione e di commercio marittimo. A tal fine Sua Maestà il Re del Regno delle due Sicilie ha munito di pieni poteri il Sig'r D. Luigi Carafa della Spina de'Duchi di Traetto, Maggiordomo di settimana della Maestà Sua, Commendatore del Suo Real Ordine del Merito Civile di Francesco I., Gran Croce del distinto Real Ordine Spagnuolo di Carlo III., Grande Ufficiale dell'Ordine della Legione di Onore, Gran Croce dell'Ordine di S. Michele di Baviera, Gran Croce dell'Ordine Toscano del Merito sotto il titolo di S. Giuseppe, Gran Croce dell'Ordine di Parma del Merito sotto il titolo di S. Ludovico, Gran Croce dell'Ordine della Rosa del Brasile, provvisoriamente incaricato del Portafoglio del Ministero degli Affari Esteri; ed il Presidente degli Stati Uniti di America ha munito degli stessi poteri il Sig'r Roberto Dale Owen, Ministro Residente di detti Stati Uniti in Napoli. I quali Plenipotenziari dopo di avere scam-

Preamble.

Negotiators.

ries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles :

## ARTICLE I.

Free ships to make free goods, except contraband.

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 are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. 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.

Neutral property, in enemies vessels to be free, except contraband.

These principles to be applied to all who will adopt them.

## ARTICLE II.

Understanding as to application and extension of these principles.

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 first 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.

To be taken henceforth as a rule to judge of neutrality.

## ARTICLE III.

Other nations may accede to the above principles.

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

biato i loro pieni poteri e trovati in buona e dovuta forma, hanno stabilito e sottoscritto i seguenti articoli.

## ARTICOLO I.

Le due Alte Parti contraenti riconoscono come permanenti ed invariabili i principi seguenti, cioè :

1. Che la Bandiera copre la mercanzia (that free ships make free goods) val quanto dire, che gli effetti e le mercanzie di proprietà dei sudditi o de' cittadini di una Potenza o di uno Stato in guerra, sono esenti da cattura o confiscazione sui bastimenti neutrali, eccetto che gli oggetti di contrabbando di guerra.

2. Che la proprietà de' neutri non è soggetta a confiscazione sul bordo di nave nemica, a meno che sia contrabbando di guerra. Esse Parti contraenti prendono impegno di applicare questi principî al commercio ed alla navigazione di qualunque Potenza o Stato che vorrà dal conto suo adottarli come permanenti ed invariabili.

## ARTICOLO II.

Le due Alte Parti contraenti si riservano d'intendersi ulteriormente secondo che le circostanze potranno esigerlo, circa l'applicazione e l'estensione da darsi, se vi sarà luogo, ai principî convenuti nell' articolo 1. Ma fin da ora dichiarano che Elleno prenderanno per norma le stipulazioni contenute nel detto articolo 1 tutte le volte che si tratterà di valutare i dritti di neutralità.

## ARTICOLO III.

E convenuto fra le Alte Parti contraenti, che tutte le Nazioni che consentir volessero ad accedere alle norme convenute nell' articolo 1 di questa convenzione, mediante una formale dichiarazione, con cui s'impegnino ad osservarle, godranno de' dritti risultanti da tale accessione, nel modo stesso che le Potenze segnatarie di questa Convenzione godranno di siffatti dritti e li



the results of the steps which may be taken on the subject.

## ARTICLE IV.

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 his Majesty the King of the kingdom of the Two Sicilies; and the ratifications of the same shall be exchanged at Washington within the period of twelve 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 Naples, thirteenth of January, eighteen hundred and fifty-five.  
ROBERT DALE OWEN, [L. s.]

osservranno. Elleno si comunicheranno reciprocamente il risultato delle pratiche che a tale scopo saran fatte.

## ARTICOLO IV.

La presente convenzione sarà approvata e ratificata da Sua Maestà il Re del Regno delle due Sicilie, e da Presidente degli Stati Uniti di America, con l'avviso e consenso del Senato de'detti Stati Uniti, e le ratifiche ne saranno scambiate in Washington nello spazio di dodici mesi a contare da questo giorno, o più presto se sarà possibile.

In fede di che i Plenipotenziari rispettivi hanno sottoscritto la presente Convenzione in duplice spedizione, e vi hanno apposto il suggello delle loro armi.

Fatta in Napoli li tredici di gennaio mille ottocento cinquantacinque.  
LUIGI CARAFA.

Ratifications,  
how to be made  
and exchanged

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the 14th instant, by William L. Marcy, Secretary of State of the United States, and Baron Winspeare, his Sicilian Majesty's Chargé d'affaires in the United States, on the part of their respective governments.

Exchange of  
ratifications, Ju  
ly 14, 1855.

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 in the city of Washington, this sixteenth day of July, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States of America the eightieth.

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 22, 1855.

WHEREAS a treaty was made and concluded at the city of Washington, on the twenty-second day of June, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws, and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, which treaty is in the words following, to wit:

Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws:

Title.

Whereas, the political connexion heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States: and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and whereas, the Choctaws contend, that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment, and whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument:

Preamble.

Vol. vii. p. 333.

Now, therefore, the United States of America, by their commissioner, George W. Manypenny, the Choctaws, by their commissioners, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, and the Chickasaws, by their commissioners, Edmund Pickens and Sampson Folsom do hereby agree and stipulate as follows, viz:

ARTICLE 1. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz: Beginning at a point on the Arkansas River, one hundred paces east of old Fort Smith, where

Future boundaries of the Choctaw and Chickasaw country.

the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas River; thence down said river to the place of beginning.

The lands in those limits guaranteed to them.

1830, ch. 148.

Vol. iv. p. 411.

Provido as to sales, and as to the reversion in said lands.

And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however*, no part thereof shall ever be sold without the consent of both tribes; and that said land shall revert to the United States if said Indians and their heirs become extinct, or abandon the same.

District established for the Chickasaws.

ARTICLE 2. A district for the Chickasaws is hereby established, bounded as follows, to wit. 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 the three prongs of said bayou, nearest the dividing ridge between Wachitta and Low Blue Rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River; and thence 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.

Choctaw District.

ARTICLE 3. The remainder of the country held in common by the Choctaws and Chickasaws, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

Present laws and government to remain in force till altered.

ARTICLE 4. The government and laws now in operation and not incompatible with this instrument, shall be and remain in full force and effect within the limits of the Chickasaw district, until the Chickasaws shall adopt a constitution, and enact laws, superseding, abrogating, or changing the same. And all judicial proceedings within said district, commenced prior to the adoption of a constitution and laws by the Chickasaws, shall be conducted and determined according to existing laws.

Either tribe may settle within the limits of the other, and sue in courts.

ARTICLE 5. The members of either the Choctaw or the Chickasaw tribe, shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of citizens thereof; but no member or either tribe shall be entitled to participate in the funds belonging to the other tribe. Citizens of both tribes shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures.

Extradition of criminals between said districts.

ARTICLE 6. Any person duly charged with a criminal offence against the laws of either the Choctaw or the Chickasaw tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered, upon the demand of the proper authorities of the tribe, within whose jurisdiction the offence shall be alleged to have been committed.

So far as lawful the said tribes to have self government.

ARTICLE 7. So far as may be compatible with the constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws

saws shall be secured in the unrestricted right of self-government, and full jurisdiction, over persons and property, within their respective limits; excepting, however, all persons with their property, who are not by birth, adoption, or otherwise citizens or members of either the Choctaw or Chickasaw tribe, and all persons, not being citizens or members of either tribe, found within their limits, shall be considered intruders, and be removed from, and kept out of the same, by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the government, and their families; those peacefully travelling, or temporarily sojourning in the country or trading therein, under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States agent, to reside within their limits, without becoming citizens or members of either of said tribes.

Intruders to be removed.

ARTICLE 8. In consideration of the foregoing stipulations, and immediately upon the ratification of this convention, there shall be paid to the Choctaws, in such manner as their national council shall direct, out of the national fund of the Chickasaws held in trust by the United States, the sum of one hundred and fifty thousand dollars.

Payment to Choctaws out of the Chickasaw funds.

ARTICLE 9. The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in, and to any and all lands, west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the government may desire to locate therein; excluding, however, all the Indians of New Mexico, and also those whose usual ranges at present are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time be prescribed by the President for their government: *Provided, however*, the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

Cession of land by the Choctaws.

Lease by the Choctaws and Chickasaws for use of other Indians.

ARTICLE 10. In consideration of the foregoing relinquishment and lease, and, as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, and to the Chickasaws the sum of two hundred thousand dollars, in such manner as their general councils shall respectively direct.

Payment to each of said tribes.

ARTICLE 11. The government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh, eighteen hundred and thirty, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States.

Certain questions to be submitted to the Senate for decision.

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws for the

lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims against the United States; and, if so, how much.

If sums are awarded, how to be paid.

ARTICLE 12. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just—the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States. But should the Senate allow a gross sum, in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

Sums due under present treaties to be still paid.

ARTICLE 13. The amounts secured by existing treaty stipulations—viz: permanent annuity of three thousand dollars, under the second article of the treaty of eighteen hundred and five; six hundred dollars per annum for the support of light-horse men under the thirteenth article of the treaty of eighteen hundred and twenty; permanent annuity of six thousand dollars for education, under the second article of the treaty of eighteen hundred and twenty-five; six hundred dollars per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of eighteen hundred and twenty; and three hundred and twenty dollars permanent provision for iron and steel, under the ninth article of the treaty of eighteen hundred and twenty-five—shall continue to be paid to, or expended for the benefit of, the Choctaws as heretofore; or the same may be applied to such objects of general utility as may, from time to time, be designated by the general council of the tribe, with the approbation of the government of the United States. And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held; together with the sum of five hundred thousand dollars out of the amount payable to them under articles eighth and tenth of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws, by the Senate, under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less than five per centum; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the general council of the Choctaws, to the support of their government, for purposes of education, and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Funds held in trust.

Protection of said Indians.

ARTICLE 14. The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries, resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

ARTICLE 15. The Choctaws and Chickasaws shall promptly apprehend and deliver up all persons accused of any crime or offence against the laws of the United States, or of any State thereof, who may be found within their limits, on demand of any proper officer of a State, or of the United States.

Extradition of criminals, to U. States, or particular States.

ARTICLE 16. All persons licensed by the United States to trade with the Choctaws or Chickasaws, shall be required to pay to the respective tribes a moderate annual compensation for the land and timber used by them; the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent.

Payments by licensed traders.

ARTICLE 17. The United States shall have the right to establish and maintain such military posts, post-roads, and Indian agencies, as may be deemed necessary within the Choctaw and Chickasaw country, but no greater quantity of land or timber shall be used for said purposes, than shall be actually requisite; and if, in the establishment or maintenance of such posts, post-roads, and agencies, the property of any Choctaw or Chickasaw shall be taken, injured, or destroyed, just and adequate compensation shall be made by the United States. Only such persons as are, or may be in the employment of the United States, or subject to the jurisdiction and laws of the Choctaws, or Chickasaws, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian agencies. And no offender against the laws of either of said tribes, shall be permitted to take refuge therein.

Military Posts, Post-roads, and Agencies may be established.

ARTICLE 18. The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Choctaw and Chickasaw country; but for any property taken or destroyed in the construction thereof, full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct.

Right of way for railroads and telegraphs.

ARTICLE 19. The United States shall, as soon as practicable, cause the eastern and western boundary lines of the tract of country described in the 1st article of this convention, and the western boundary of the Chickasaw district, as herein defined, to be run and permanently marked.

Boundary to be run and marked.

ARTICLE 20. That this convention may conduce as far as possible to the restoration and preservation of kind and friendly feeling among the Choctaws and Chickasaws, a general amnesty of all past offences, committed within their country, is hereby declared.

General amnesty between said tribes.

And in order that their relations to each other and to the United States may hereafter be conducted in a harmonious and satisfactory manner, there shall be but one agent for the two tribes.

Only one agent to be appointed.

ARTICLE 21. This convention shall supersede and take the place of all former treaties between the United States and the Choctaws, and also, of all treaty stipulations between the United States and the Chickasaws, and between the Choctaws and Chickasaws, inconsistent with this agreement, and shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

This treaty to supersede all former treaties with the Choctaws, and all inconsistent treaties with Chickasaws, or between said tribes.

ARTICLE 22. It is understood and agreed that the expenses of the respective commissioners of the two tribes, signing these articles of agreement and convention, in coming to, and returning from this city, and while here, shall be paid by the United States.

When to take effect.

U. States to pay the Commissioners.

In testimony whereof, the said George W. Manypenny, commissioner on the part of the United States, and the said commissioners on the part of the Choctaws and of the Chickasaws, have hereunto set their hands and seals.

Done in triplicate at the city of Washington, on this twenty-second

day of June, in the year of our Lord one thousand eight hundred and fifty-five.

GEORGE W. MANYPENNY,

*United States Commissioner.*

P. P. PITCHLYNN,

ISRAEL FOLSOM,

SAM'L GARLAND,

DICKSON W. LEWIS,

*Choctaw Commissioners.*

EDMUND PICKENS, his x mark,

SAMPSON FOLSOM,

*Chickasaw Commissioners.*

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

Executed in presence of

A. O. P. NICHOLSON,

JAMES G. BERRET,

DOUGLAS H. COOPER, *United States Indian Agent.*

And whereas the said treaty having been submitted to the general council of the Chickasaw tribe, the general council did, on the third day of October, A. D. one thousand eight hundred and fifty-five, assent to, ratify, and confirm the same, with the following amendment: "Add to the 19th article, By commissioners to be appointed by the contracting parties hereto" by an instrument in writing, in the words and figures following, to wit:—

Assent of  
Chickasaws.

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens, and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, "to wit:" Whereas, the political connection heretofore existing between the Choctaw and Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are of right entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment; and whereas it is necessary, for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument; and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting parties from the date hereof, whenever the same shall be ratified by the respective councils of the



TREATY WITH THE CHOCTAWS AND CHICKASAWS. JUNE 22, 1855. 617

Choctaw and Chickasaw tribes of Indians and by the President and Senate of the United States."

Now, therefore, be it known, that the Chickasaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same, as stipulated and required, with the following amendment: "Add to the nineteenth article, "By commissioners to be appointed by the contracting parties hereto."

Amendment.

Done and approved at Tishomingo, in the Chickasaw district of the Choctaw nation, this third day of October, in the year of our Lord, one thousand eight hundred and fifty-five.

Passed the council.

JOEL KEMP, *President.*

Attest—

D. COLBERT, *F. C.*

CYRUS HARRIS, *Clerk of the Council.*

And whereas the Chickasaws, in general council assembled, did, on the 13th day of December, A. D. 1855, recede from and rescind the said amendment, and did ratify and confirm the said treaty, and every part thereof, by an instrument in writing, in the words and figures following, to wit:—

Whereas the Chickasaws, in general council assembled, after having duly considered the stipulations contained in a certain convention and agreement, made and entered into at the city of Washington, on the 22d day of June, A. D. 1855, between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, did, on the third day of October, A. D. 1855, at Tishomingo, in the Chickasaw district, Choctaw nation, assent to, ratify, and confirm each and every part of said convention and agreement, with the following amendment, viz: "Add to the 19th article, 'By commissioners to be appointed by the contracting parties hereto.'" And whereas, said amendment was not duly considered and concurred in by the Choctaws in general council assembled; but said agreement and convention, and every part thereof, was assented to, ratified, and confirmed by said council without amendment. Now, therefore, be it known, that the Chickasaws, in general council assembled, having reconsidered said proposed amendment, do hereby recede from, and rescind the same, hereby assenting to, ratifying, and confirming said agreement and convention, and every part thereof.

Amendment of  
Chickasaws re-  
scinded by them.

Done and approved at the council-house at Tishomingo, Chickasaw district, Choctaw nation, this 13th day of December, A. D. 1855.

Approved December 13, 1855.

J. McCOY, *President of the Council.*  
DOUGHERTY COLBERT, *F. C.*

Attest—

CYRUS HARRIS, *Secretary.*

Signed in presence of—

JACKSON FRAZIER, *Chief Chickasaw district, Choctaw nation.*  
DOUGLAS H. COOPER, *U. S. Indian Agent.*

And whereas the said treaty having been submitted to the general council of the Choctaw tribe, the said general council did, on the 16th day of November, A. D. one thousand eight hundred and fifty-five, consent to and ratify the same by an instrument in the words and figures following, to wit:

Assent of  
Choctaws.

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, viz: "Whereas the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States arising under the various provisions of said treaty, shall be referred to the Senate of the United States, for final adjudication and adjustment; and whereas it is necessary, for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument;" and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting [parties] from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes and by the President and Senate of the United States."

Now, therefore, be it known, that the Choctaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same as stipulated and required.

Done and approved at the council-house, at Fort Towson, in the Choctaw nation, this sixteenth day of November, in the year of our Lord one thousand eight hundred and fifty-five.

TANDY WALKER, *President of the Senate.*

KENNEDY M. CURTAIN,

*Speaker of the House of Representatives.*

Approved:

GEO. W. HARKINS, *Chief of Ahpuck District.*

N. COCHNANER,

*Chief of Pushematahn District.*

ADAM CHRISTY,

*Speaker, and Acting Chief of Moosholatubbee District.*

Signed in presence of

DOUGLAS H. COOPER, *U. S. Indian Agent for Choctaw Tribe.*

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 21st day of February, A. D. one thousand eight hundred and fifty-

six, 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 21, 1856.*

*Resolved,* (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement <sup>Assent of Sen</sup> and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, Anno Domini one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States ; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws ; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws.

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-first day of February, one thousand eight hundred and fifty-six, 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 fourth day of March, A. D.  
[L. s.] one thousand eight hundred and fifty-six, and of the independence of the United States, the eightieth.

FRANKLIN PIERCE.

By the President :

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



## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

July 31, 1855.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Detroit, in the State of Michigan, on the thirty-first day of July, eighteen hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March twenty-eighth, eighteen hundred and thirty-six, which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at the city of Detroit in the State of Michigan this thirty-first day of July, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March 28, 1836.

Title.

In view of the existing condition of the Ottowas and Chippewas, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as following:—

ARTICLE I. The United States will withdraw from sale for the benefit of said Indians as hereinafter provided, all the unsold public lands within the State of Michigan embraced in the following descriptions to wit:

Certain lands in Michigan to be withdrawn from sale.

*First.* For the use of the six bands residing at and near Sault Ste. Marie, sections 13, 14, 23, 24, 25, 26, 27, and 28, in township 47, north, range 5 west; sections 18, 19, and 30 in township 47 north, range 4 west; sections 11, 12, 13, 14, 15, 22, 23, 25, and 26, in township 47 north, range 3 west, and section 29 in township 47 north, range 2 west; sections 2, 3, 4, 11, 14, and 15 in township 47 north, range 2 east, and section 34 in township 48 north, range 2 east; sections 6, 7, 18, 19, 20, 28, 29, and 33, in township 45 north, range 2 east; sections 1, 12, and 13, in township 45 north, range 1 east, and section 4 in township 44 north, range 2 east.

For the use of the six bands at and near Sault Ste. Marie.

*Second.* For the use of the bands who wish to reside north of the Straits of Mackinac, townships 42 north, ranges 1 and 2 west; township 43 north, range 1 west, and township 44 north, range 12 west.

For the use of the bands north of the Straits of Mackinac.

*Third.* For the Beaver Island band,—High Island, and Garden Island in Lake Michigan, being fractional townships 38 and 39 north, range 11 west—40 north, range 10 west, and in part 39 north, range 9 and 10 west.

For the Beaver Island band.

*Fourth.* For the Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 to 39, inclusive north, range 5 west—townships 34 to 38, inclusive north, range 6 west,—townships 34, 36, and 37, north, range 7 west, and township 34 north, range 8 west.\*

For certain other bands.

*Fifth.\** For the bands who usually assemble for payment at Grand Traverse township 32 north, range 10 west—townships 29 to 32, north inclusive, range 11, west—townships 29 to 31, north inclusive, range 12 west—township 29 north, range 13 west, and the east half of township 29 north, range 9 west.

For bands who are usually paid at Grand Traverse township.

\* See amendments, *post*, p. 56.

For the Grand River bands, including that of Me-tay-o-meg.

*Sixth.\** For the Grand River bands, including the band of which Me-tay-o-meg is chief—four adjoining townships of land in the county of Mecosta, and four adjoining townships north of Muskegon River, and west of range 12 west, which two locations, of four townships each, are to be selected by said Grand River Indians within three months from this date and notice thereof given to their agent.

For the Cheboygan band.

*Seventh.\** For the Cheboygan band, one township of land in Cheboygan county, to be selected and notice given as above provided.

For the Thunder Bay band.

*Eighth.* For the Thunder Bay band, section 25 and 36 in township 30 north, range 7 east, and section 22 in township 30 north, range 8 east.

Purchase for bands who wish to locate near the Missionary lands at Iroquois Point.

Should either of the bands residing near Sault Ste. Marie determine to locate near the lands owned by the missionary society of the Methodist Episcopal church at Iroquois Point, in addition to those who now reside there, it is agreed that the United States will purchase as much of said lands for the use of the Indians as the society may be willing to sell at the usual government price.

Grant of land to each Indian.

The United States will give to each Ottawa and Chippewa Indian being the head of a family, 80 acres of land, and to each single person over 21 years of age, 40 acres of land, and to each family of orphan children under 21 years of age containing two or more persons, 80 acres of land, and to each single orphan child under 21 years of age, 40 acres of land to be selected and located within the several tracts of land hereinbefore described under the following rules and regulations:—

Selection how made.

Each Indian entitled to land under this article may make his own selection of any land within the tract reserved herein for the band to which he may belong—*Provided*, That in case of two or more Indians claiming the same lot or tract of land, the matter shall be referred to the Indian agent, who shall examine the case and decide between the parties.

List of those entitled to be prepared.

For the purpose of determining who may be entitled to land under the provisions of this article, lists shall be prepared by the Indian agent, which lists shall contain the names of all persons entitled, designating them in four classes. Class 1st, shall contain the names of heads of families; class 2d, the names of single persons over 21 years of age; class 3d, the names of orphan children under 21 years of age, comprising families of two or more persons, and class 4th, the names of single orphan children under 21 years of age, and no person shall be entered in more than one class. Such lists shall be made and closed by the first day of July, 1856, and thereafter no applications for the benefits of this article will be allowed.

Selections may be made within five years.

At any time within five years after the completion of the lists, selections of lands may be made by the persons entitled thereto, and a notice thereof, with a description of the land selected, filed in the office of the Indian agent in Detroit, to be by him transmitted to the office of Indian Affairs at Washington City.

To be according to usual subdivisions.

All selections of land under this article must be made according to the usual legal subdivisions; and fractional lots, if containing less than 60 acres, may be regarded as forty-acre lots, if over sixty and less than one hundred and twenty acres, as eighty-acre lots. Selections for orphan children may be made by themselves or their friends, subject to the approval of the agent.

Possession may be taken at once.

After selections are made, as herein provided, the persons entitled to the land may take immediate possession thereof, and the United States will thenceforth and until the issuing of patents as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued in a suitable form guaranteeing and securing to the holders their possession and an ultimate title to the land. But such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein.

Sale within ten years forbidden.

After the expiration of ten years, such restriction on the power of sale shall be withdrawn, and a patent shall be issued in the usual form, to each original holder of a certificate for the land described therein, provided that such restriction shall cease only upon the actual issuing of the patent; and provided further that the President may in his discretion at any time in individual cases on the recommendation of the Indian agent when it shall appear prudent and for the welfare of any holder of a certificate, direct a patent to be issued. And provided also, that after the expiration of ten years, if individual cases shall be reported to the President by the Indian agent, of persons who may then be incapable of managing their own affairs from any reason whatever, he may direct the patents in such cases to be withheld, and the restrictions provided by the certificate, continued so long as he may deem necessary and proper.

Should any of the heads of families die before the issuing of the certificates or patents herein provided for, the same shall issue to the heirs of such deceased persons.

The benefits of this article will be extended only to those Indians who are at this time actual residents of the State of Michigan, and entitled to participate in the annuities provided by the treaty of March 28, 1836; but this provision shall not be construed to exclude any Indian now belonging to the Garden River Band of Sault Ste. Marie.

All the land embraced within the tracts hereinbefore described, that shall not have been appropriated or selected within five years, shall remain the property of the United States, and the same shall thereafter, for the further term of five years, be subject to entry in the usual manner and at the same rate per acre as other adjacent public lands are then held, by Indians only; and all lands, so purchased by Indians, shall be sold without restriction, and certificates and patents shall be issued for the same in the usual form as in ordinary cases; and all lands remaining unappropriated by or unsold to the Indians after the expiration of the last-mentioned term, may be sold or disposed of by the United States as in the case of all other public lands.

Nothing contained herein shall be so construed as to prevent the appropriation, by sale, gift, or otherwise, by the United States, of any tract or tracts of land within the aforesaid reservations for the location of churches, school-houses, or for other educational purposes, and for such purposes purchases of land may likewise be made from the Indians, the consent of the President of the United States, having, in every instance, first been obtained therefor.\*

ARTICLE 2. The United States will also pay to the said Indians the sum of five hundred and thirty-eight thousand and four hundred dollars, in manner following, to wit:

*First.* Eighty thousand dollars for educational purposes to be paid in ten equal annual instalments of eight thousand dollars each, which sum shall be expended under the direction of the President of the United States; and in the expenditure of the same, and the appointment of teachers and management of schools, the Indians shall be consulted, and their views and wishes adopted so far as they may be just and reasonable.

*Second.* Seventy-five thousand dollars to be paid in five equal annual instalments of fifteen thousand dollars each in agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and all such articles as may be necessary and useful for them in removing to the homes herein provided and getting permanently settled thereon.

*Third.* Forty-two thousand and four hundred dollars for the support of four blacksmith shops for ten years.

*Fourth.* The sum of three hundred and six thousand dollars in coin, as follows:—ten thousand dollars of the principal and the interest on the whole of said last-mentioned sum remaining unpaid at the rate of five per cent.

After ten years a patent shall issue and restriction on sales cease.

Provision for case of death.

To whom this treaty shall extend.

After five years the remaining lands may be entered in the usual manner by Indians for five years, and then by any one.

Grants for churches, schools &c. may be made.

Indians may sell with President's consent.

Payments to said Indians.

\$80,000 in ten equal annual instalments.

\$75,000 in five equal annual instalments.

\$42,400 for blacksmith's shops.  
\$306,000 "to be paid per capita."

\* See amendments by adding clauses, *post*, pp. 56, 57.

annually for ten years, to be distributed *per capita* in the usual manner for paying annuities. And the sum of two hundred and six thousand dollars remaining unpaid at the expiration of ten years, shall be then due and payable, and if the Indians then require the payment of said sum in coin, the same shall be distributed *per capita* in the same manner as annuities are paid, and in not less than four equal annual instalments.

\$35,000 in ten annual instalments.

*Fifth.* The sum of thirty-five thousand dollars in ten annual instalments of three thousand and five hundred dollars each to be paid only to the Grand River Ottawas, which is in lieu of all permanent annuities to which they may be entitled by former treaty stipulations, and which sum shall be distributed in the usual manner *per capita*.

Liabilities  
under former  
treaties released.

ARTICLE 3. The Ottawa and Chippewa Indians hereby release and discharge the United States from all liability on account of former treaty stipulations, it being distinctly understood and agreed that the grants and payments hereinbefore provided for are in lieu and satisfaction of all claims, legal and equitable on the part of said Indians jointly and severally against the United States, for land, money or other thing guaranteed to said tribes or either of them by the stipulations of any former treaty or treaties; excepting, however, the right of fishing and encampment secured to the Chippewas of Sault Ste. Marie by the treaty of June 16, 1820.

### Interpreters.

ARTICLE 4. The interpreters at Sault Ste. Marie, Mackinac, and for the Grand River Indians, shall be continued, and another provided at Grand Traverse, for the term of five years, and as much longer as the President may deem necessary.

Tribal organi-  
zation dissolved  
in most respects.

ARTICLE 5. The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.

## Future treaties how made.

Treaty, when  
to be binding.

ARTICLE 6. This agreement shall be obligatory and binding 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 and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Ottawas and Chippewas, have hereto set their hands and seals, at the city of Detroit the day and year first above written.

GEO. W. MANYPENNY, [L. S.]

HENRY C. GILBERT, [L. S.]

Commissioners on the part of the United States.

J. LOGAN CHIPMAN, } *Secretaries.*  
 RICH'D M. SMITH, }

J. LOGAN CHIPMAN, }  
RICH'D M. SMITH, }

*Sault Ste. Marie Bands.*

O-SHAW-WAW-NO-KE-WAIN-ZE, chief,

his x mark. [L. S.]

WAW-BO-JIEG, chief,

his x mark. [L. S.]

KAY-BAY-NO-DIN, chief,

his x mark. [L. S.]

O-MAW-NO-MAW-NE, chief,

his x mark. [L. S.]

SHAW-WAN, chief.

his x mark. [L. S.]

PI-AW-BE-DAW-SUNG, chief,

his x mark. [L. S.]

WAW-WE-GUN, headman,

his x mark. [L. S.]

PA-NE-GWON, headman,

his x mark. [L. S.]

BWAN, headman,

his x mark. L. S.



TAW-MEECE, headman,	his x mark.	[L. s.]
NAW-O-GE-ZHICK, headman,	his x mark.	[L. s.]
SAW-GAW-GIEW, headman,	his x mark.	[L. s.]

*Grand River Bands.*

NE-BAW-NAY-GE-ZHICK, chief,	his x mark.	[L. s.]
SHAW-GWAW-BAW-NO, chief,	his x mark.	[L. s.]
AISH-KE-BAW-GOSH, 2d chief,	his x mark.	[L. s.]
NAY-WAW-GOO, chief,	his x mark.	[L. s.]
NE-BE-NE-SEH, chief,	his x mark.	[L. s.]
WAW-BE-GAY-KAKE, chief,	his x mark.	[L. s.]
KE-NE-WE-GE-ZHICK, chief,	his x mark.	[L. s.]
MEN-DAW-WAW-BE, chief,	his x mark.	[L. s.]
MAISH-KE-AW-SHE, chief,	his x mark.	[L. s.]
PAY-SHAW-SE-GAY, chief,	his x mark.	[L. s.]
PAY-BAW-ME, headman,	his x mark.	[L. s.]
PE-GO, chief,	his x mark.	[L. s.]
CHING-GWOSH, chief,	his x mark.	[L. s.]
SHAW-BE-QUO-UNG, chief,	his x mark.	[L. s.]
ANDREW J. BLACKBIRD, headman,	his x mark.	[L. s.]
KE-SIS-SWAW-BAY, headman,	his x mark.	[L. s.]
NAW-TE-NAISH-CUM, headman,	his x mark.	[L. s.]

*Grand Traverse Bands.*

AISH-QUAY-GO-NAY-BE, chief,	his x mark.	[L. s.]
AH-KO-SAY, chief,	his x mark.	[L. s.]
KAY-QUAY-TO-SAY, chief,	his x mark.	[L. s.]
O-NAW-MAW-NINCE, chief,	his x mark.	[L. s.]
SHAW-BWAW-SUNG, chief,	his x mark.	[L. s.]
LOUIS MICK-SAW-BAY, headman,	his x mark.	[L. s.]
MAY-DWAY-AW-SHE, headman,	his x mark.	[L. s.]
ME-TAY-O-MEIG, chief,	his x mark.	[L. s.]
ME-NAW-QUOT, headman,	his x mark.	[L. s.]

*Little Traverse Bands.*

WAW-SO, chief,	his x mark.	[L. s.]
MWAW-KE-WE-NAW, chief,	his x mark.	[L. s.]
PE-TAW-SE-GAY, headman,	his x mark.	[L. s.]
KE-NE-ME-CHAW-GUN, chief,	his x mark.	[L. s.]
MAY-TWAY-ON-DAW-GAW-SHE, headman,	his x mark.	[L. s.]
ME-GE-SE-MONG, headman,	his x mark.	[L. s.]
PI-A-ZHICK-WAY-WE-DONG, headman,	his x mark.	[L. s.]
KEY-WAY-KEN-DO, headman,	his x mark.	[L. s.]

*Mackinac Bands.*

O-SAW-WAW-NE-ME-KE, chief,	his x mark.	[L. s.]
KE-NO-ZHAY, headman,	his x mark.	[L. s.]
PETER HANSE, headman,	his x mark.	[L. s.]
SHAW-BE-CO-SHING, chief,	his x mark.	[L. s.]
SHAW-BWAY-WAY, chief,	his x mark.	[L. s.]
PE-ANE, headman,	his x mark.	[L. s.]
SAW-GAW-NAW-QUAW-DO, headman,	his x mark.	[L. s.]
NAY-O-GE-MAW, chief, (Little Traverse,)	his x mark.	[L. s.]

Executed in the presence of

JNO. M. D. JOHNSTON,	} <i>Interpreters.</i>
JOHN F. GODFREY,	
GBT. JOHNSTON,	
AUG. HAMLIN,	
L. CAMPAU,	
JOSEPH F. MURSUL,	
G. D. WILLIAMS,	
P. B. BARBEAU,	
A. M. FITCH,	
W. H. GODFREY.	

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 fifteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*April 15, 1856.*

"*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded with the Ottowas and Chippewas, on the thirty-first day of July, eighteen hundred and fifty-five, with the following

#### AMENDMENTS.

Amendments.  
Article 1.

ARTICLE 1. At the end of the "*Fourth*" clause, strike out the words "township 34 north, range 8 west," and insert the words: "all that part of township 34, north range, 8 west, lying north of Pine River."

SAME ARTICLE. Strike out the "*Fifth*" clause, in the following words: "for the bands, who usually assemble for payment at Grand Traverse, township 32 north, range 10 west; townships 29 to 32 north, inclusive, range 11 west; townships 29 to 31 north, inclusive, range 12 west; township 29 north, range 13 west, and the east half of township 29 north, range 9 west," and insert, in lieu thereof, the following: "for the bands, who usually assemble for payment at Grand Traverse, townships 29, 30, and 31, north range 11 west, and townships 29, 30, and 31 north range 12 west, and the east half of township 29, north range, 9 west."

SAME ARTICLE. Strike out the "*Sixth*" clause, in the following words: "for the Grand River bands, including the band, of which Me-tay-o-meg is chief, four adjoining townships of land in the county of Mecosta, and four adjoining townships north of Muskegon River, and west of range 12 west, which two locations of four townships each, are to be selected by said Grand River Indians within three months from this date, and notice thereof given to their agent," and insert, in lieu thereof, the following: "for the Grand River bands, township 12, north range 15 west, and townships 15, 16, 17, and 18, north range, 16, west."

SAME ARTICLE. Strike out the "*Seventh*" clause, in the following words: "for the Cheboygan band, one township of land in Cheboygan county, to be selected, and notice given, as above provided;" and insert, in lieu thereof, the following: "for the Cheboygan band township 35, and 36, north range, 3 west.

SAME ARTICLE. Add the following at the end thereof:

Rights of set-  
tlers by preëm-  
tion, saved.

"It is also agreed that any lands within the aforesaid tracts now occupied by actual settlers, or by persons entitled to preëmption thereon, shall be exempt from the provisions of this Article; provided, that such pre-

emption claims shall be proved, as prescribed by law, before the first day of October next."

"Any Indian, who may have heretofore purchased land for actual settlement under the act of Congress, known as the Graduation Act, may sell and dispose of the same; and in such case, no actual occupancy or residence by such Indians on land so purchased shall be necessary to enable him to secure a title thereto."

Indian purchasers under Graduation Act may sell.

"In consideration of the benefits derived to the Indians on Grand Traverse Bay by the school and mission established in 1838, and still continued by the Board of Foreign Missions of the Presbyterian Church, it is agreed that the title to three separate pieces of land, being parts of tracts Nos. 3 and 4, of the west fractional half of section 35, township 30 north, range 10 west, on which are the mission and school buildings and improvements, not exceeding in all sixty-three acres, one hundred and twenty-four perches, shall be vested in the said Board on payment of \$1.25 per acre; and the President of the United States shall issue a patent for the same to such person as the said Board shall appoint."

Grant to mission of Presbyterian Church at \$1.25 per acre.

"The United States will also pay the further sum of forty thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Ottawa and Chippewa Indians; provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justice of the claims, as he shall deem suitable and proper; and no claim shall be paid except upon the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary within six months from the ratification of the treaty, or whose claims, having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; and provided, also, that no portion of the money due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided, that the balance of the amount herein allowed, as a just increase of the amount due for the cessions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Chippewas or expended for their benefit, in such manner as the Secretary shall prescribe, in aid of any of the objects specified in the second article of this treaty."

Further payment of \$40,000 to pay debts.

Balance to be paid to the Chippewas.

Attest:

ASBURY DICKINS, *Secretary*.

And whereas the said amendments having been submitted to the chiefs and headmen of the Ottawa and Chippewa tribes of Indians, the said chiefs and headmen having heard the same read and explained to them, did assent to and ratify the same, by an instrument, in the words and figures following, to wit:

We, the undersigned chiefs and headmen of the Chippewa Indians living near Sault Ste. Marie, Mich., having had the amendments adopted by the Senate of the United States to the treaty concluded at Detroit on the 31st day of July, 1855, fully explained to us and being satisfied therewith, do hereby assent to and ratify the same.

Assent of Indians to Senate amendments.

In witness whereof we have hereto set our hands this 27th day of June, A. D. 1856.

PI-AW-BE-DAW-SUNG,	his x mark.
TE-GOSE,	his x mark.
SAW-GAW-JEW,	his x mark.
SHAW-ANO,	his x mark.

WAW-BO-JICK,	his x mark.
RAY-BAY-NO-DIN,	his x mark.
SHAW-WAN,	his x mark.
O-ME-NO-MEE-NE,	his x mark.
PAY-NE-GOWN,	his x mark.
WAW-WE-GOWN,	his x mark.
MA-NE-DO-SCUNG,	his x mark.
NAW-WE-GE-ZHICK,	his x mark.
YAW-MENCE,	his x mark.
BAWN,	his x mark.

Signed in presence of

EBENZER WARNER,  
JNO. M. JOHNSTON, *U. S. Ind. Interpreter.*  
PLACIDUS ORD.

We, the undersigned chiefs and headmen of the Ottawa and Chippewa nation, having heard the foregoing amendments read and explained to us by our agent, do hereby assent to and ratify the same.

In witness whereof we have hereto affixed our signatures this 2d day of July, A. D. 1856, at Little Traverse, Mich.

WAW-SO,	his x mark.
MWAW-KE-WE-NAW,	his x mark.
NE-SAW-WAW-QUOT,	his x mark.
AW-SE-GO,	his x mark.
KE-ZHE-GO-NE,	his x mark.
KAIN-WAW-BE-KISS-SE,	his x mark.
PE-AINE,	his x mark.
PE-TAW-SE-GAY,	his x mark.
KE-NE-ME-CHAW-GUN,	his x mark.
MAY-TWAY-ON-DAY-GAW-SHE,	his x mark.
ME-GE-SE-MONG,	his x mark.
KEY-WAY-KEN-DO,	his x mark.
NAY-O-GE-MAW,	his x mark.

In the presence of

HENRY C. GILBERT, *Indian Agent*,  
AUG. HAMLIN, *Interpreter*,  
JOHN F. GODFREY, "  
G. T. WENDELL,  
A. J. BLACKBIRD.

We, the chiefs and headmen of the Ottawa and Chippewa Indians residing near Grand Traverse Bay, having heard the foregoing amendments adopted by the Senate of the United States to the treaty of July 31, 1855, read, and the same having been fully explained to us by our agent, do hereby assent to and ratify the same.

Done at Northport on Grand Traverse Bay, Mich., this 5th day of July, A. D. 1856.

AISH-QUAY-GO-NAY-BE,	his x mark.
AH-KO-SAY,	his x mark.
O-NAW-MO-NEECE,	his x mark.
KAY-QUA-TO-SAY,	his x mark.
PETER-WAW-KA-ZOO,	his x mark.
SHAW-BWAW-SUNG,	his x mark.
LOUIS-MICK-SAW-BAY,	his x mark.

In presence of

H. C. GILBERT, *Indian Agent*,  
J. F. GODFREY, *Interpr.*,  
GEO. N. SMITH,  
PETER DOUGHERTY,  
NORMON BARNES.

We, the undersigned, chiefs and headmen of the Grand River bands of the Ottawa and Chippewa Indians of Michigan having heard the amendments of the Senate to the treaty of the 31st of July, 1855, read, and the same having been fully explained to us, do hereby assent to and ratify the same.

Done at Grand Rapids in the State of Michigan this 31st day of July, A. D. 1856.

CAW-BA-MO-SAY,	his x mark.
SHAW-GWAW-BAW-NO,	his x mark.
AISH-KE-BAW-GOSH,	his x mark.
WAW-BE-GAY-KAKE,	his x mark.
NE-BA-NE-SEH,	his x mark.
CHING-GWOSH,	his x mark.
MASH-CAW,	his x mark.
GAW-GA-GAW-BWA,	his x mark.
NOTE-ENO-KAY,	his x mark.
NE-BAW-NAY-GE-ZHICK,	his x mark.
PAY-BAW-ME,	his x mark.
SHAW-BE-QUO-UNG,	his x mark.
MEN-DAW-WAW-BE,	his x mark.

In presence of

JOHN F. GODFREY, *U. S. Interpreter*.  
WM. COBMOSEY,  
F. N. GONFREY.

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 fifteenth day of April, eighteen hundred and fifty-six, accept, ratify, and confirm the said treaty, with the amendments.

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 September,  
[L. S.] A. D. one thousand eight hundred and fifty-six, and of the Independence of the United States, the eighty-first.

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 :

Aug. 2, 1855.

WHEREAS a treaty was made and concluded at the city of Detroit, in the State of Michigan, the second day of August, eighteen hundred and fifty-five, by George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Sault Ste. Marie, which treaty is in the words and figures following, to wit : —

Articles of agreement made and concluded at the city of Detroit, in the State of Michigan, the second day of August, 1855, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Sault Ste. Marie.

ARTICLE 1. The said Chippewa Indians surrender to the United States the right of fishing at the falls of St. Mary's, and of encampment, convenient to the fishing-ground, secured to them by the treaty of June 16, 1820. Right of fishing surrendered.

ARTICLE 2. The United States will appoint a commissioner who shall, within six months after the ratification of this treaty, personally visit and examine the said fishery and place of encampment, and determine the value of the interest of the Indians therein as the same originally existed. His award shall be reported to the President, and shall be final and conclusive, and the amount awarded shall be paid to said Indians, as annuities are paid, and shall be received by them in full satisfaction for the right hereby surrendered : *Provided*, That one-third of said award shall, if the Indians desire it, be paid to such of their half-breed relations as they may indicate. Payment for such surrender.

ARTICLE 3. The United States also give to the chief, O-shaw-waw-no, for his own use, in fee-simple, a small island in the River St. Mary's, adjacent to the camping-ground hereby surrendered, being the same island on which he is now encamped, and said to contain less than half an acre. Grant to O-shaw-waw-no.

Provided, that the same has not been heretofore otherwise appropriated or disposed of; and in such case, this grant is to be void, and no compensation is to be claimed by said chief or any of the Indians, parties hereto, in lieu thereof.

ARTICLE 4. This agreement shall be obligatory and binding 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 and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewa Indians of Sault Ste. Marie, have hereto set their hands and seals at the city of Detroit the day and year first above written.

GEO. W. MANYPENNY, [L. s.]  
HENRY C. GILBERT, [L. s.]  
*Commissioners.*

RICHARD M. SMITH, *Secretary.*

O-SHAW-WAW-NO, chief,  
WAW-BO-JIEG, chief,

his x mark. [L. s.]  
his x mark. [L. s.]

KAY-BAY-NO-DIN, chief,	his x mark.	[L. s.]
O-MAW-NO-MAW-NE, chief,	his x mark.	[L. s.]
SHAW-WAN, chief,	his x mark.	[L. s.]
PI-AW-BE-DAW-SUNG, chief,	his x mark.	[L. s.]
WAW-WE-GUN, headman,	his x mark.	[L. s.]
PAY-NE-GWON, headman,	his x mark.	[L. s.]
TAW-MEECE, headman,	his x mark.	[L. s.]
BWAN, headman,	his x mark.	[L. s.]
SAW-GAW-JEW, headman,	his x mark.	[L. s.]
NAW-WE-GE-ZHICK, headman,	his x mark.	[L. s.]

Executed in the presence of

J. LOGAN CHIPMAN,	
GEORGE SMITH,	
W. H. COLLINS,	
JNO. M. JOHNSTON,	} <i>Interpreters.</i>
GEO. JOHNSTON,	

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 15th day of April, A. D. eighteen hundred and fifty-six, 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,

*April 15, 1856.*

*Resolved*, (two-thirds of the senators present concurring,) that the Senate advise and consent to the ratification of the treaty made and concluded with the Chippewas of Sault Ste. Marie, on the second day of August, eighteen hundred and fifty-five.

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 fifteenth day of April, eighteen hundred and fifty-six, 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 twenty-fourth day of April,  
[L. s.] A. D. eighteen hundred and fifty-six, and of the independence  
of the United States, the eightieth.

FRANKLIN PIERCE.

By the President:

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



## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

Aug. 2, 1855.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, a treaty was made and concluded at the city of Detroit, in the State of Michigan, on the second day of August, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Saginaw, parties to the treaty of January 14th, 1837, and that portion of the bands of Chippewa Indians of Swan Creek and Black River, parties to the treaty of May 9, 1836, and now remaining in the State of Michigan, which treaty is in the words and figures following, to wit:—

Articles of agreement and convention, made and concluded at the city of Detroit, in the State of Michigan, this second day of August, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Saginaw, parties to the treaty of January 14, 1837, and that portion of the bands of Chippewa Indians of Swan Creek and Black River, parties to the treaty of May 9, 1836, and now remaining in the State of Michigan.

Title.

In view of the existing condition of the Indians aforesaid, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as follows, viz:—

ARTICLE 1. The United States will withdraw from sale, for the benefit of said Indians, as herein provided, all the unsold public lands within the State of Michigan embraced in the following descriptions, to wit:—

Certain lands in Michigan to be withdrawn from sale.

*First.* Six adjoining townships of land in the county of Isabella, to be selected by said Indians within three months from this date, and notice thereof given to their agent.

*Second.* A tract of land in one body, equal in extent to two townships, on the north side of Saginaw Bay, to be selected by them, and notice given as above provided.\*

The United States will give to each of the said Indians, being the head of a family, eighty acres of land; and to each single person over twenty-one years of age, forty acres of land; and to each family of orphan children under twenty-one years of age, containing two or more persons, eighty acres of land; and to each single orphan child under twenty-one years of age, forty acres of land; to be selected and located within the several tracts of land hereinbefore described, under the same rules and regulations, in every respect, as are provided by the agreement concluded on the 31st day of July, A. D. 1855, with the Ottawas and Chippewas of Michigan, for the selection of their lands.

Grant of land to each of said Indians.

And the said Chippewas of Saginaw and of Swan Creek and Black River, shall have the same exclusive right to enter lands within the tracts withdrawn from sale for them for five years after the time limited for selecting the lands to which they are individually entitled,\* as is extended to the Ottawas and Chippewas by the terms of said agreement.

And the provisions therein contained relative to the purchase and sale of land for school-houses, churches, and educational purposes, shall also apply to this agreement.

\* See amendments, *post*, p. 34.

Payment to  
said Indians.

ARTICLE 2. The United States will also pay to the said Indians the sum of two hundred and twenty thousand dollars, in manner following, to wit :

*First.* Thirty thousand dollars for educational purposes, to be paid in five equal annual instalments of four thousand dollars each, and in five subsequent equal annual instalments of two thousand dollars each, to be expended under the direction of the President of the United States.

*Second.* Forty thousand dollars, in five equal annual instalments of five thousand dollars each, and in five subsequent equal annual instalments of three thousand dollars each, in agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and all such articles as may be necessary and useful for them in removing to the homes herein provided, and getting permanently settled thereon.

*Third.* One hundred and thirty-seven thousand and six hundred dollars in coin, in ten equal annual instalments of ten thousand dollars each, and in two subsequent equal annual instalments of eighteen thousand and eight hundred dollars each, to be distributed per capita in the usual manner for paying annuities.

*Fourth.* Twelve thousand and four hundred dollars for the support of one blacksmith shop for ten years.

The United States will also build a grist and a saw mill for said Indians at some point in the territory, to be selected by them in said county of Isabella, provided, a suitable water power can be found, and will furnish and equip the same with all necessary fixtures and machinery, and will construct such dam, race, and other appurtenances as may be necessary to render the water power available : Provided that the whole amount for which the United States shall be liable under this provision, shall not exceed the sum of eight thousand dollars.\*

Cession of all  
the lands hereto-  
fore owned by  
said Indians.

ARTICLE 3. The said Chippewas of Saginaw, and of Swan Creek and Black River, hereby cede to the United States all the lands within the State of Michigan heretofore owned by them as reservations, and whether held for them in trust by the United States or otherwise; and they do hereby, jointly and severally, release and discharge the United States from all liability to them, and to their, or either of their said tribes, for the price and value of all such lands, heretofore sold, and the proceeds of which remain unpaid.

Release of lia-  
bility.

Surrender of  
annuities.

And they also hereby surrender all their, and each of their permanent annuities, secured to them, or either of them by former treaty stipulations, including that portion of the annuity of eight hundred dollars payable to "the Chippewas," by the treaty of November 17, 1807, to which they are entitled, it being distinctly understood and agreed, that the grants and payments herein before provided for, are in lieu and satisfaction of all claims legal and equitable on the part of said Indians, jointly and severally against the United States for land, money, or other thing, guaranteed to said tribes, or either of them, by the stipulations of any former treaty or treaties.

Vol. vii. p. 105.

Said grants  
and payments to  
be in full of all  
claims.

Certain land en-  
tries confirmed.

ARTICLE 4. The entries of land heretofore made by Indians and by the Missionary Society of the Methodist Episcopal Church for the benefit of the Indians, on lands withdrawn from sale in townships 14 north, range 4 east, and 10 north, range 5 east, in the State of Michigan, are hereby confirmed, and patents shall be issued therefor as in other cases.

Interpreter to  
be provided.

ARTICLE 5. The United States will provide an interpreter for said Indians for five years, and as much longer as the President may deem necessary.

The tribal or-  
ganization of  
said Indians dis-  
solved.

ARTICLE 6. The tribal organization of said Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved.

\* See amendments, *post*, p. 34.

ARTICLE 7. This agreement shall be obligatory and binding 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 and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned, chiefs and headmen of the Chippewas of Saginaw, and of Swan Creek and Black River, have hereto set their hands and seals at the city of Detroit, the day and year first above written.

GEO. W. MANYPENNY, [L. s.]  
HENRY C. GILBERT, [L. s.]

*Commissioners.*

RICHARD M. SMITH,  
J. LOGAN CHIPMAN,  
*Secretaries.*

*Saginaw Bands.*

OT-TAW-ANCE, chief,	his x mark.	[L. s.]
O-SAW-WAW-BUN, chief,	his x mark.	[L. s.]
NANCK-CHE-GAW-ME, chief,	his x mark.	[L. s.]
KAW-GAY-GE-ZHICK, chief,	his x mark.	[L. s.]
SHAW-SHAW-WAY-NAY-BEECE, chief,	his x mark.	[L. s.]
PE-NAY-SE-WAW-BE, chief,	his x mark.	[L. s.]
NAW-WE-GE-ZHICK, chief,	his x mark.	[L. s.]
SAW-GAW-CHE-WAY-O-SAY, chief,	his x mark.	[L. s.]
NAW-TAW-WAY, chief,	his x mark.	[L. s.]
WAIN-GE-GE-ZHICK, chief,	his x mark.	[L. s.]
CAW-ME-SQUAW-BAY-NO-KAY, chief,	his x mark.	[L. s.]
PE-TWAY-WE-TUM, headman,	his x mark.	[L. s.]
KAY-BAY-GUO-UM, headman,	his x mark.	[L. s.]
PAY-BAW-MAW-SHE, headman,	his x mark.	[L. s.]
AW-BE-TAW-QUOT, headman,	his x mark.	[L. s.]
AISH-QUAY-GO-NAY-BE, headman,	his x mark.	[L. s.]
PAY-ME-SAW-AW, headman,	his x mark.	[L. s.]
AW-TAW-WE-GO-NAY-BE, headman,	his x mark.	[L. s.]
PAY-SHE-NIN-NE, headman,	his x mark.	[L. s.]

*Swan Creek and Black River Band.*

PAY-ME-QUO-UNG, chief,	his x mark.	[L. s.]
NAY-GE-ZHICK, headman,	his x mark.	[L. s.]
MAW-CHE-CHE-WON, headman,	his x mark.	[L. s.]

Executed in the presence of

G. D. WILLIAMS,	
GEORGE SMITH,	
W. H. COLLINS,	
MANASSEH HICKEY,	
P. O. JOHNSON,	
JOSEPH F. MARSAL,	
JNO. M. D. JOHNSTON,	} <i>Interpreters.</i>
CHAS. H. RODD,	
L. M. MORAN,	

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 fifteenth day of April, one thousand eight hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

## TREATY WITH THE CHIPPEWAS. AUG. 2, 1855.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*April 15th, 1856.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty, made with the Chippewas of Saginaw, Swan Creek and Black River on the second day of August, eighteen hundred and fifty-five, with the following

## AMENDMENTS.

## Amendments.

ARTICLE 1. Strike out the words "A tract of land in one body, equal in extent to two townships on the north side of Saginaw Bay, to be selected by them, and notice given, as above provided," and insert, in lieu thereof, the words "townships Nos. 17 and 18, north ranges, 3, 4, and 5, east."

SAME ARTICLE. Insert, after the word "entitled," last clause but one, the following, "and the same right to sell and dispose of land entered by them, under the provisions of the act of Congress known as the Graduation Act."

ARTICLE 2. Add thereto the following paragraphs: "The United States will also pay the further sum of four thousand dollars for the purpose of purchasing a saw-mill, and in repair of the same, and in adding thereto the necessary machinery and fixtures for a run of stone for grinding grain—the same to be located on the tract described in clause 'second,' Article 1."

"The United States will also pay the further sum of twenty thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Indians; provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior within six months, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justice of the claims as he shall deem suitable and proper. And no claim shall be paid except on the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary, or, whose claims having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; And, provided, also, that no portion of the money due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided that the balance of the amount herein allowed as a just increase for the sessions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Indians, or expended for their benefit in such manner as the Secretary shall prescribe, in aid of any of the objects specified in this treaty.

Attest:

ASBURY DICKINS,

*Secretary.*

We the undersigned chiefs and headmen of the Chippewas of Saginaw and of the Chippewas of the Swan Creek and Black River having heard the foregoing amendments read and the same having been fully explained to us by our agent, do hereby agree to and ratify the same.

Done at Saginaw this 14th day of May, A. D. 1856.

NANCK-CHE-GAW-ME,  
O-SAW-WAW-BUN,  
SHAW-WAY-NAW-SEGAY,  
WAY-SHAW-WAN-NO,

his x mark. [L. s.]  
his x mark. [L. s.]  
his x mark. [L. s.]  
his x mark. [L. s.]

NAW-NE-GE-ZHICK,	his x mark.	[L. s.]
SHAW-SHAW-WAY-NAY-BEECE,	his x mark.	[L. s.]
SAW-GAW-CHE-WAY-O-SAY,	his x mark.	[L. s.]
CAW-GAY-GE-ZHICK,	his x mark.	[L. s.]
OT-TAW-ANCE,	his x mark.	[L. s.]
PE-NAY-SE-WAW-BE,	his x mark.	[L. s.]
AH-CO-GIN,	his x mark.	[L. s.]
PAY-ME-QUO-UNG,	his x mark.	[L. s.]
NAW-GAW-NE,	his x mark.	[L. s.]
NAY-GE-ZHICK,	his x mark.	[L. s.]
WAIN-GE-GE-ZHICK,	his x mark.	[L. s.]
KAW-ME-GWAW-TE-NO-KAY,	his x mark.	[L. s.]
NAW-TAW-WAY,	his x mark.	[L. s.]

Signed in the presence of

HENRY C. GILBERT, *Indian Agent*,  
 CHAS. H. RODD, *Interpreter*,  
 SAMUEL KIRKLAND, *Interpreter*,  
 P. O. JOHNSON,  
 P. MARKSMAN, *Interpreter*,  
 G. D. WILLIAMS,  
 H. B. ADAMS.

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 fifteenth day of April, one thousand eight hundred and fifty-six, 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 twenty-first day of June,  
 [L. s.] A. D. one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

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



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS, a convention between the United States of America and his Majesty the King of the kingdom of the Two Sicilies was concluded and signed by their respective plenipotentiaries at Naples on the first day of October, eighteen hundred and fifty-five, which convention, being in the English and Italian languages, is, word for word, as follows:

Oct. 1, 1855.

## TREATY.

The United States of America and his Majesty the King of the kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding which have at all times subsisted between the two countries, desiring also to extend and consolidate the commercial intercourse between them; and convinced that nothing will more contribute to the attainment of this desirable object than an entire freedom of navigation, the abolition of all differential duties of navigation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war, have resolved to conclude a general convention of amity, commerce, navigation, and for the surrender of fugitive criminals. For this purpose, they have respectively appointed plenipotentiaries, to wit: the President of the United States has appointed Robert Dale Owen minister resident of the United States near his Majesty the King of the kingdom of the Two Sicilies; and his Majesty the King of the kingdom of the Two Sicilies has appointed Don Lewis Carafa della Spina, of the Dukes of Traetto, weekly Majordomo of his Majesty, Commander of his Royal Order of Civil Merit of Francis the First, Grand Cross of the distinguished Royal Spanish Order of Charles the Third, Grand Officer of the Order of the Legion of Honor, Grand

## TRATTATO.

Sua Maestà il Re del Regno delle Due Sicilie e gli Stati Uniti di America, del pari animati dal desiderio di rafforzare e perpetuare le relazioni di amicizia e di buona intelligenza che sono in ogni tempo esistite tra i Loro rispettivi Stati; desiderando altresì di estendere e consolidare i rapporti commerciali tra essi; e pienamente persuasi, che niente può più contribuire al conseguimento di questo desiderabile scopo che una piena libertà di navigazione, l'abolizione di tutt' i diritti differenziali di navigazione e di commercio, e una perfetta reciprocità stabilita sopra principii di equità egualmente vantaggiosi à due Paesi, e applicabili in pace come in guerra; anno convenuto di concludere un Trattato generale di amicizia, di commercio, di navigazione, e di estradizione dé delinquenti fuggitivi. A tale effetto anno destinati rispettivamente dé Plenipotenziari, cioè,

Preamble.

Sua Maestà il Re del Regno delle Due Sicilie:

D. Luigi Carafa della Spina, dé Duchi di Traetto, Maggiordomo di Settimana della Maestà Sua, Commendatore del Real Ordine del Merito Civile di Francesco 1°, Gran Croce del distinto Real Ordine Spagnuolo di Carlo 3°, Grande Ufficiale dell' Ordine della Legione di Onore, Gran Croce dell' Ordine di San Michele di Baviera, Gran Croce dell Ordine Toscano del Merito sotto il titolo di San Giuseppe, Gran Croce dell' Ordine di Parma

Negotiators.

Cross of the Order of St. Michael of Bavaria, Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and Don Michael Gravina e Requesenz, Prince of Comitini, his gentleman of the bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the following orders, namely: of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of Oak of the Low Countries, late his Minister Secretary of State; and Don Joseph Marius Arpino, Advocate-General of the Grand Court of Accounts; and the said plenipotentiaries, after having exchanged their respective full powers, found in good and due form, have concluded and signed the following articles:

## ARTICLE I.

Peace established.

It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. Dur-

Stipulation for withdrawal of persons and property in case of war.

del Merito sotto il titolo di San Ludovico, Gran Croce dell'Ordine della Rosa del Brasile, provvisoriamente incaricato del Portafoglio del Ministero degli Affari Esteri;

Don Michele Gravina e Requesenz, Principe di Comitini, Gentiluomo di Camera con esercizio, Cavaliere Gran Croce del Reale Ordine di Francesco 1°, insignito del Gran Cordone dell'Ordine della Legione di Onore; e Gran Croce di quelli di Leopoldo di Austria, dell'Aquila rossa di Prussia, dell'Aquila bianca di Russia, de' Santi Maurizio e Lazzaro di Sardegna, del Dannebrog di Danimarca, di Leopoldo del Belgio, e della Corona di quercia de' Paesi Bassi; già Ministro Segretario di Stato della Maestà Sua;

E Don Giuseppe Mario Arpino, Avvocato Generale presso la Gran Corte de' Conti;

Ed il Presidente degli Stati Uniti di America: Il Signor Roberto Dale Owen, Ministro Residente degli Stati Uniti presso Sua Maestà il Re del Regno delle Due Sicilie;

E i detti plenipotenziarii dopo aver scambiati i loro plenipoteri, trovati in buona e dovuta forma, anno conchiusi e sottoscritti gli articoli seguenti:

## ARTICOLO I.

E intenzione delle due Alte Parti contraenti che siavi, e continui per sempre una costante, inviolabile ed universale pace, ed una vera e sincera amicizia tra Esse, e tra Loro rispettivi territorii, città, paesi e popoli, senza eccezione di persone o di luoghi. Ma se nondimeno le due Nazioni si trovassero, sventuratamente, impegnate in una guerra l'una contro l'altra, il termine di sei mesi dal dì dell'avvenuta dichiarazione sarà accordato a negozianti, ed agli altri abitanti rispettivi delle due Parti, durante il quale termine sarà loro permesso di ritirarsi con tutt' i loro effetti, potendo essi portarli o mandarli via, o venderli, come a loro più piacerà, senza esserne molestati o impediti. Durante lo stesso periodo di sei mesi, le loro persone e i loro effetti, com-



ing such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying, to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country where in said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe-conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels of war of the contracting parties as by their privateers.

## ARTICLE II.

Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt, a second time, to enter the same blockaded port, during the continuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port, is understood one into which, by the disposition of the power which attacks it, with

VOL. XI. TREAT.—84

preso denaro, crediti, fondi pubblici, o azioni di banco, e tutte le altre proprietà mobili o immobili saranno esenti da confisca o sequestro; e sarà loro permesso di vendere e trasmettere i loro beni immobili, e di portar via e trasportare fuori paese il prodotto de' detti beni, senza molestia, e senza pagare a profitto dei rispettivi governi, diverse o più elevate tasse o imposizioni di quelle che si pagano, in casi simili, dagli abitanti del paese dove sono situati i detti beni immobili. Oltre ciò saran loro rilasciati passaporti, validi a poter ritornare nel proprio paese, come pure salvocondotti per le loro persone, pe' loro bastimenti, e pe' denari ed effetti che potessero portare o mandar via, contro gli assalti e le catture che potrebbero praticarsi contro di essi e de' loro beni, da bastimenti da guerra delle parti contraenti, e anche dalle loro navi di corso.

## ARTICOLO II.

Considerando la grande distanza che separa i paesi delle due Alte Parti contraenti, e l'incertezza che ne risulta, in quanto a diversi eventi che potrebbero aver luogo, si è convenuto, che un bastimento mercantile appartenente ad una di Esse, diretto per un porto supposto bloccato al tempo della sua partenza, non potrà essere, ciò nonostante, catturato o condannato, per aver la prima volta tentato di entrare nel detto porto, a meno che sia provato, che il detto bastimento avesse potuto e dovuto conoscere durante il viaggio, che il blocco del luogo in questione durava ancora. Ma ogni bastimento, che dopo essere stato una volta avvertito cercherà, durante lo stesso viaggio di entrare una seconda volta in un tale porto bloccato, durante la continuazione dello stesso blocco, potrà esser preso e condannato.

Stipulations as to blockades.

S' intende per porto bloccato, quello in cui, per disposizione della potenza che lo attacca con propor-

Definition of blockades.

a proportionate number of ships sufficiently near, there is evident danger in entering.

## ARTICLE III.

Definition of  
contraband.

The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed that under the name of contraband of war shall be comprised only cannons, mortars, petards, grenades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches, troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and, generally, every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made expressly for purposes of war, whether by land or sea.

Vessel and other  
goods not for-  
feited with the  
contraband.

And it is expressly declared and understood that the merchandise above set forth as contraband of war shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner.

## ARTICLE IV.

Rights of trav-  
ellers and resi-  
dents.

The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police which are practised towards the citizens or subjects of the most favored nations.

## ARTICLE V.

Exemption of  
citizens of each  
country in the  
other from con-  
tributions, mili-  
tary service, &c.

The citizens or subjects of one of the high contracting parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in

zionato numero di legni sufficientemente vicini, non si può entrare senza evidente pericolo.

## ARTICOLO III.

Le Alte Parti contraenti, nel fine di prevenire ed evitare ogni disputa, onde stabilire, con sicurezza, le merci che verranno da Esse reputate di contrabbando in tempo di guerra, e che non potranno portarsi né paesi, città, luoghi o porti di mare dei loro nemici, hanno dichiarato e convenuto che: sotto il nome di contrabbando di guerra, saranno unicamente compresi, cannoni, mortari, petardi, granate, moschetti, palle, bombe, affusti, polvere da sparo, salnitro, micce; truppe sì di fanteria, sì di cavalleria, e tutto ciò che loro è correlativo, come anche ogni altra munizione di guerra, e generalmente ogni specie di armi e d'istrumenti in ferro, acciaio, bronzo, rame o altre materie qualsiansi, manifatturate, preparate e fabricate espressamente per fare la guerra, sia per terra, sia per mare.

Resta anche ben dichiarato e convenuto, che le merci come supra reputate di contrabbando di guerra, non potranno indurre conseguenza di confisca, nè pel bastimento sul quale sono imbarcate, nè per le altre merci formanti il rimanente del carico, sia che queste appartengano allo stesso proprietario o ad altri.

## ARTICOLO IV.

I sudditi o cittadini di ciascuna delle Alte Parti contraenti, avranno libero e non dubbio diritto di viaggiare e risiedere negli Stati dell'altra; rimanendo sottoposti soltanto alle precauzioni di Polizia, che vengono usate verso i sudditi o cittadini delle Nazioni le più favorite.

## ARTICOLO V.

I sudditi o cittadini di ciascuna delle Alte Parti contraenti viaggiando o risiedendo negli Stati dell'altra, saranno esenti da qualunque servizio militare sia per terra, oppure per mare, dallo alloggio militare

their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are, or may hereafter be, paid by the subjects or citizens of the most favored nations, in the respective States of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations.

## ARTICLE VI.

The citizens and subjects of each of the contracting parties, residing in the States of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given, in all cases, to the buyer and seller to bargain together, and

nelle loro case, da qualunque contribuzione straordinaria, purchè non sia generale e stabilita per legge, e da ogni prestito forzato; e non saranno essi tenuti a pagare, sotto verun pretesto, altre tasse o imposizioni diverse o più elevate di quelle che si pagano, o che potrebbero pagarsi in seguito da sudditi o cittadini delle Nazioni le più favorite, ne rispettivi Stati delle Alte Parti contraenti. Le loro abitazioni, i magazzini e tutto ciò che loro appartiene per oggetti di commercio e di residenza saranno rispettati. Non sarà fatta alcuna perquisizione arbitraria, o visita nelle loro abitazioni e case di commercio, e neanche arbitrario esame, o ispezione qualunque dei loro libri, carte o conti commerciali, potendo siffatte disposizioni essere soltanto eseguite in forza di pronunziazione delle Autorità giudiziarie. Ciascuna delle due Alte Parti contraenti s'impegna perciò, che i sudditi o cittadini dell'altra residenti né Loro rispettivi Stati, godranno della loro proprietà e sicurezza personale, in tal pieno ed ampio modo, come i loro proprii sudditi o cittadini, o come i sudditi o cittadini delle Nazioni le più favorite.

## ARTICOLO VI.

Sara permesso á sudditi o cittadini di ciascuna delle Alte Parti <sup>Commercial rights.</sup> contraenti residenti negli Stati dell'altra di esercitare il commercio, le arti e i mestieri, e di occupare delle case e de' magazzini, e di disporre della loro proprietà di qualunque specie o denominazione; siano reali o personali, per vendita, donazione, permuta, o in qualunque altro modo, senza il menomo ostacolo o impedimento. Potranno del pari liberamente trattare i loro affari da se stessi, o commetterli alla gestione di coloro, che essi potranno nominare loro mezzani, fattori o agenti, e non saranno impediti nella scelta delle persone che potranno agire in tale qualità, nè saranno essi richiesti di pagare alcun salario o remunerazione, ad alcuna persona che non sia da essi scelta. Assoluta libertà sarà data, in ogni caso, al compratore ed

also to fix the price of any goods or merchandise, imported into, or to be exported from, the States of either of the contracting parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a government monopoly, as, at present in the kingdom of the Two Sicilies, the royal monopolies of tobacco, salt, playing cards, gunpowder, and saltpetre.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects, for the encouragement of the building of ships, to sail under their own flag.

## ARTICLE VII.

Succession to property of deceased persons.

As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs, being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them; and may dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir, or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective consular agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals

al venditore di negoziare insieme, e di fissare il prezzo di qualunque effetto o mercanzia immessa né Dominii e negli Stati delle due Alte Parti contraenti, o da essere da medesimi esportata; salvo in generale gli affari, pe quali le leggi de detti Stati richiedessero l'opera di Agenti speciali, o ciò che in alcuno di essi possa essere oggetto di privativi del Governo, come appunto sono nel Regno delle Due Sicilie le Reali privative de tabacchi e sali, delle carte de gioco, polveri da sparo, e del salnitro.

Beninteso ancora, che niuna delle stipulazione del presente trattato si oppone al diritto delle Alte Parti contraenti, di accordare patenti d'invenzione o di perfezionamento, sia agl' inventori sia ad altri, e che la reciprocità stabilita da questo Trattato non si estende á premii, che dalle due Alte Parti contraenti possono rispettivamente darsi á proprii sudditi o cittadini, per l' incoraggiamento della costruzione de legni della propria bandiera.

## ARTICOLO VII.

In caso di morte di un suddito o cittadino delle due Alte Parti contraenti nella giurisdizione dell' altra i suoi eredi, essendo cittadini o sudditi dell' altra succederanno á suoi beni mobili, ed á suoi beni immobili, ovverro al prezzo degli stessi, sia per testamento, sia *ab intestato*, e potranno prenderne possesso, sia da se stessi, o per altri agendo per essi, e disporne a piacimento, pagando, a profitto de rispettivi Governi, que soli diritti, á quali gli abitanti del paese dove sono situati i detti beni sarebbero assoggettati in simiglianti circostanze.

In caso di assenza degli eredi o de rappresentanti di essi, si prenderà de detti beni la stessa cura, che sarebbe presa in simili casi de beni de nativi dello stesso paese, avvertendosi, ove vi sia luogo per la legge del paese, dalle autorità giudiziarie competenti i rispettivi Agenti consolari, del giorno e dell' ora, in cui si procederà all' apposizione ed alla rimozione de suggelli, ed alla

and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said consular agent may assist thereat. The respective consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting parties in the States of the other, shall have free access to the tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they may employ, in defence of their interests and rights, such advocates, attorneys, and other agents, being citizens or subjects of the other, as they may choose to select.

## ARTICLE VIII.

There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation; and to that effect the vessels of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever national vessels arriving from abroad are permitted to enter. And all vessels of either of the two contracting parties, arriving in the ports of the other, shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, light-houses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the govern-

compilazione dello inventario affinché possano assistervi. I Consoli rispettivi potranno dimandare la consegna degli effetti ereditarii de' loro nazionali, e questa dovrà immediatamente eseguirsi, quando non esista opposizione formata da parte de' creditori del defunto, o fosse stata rimossa né modi di legge.

Laddove poi sorgesse quistione sulla spettanza di tali beni, la stessa sarà decisa definitivamente, secondo le leggi, e da Giudici del paese dove essi sono situati. Ed i sudditi o cittadini di ciascuna delle Alte Parti contraenti negli Stati dell'altra, avranno libero accesso a' Tribunali de' detti Stati, alle medesime condizioni che sono concesse dalle leggi e dagli usi del paese, a' nativi sudditi o cittadini; e potranno impiegare in difesa de' loro diritti, quegli Avvocati, Procuratori, o altri Agenti di loro scelta, che siano sudditi o cittadini dell'altra.

Trial of cases.

## ARTICOLO VIII.

Vi sarà, tra' territori delle Alte Parti contraenti, reciproca libertà di commercio e di navigazione; ed a tale effetto sarà permesso scambievolmente a' bastimenti delle rispettive bandiere di entrare né porti, luoghi, e fiumi de' territorii de' due Stati, dove è permesso a' bastimenti nazionali provenienti dall'estero. E i detti bastimenti delle due Alte Parti contraenti, approdando né porti dell'altra, saranno trattati al loro arrivo, durante la loro permanenza, ed al loro egresso sullo stesso, piede de' bastimenti nazionali, in quanto a' diritti di porto e navigazione, come di tonnelloaggio, di fanale, di pilotaggio, di ancoraggio, di quarantena, di esercizio de' pubblici funzionarii, e così per tutte le tasse o imposizioni di qualsivoglia specie o denominazione, percepite in nome ed a profitto del Governo, delle Autorità locali, o di qualsiasi stabilimento

Liberty of commerce and navigation.

ment, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

## ARTICLE IX.

National character of vessels, how established.

The national character of the vessels of the respective countries shall be recognized and admitted by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and advantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

## ARTICLE X.

Right to export and import.

The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective States, without being held to pay other or heavier custom-house duties or imposts, of whatever kind or name, other, or of higher rate, than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances which may be allowed by either of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

## ARTICLE XI.

Stipulation against discrimination as to trade.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by

particolare, sia che i detti bastimenti arrivino o partano in zavorra, sia che importino o esportino mercanzia.

## ARTICOLO IX.

La nazionalità dei bastimenti rispettivi sarà riconosciuta ed ammessa d' ambo le parti secondo le leggi ed i regolamenti particolari di ciascuno Stato, per mezzo de' titoli rilasciati dalle Autorità competenti á Capitani o Padroni. Nè potranno i bastimenti dell' uno, come dell' altro, profittare delle immunità e de' vantaggi che á medesimi sono conceduti dal presente Trattato, che quando trovinsi muniti delle ecarte e de' certificati richiesti dá regolamenti esistenti né paesi rispettivi, per provare la loro portata e la loro nazionalità.

## ARTICOLO X.

I bastimenti di ciascuna delle Alte Parti contraenti, potranno introdurre nei porti dell' altra, esportarne, depositarvi o immagazzinarvi ogni sorta di merci e di oggetti di commercio da qualsivoglia luogo provvengano, la cui importazione o esportazione sia legalmente permessa negli Stati dell' altra, senza essere tenuti a pagare altri o più forti diritti di dogana, o imposte di qualsiasi specie, o denominazione, diverse o più elevate di quelle che si pagherebbero per le stesse merci o prodotti, se fossero importati o esportati dai bastimenti nazionali; e gli stessi privilegi, difalchi, beneficii, concessioni o restituzioni, che saranno accordate da ciascuna delle Alte Parti contraenti su di ogni sorta di merci importate o esportate né loro proprii bastimenti, saranno anche accordate sopra simili merci importate o esportate nei bastimenti dell' altra.

## ARTICOLO XI.

Niuna delle due Alte Parti contraenti, nè alcuna corporazione, compagnia o Agente che operi in favore

any company, corporation, or agent, in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

## ARTICLE XII.

The principles contained in the foregoing articles shall be applicable, in all their extent, to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

## ARTICLE XIII.

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload, in part, at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

## ARTICLE XIV.

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of

o sotto l'autorità di ciascuna di esse, darà, direttamente o indirettamente, nella compra di qualunque articolo di commercio legalmente importato, alcuna preminenza o preferenza in riguardo o in rapporto al carattere nazionale del bastimento, in cui tale articolo sarà stato importato; essendo il vero scopo ed intenzione delle Parti contraenti, che nessuna distinzione o differenza si faccia a tale riguardo.

## ARTICOLO XII.

Le stipulazioni contenute negli Articoli precedenti saranno applicabili, in tutta la loro estensione, a bastimenti delle due Alte Parti contraenti ed a loro carichi, sia che i detti bastimenti provengano da porti di ambo le Parti contraenti, o da quelli di qualunque altro paese estero; di maniera che, pei diritti di navigazione e di dogana non si farà, tanto nella navigazione diretta, quanto nella indiretta, distinzione alcuna fra bastimenti delle due Parti contraenti.

Same subject.

## ARTICOLO XIII.

Queste medesime stipulazioni non si estendono, per altro, alla pesca, né alla navigazione di costa o cabottaggio che si fa da un porto all'altro in ciascuno de' due paesi pel trasporto di persone, di merci e di oggetti di commercio, da bastimenti a vela o a vapore; una tale navigazione e traffico essendo riservata esclusivamente a bastimenti nazionali.

Same subject.

Ma, i bastimenti di ciascuna delle due Parti contraenti, del resto, potranno caricare o scaricare una parte de' loro carichi, in uno o più porti degli Stati dell'altra, e quindi procedere, per completare il rimanente del carico o del discarico, in altri porti negli stessi Stati, del pari che ogni altro bastimento nazionale.

## ARTICOLO XIV.

Niun dazio doganale, o altra imposizione sarà esatta sopra qualunque merce di produzione del suolo o

Stipulation  
against discrimi-  
nating duties.

any article the growth, produce, or manufacture of the kingdom of the Two Sicilies, or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land, into the kingdom of the Two Sicilies of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the kingdom of the Two Sicilies, or in the kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

## ARTICLE XV.

Rights of the most favored nation granted.

If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

## ARTICLE XVI.

Stipulation, as to vessels forced into port by stress of weather.

The vessels of either of the high contracting parties that may be constrained, by stress of weather, or other accident, to seek refuge in any

della industria della pesca del Regno delle Due Sicilie, alla importazione della stessa, per mare o per terra negli Stati Uniti; e niun dazio doganale, o altra imposizione sarà imposta sopra qualunque merce di produzione del suolo o della industria, o della pesca degli Stati Uniti, alla importazione della stessa, per mare o per terra nel Regno delle due Sicilie, diverso o più elevato di quello che vien pagato, o che potrebbe in seguito pagarsi sulle merci dello stesso genere di produzione o manofatture importate da qualsivoglia altro paese.

Niun dazio doganale o altra imposizione sarà caricata negli Stati Uniti, sopra qualunque merce esportata pel Regno delle Due Sicilie, né nel Regno delle Due Sicilie sopra qualunque merce esportata per gli Stati Uniti, diverso o più elevato di quello che si paga, o che protrebbe in seguito pagarsi sulle merci dello stesso genere esportate per qualunque altro paese. E non sarà proibita l'esportazione, o l'importazione di qualunque merce di produzione del suolo o della industria, o della pesca del Regno delle Due Sicilie o degli Stati Uniti da porti del Regno delle Due Sicilie o degli Stati Uniti, od a detti porti, se non é anche proibita a tutte le altre Nazioni.

## ARTICOLO XV.

Se una delle Alte Parti contraenti accorderà, in seguito, ad alcun altra Potenza, qualche privilegio, favore o immunità in materia di commercio di navigazione, lo stesso immediatamente diverrà comune all'altra, gratuitamente, se la concessione fatta a favore di tale altro Stato sarà stata gratuita, o mediante lo stesso compensamento, o un compensamento proporzionato per quanto sia possibile, di valore e di effetto, da stabilirsi di comune accordo, se la concessione é stata onerosa.

## ARTICOLO XVI.

Ogni bastimento di una delle Alte Parti contraenti, il quale sia costretto da tempeste, o da altro accidente di forza maggiore a cercare



port within the territories of the other, shall be treated there, in every respect, as a national vessel would be in the same strait: *Provided, however*, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, as loading or unloading merchandise, and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

## ARTICLE XVII.

In case any ship-of-war or merchant vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian consul, or vice-consul, in whose district the wreck may have taken place, and such consul, vice-consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood

rifugio in un porto dé territorii dell'altra, sarà ivi trattato, sotto ogni riguardo, come un bastimento nazionale, che si trovasse nello stesso frangente; beninteso però, che le cagioni che avranno dato luogo allo approdo forzato siano reali e evidenti; che il bastimento non esegua alcuna operazione di commercio, caricando o scaricando mercanzie, e che non prolunghi la sua permanenza nel porto, al di là del tempo reso necessario dalle cagioni che lo avranno costretto ad approdarvi; però, lo sbarcare dé passeggeri, e lo scaricamento o ricaricamento motivato dá lavori di riparazione del bastimento, o dal bisogno di provvedere alla sussistenza dell'equipaggio, non saranno considerate come operazioni di commercio.

## ARTICOLO XVII.

Se alcun bastimento da guerra o mercantile farà naufragio sulle coste, o dentro la giurisdizione territoriale marittima di ciascuna delle Alte Parti contraenti, tale bastimenti, o qualunque parte di essi, ed attrezzi, ed appartenenze dé medesimi, ed ogni altro effetto o mercanzia che sarà salvata da essi, o il prodotto, se venduto, sarà fedelmente restituito il più presto che si potrà á proprietarii sulla loro richiesta, o di Agenti debitamente da loro autorizzati, e se non vi siano tali proprietarii o Agenti sul luogo, allora siffatti effetti e mercanzie, o il loro prodotto, del pari che tutte le carte ritrovate a bordo dé bastimenti naufragati, saranno consegnate al Console o Vice-console Siciliano o Americano, nel di cui distretto il naufragio a potuto aver luogo; e tale console, vice-console, proprietarii, o Agenti pagheranno solamente le spese incorse per la conservazione della proprietà, insieme con la rata di salvataggio, e le spese di quarantena che sarrebbero pagabili in simile caso di naufragio di un bastimento nazionale, e gli effetti e mercanzie salvate dal naufragio non saranno soggette a dazio, a meno che non siano esse destinate per consumazione; beninteso, che in caso di qualunque legale reclamo su di

Wrecks

that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

## ARTICLE XVIII.

Privileges of  
consuls, &c.

Each of the high contracting parties grants to the other, subject to the usual *exequatur*, the liberty of having, in the ports of the other where foreign commerce is usually permitted, consuls, vice-consuls, and commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such consul, vice-consul, or commercial agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a consular agent a citizen or subject of this last, such consular agent shall continue to be regarded, notwithstanding his quality of foreign consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed so as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

## ARTICLE XIX.

Consuls, &c.,  
may arbitrate be-  
tween masters  
and crews.

The said consuls, vice-consuls, and commercial agents shall have the right, as such, to judge in quality of arbitrators, 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 crew, or of the captain, should disturb the public peace or order of the country, or such consul, vice-consul, or commercial agent should require their assistance to cause his decisions to be carried into effect or

tale naufragio, effetti e mercanzie, lo stesso sarà deferito alla decisione dé tribunali competenti del paese.

## ARTICOLO XVIII.

Ciascuna delle due Alte Parti contraenti riservando il solito *exequatur*, concede all'altra la libertà di avere né porti, dove è ordinariamente permesso il commercio estero, consoli, vice-consoli; ed Agenti commerciali di loro scelta, i quali godranno gli stessi privilegi e poteri, di cui godono quelli delle nazioni le più favorite; ma, nel caso che i detti consoli o agenti commerciali volessero esercitare il commercio, saranno soggetti alle stesse leggi ed usi, a quali sono sottoposti gl'individui della loro nazione, nel paese dove riseggono. E, posto il caso che ciascuna delle due parti contraenti scegliesse per Agente consolare un suddito o cittadino dell'altra, il detto Agente consolare continuerà ad essere riguardato, non ostante la sua qualità di console estero, come suddito o cittadino della nazione cui appartiene; e perciò sarà soggetto alle leggi ed ai regolamenti, a quali i nazionali vengono sottoposti; beninteso però, che questa obbligazione non dovrà essere di ostacolo all'esercizio delle sue funzioni consolari, né alla inviolabilità dello Archivio consolare.

## ARTICOLO XIX.

I detti Consoli Vice-consoli ed Agenti Consolari avranno la facoltà di giudicare, nella qualità di arbitri, le quistioni che potessero sorgere fra i Padroni dé bastimenti e gli equipaggi appartenenti alla propria Nazione, senza intervento delle Autorità locali, a meno che la condotta dell'equipaggio e del Capitano disturbasse la pace pubblica o l'ordine del paese, o che il Console, Vice-consolo o Agente commerciale richiedesse la loro Autorità, per mandare ad effetto le decisioni arbitrali. Ciò nonostante, e beninteso, che questa specie di giudizio

supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

## ARTICLE XX.

The said consuls, vice-consuls, and commercial agents, may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons, who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the consuls, until the said consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause. Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

## ARTICLE XXI.

It is agreed that every person who, being charged with or con-

arbitramentale non priverà le parti contendenti, del diritto che anno di ricorrere, al loro ritorno, alle Autorità giudiziarie del proprio paese.

## ARTICOLO XX.

I detti Consoli, Vice-consoli e Agenti commerciali potranno fare arrestare e rimandare, sia a bordo, sia né loro paesi, i marinari e tutte le altre persone, le quali, facendo regolarmente parte degli equipaggi de' bastimenti delle rispettive Nazioni, imbarcati ad altro titolo che quello di passeggeri, avessero disertato da' detti bastimenti. A tale uopo essi si rivolgeranno alle competenti Autorità locali, e comprovverranno co' registri del bastimento e ruolo di equipaggio, e, se il legno fosse partito, con la copia di dette carte da essi debitamente certificata, che gli uomini ch' essi reclamano facevano parte del detto equipaggio, ed in vista di tale dimanda, in tale guisa appoggiata, la consegna non potrà essere negata. Sarà loro data, inoltre, ogni aiuto ed assistenza, per la ricerca ed arresto dei detti disertori, i quali saranno anche detenuti e custoditi nelle prigioni del paese, sulla dimanda e a spesa de' Consoli, fino a che questi Agenti abbiano trovata una occasione per farli partire. Ben vero, che se questa occasione non si presentasse nello spazio di quattro mesi, a contare dal giorno dello arresto, i disertori saranno messi in libertà, senza che possano essere di bel nuovo arrestati per lo stesso motivo. Nulla dimeno, se il disertore avesse commesso di più qualche delitto a terra, la sua estradizione potrà essere differita dalle Autorità locali, sino a che il Tribunale competente abbia profferito debitamente il suo giudizio sul secondo delitto, e che il giudizio medesimo abbia avuto compimento.

Deserters from vessels.

## ARTICOLO XXI.

E convenuto, che ogni individuo, che imputato o condannato negli

Extradition of criminals.

demned for any of the crimes enumerated in the following article, committed within the States of one of the high contracting parties, shall seek asylum in the States, or on board the vessels-of-war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties, until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

## ARTICLE XXII.

Same subject

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank bills, and bills of exchange; robbery with violence; intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the kingdom of the Two Sicilies to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

Stati di una delle due Alte Parti contraenti per uno de' reati espressi nell' Articolo seguente, si rifuggisse negli Stati, o sù legni da guerra dell' altra, sulla dimanda che ne verrà fatta in via diplomatica dal Governo nel di cui territorio il reato è stato commesso, dovrà essere arrestato e consegnato alla giustizia.

La estradizione e consegna de' rei sopra indicati, non sarà obbligatoria per alcuna delle Alte Parti contraenti, finché l' altra non le presenti copia della dichiarazione giudiziale, dopo che questa sarà intervenuta, della colpeabilità del reo; ma, se tale dichiarazione non sarà stata pronunziata, potrà dimandarsi l'extradizione, e dovrà ordinarsi, quando il Governo richiedente presenterà prove sufficienti da giustificare l' arresto dell' imputato, e la sottoposizione di lui al procedimento penale, se il reato se fosse commesso nel paese dove trovasi rifuggito.

## ARTICOLO XXII.

Saranno consegnati, secondo le condizioni del presente Trattato, tutti coloro che verranno accusati di uno de' seguenti reati, cioè:

Di omicidio, compreso l' assassinio, il parricidio, lo infanticidio, e l' avvelenamento. Di attentato di omicidio, di stupro, di pirateria, d' incendio. Di fabbricazione, o emissione di falsa moneta; di falsificazione, compresa la falsificazione di effetti pubblici, di biglietti di banco e di commercio; di furto con violenza, intimidazione o introduzione forzata in casa abitata; di abuso di confidenza da parte di Ufficiali pubblici, compresavi l' appropriazione di valori del pubblico tesoro; ogni qualvolta tali reati vanno puniti con la pena della reclusione o con pene maggiori, secondo il Codice per lo Regno delle Due Sicilie, o con pene infamanti, secondo le Leggi degli Stati Uniti.

## ARTICLE XXIII.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof. And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

## ARTICLE XXIV.

The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals, nor shall they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall also have been guilty of some one of the crimes enumerated in article XXII.

## ARTICLE XXV.

The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time.

## ARTICLE XXVI.

The present treaty 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 his Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples within twelve months from the date of its signature, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the

## ARTICOLO XXIII.

Da parte de' due paesi l' estradizione de' fuggitivi dalla giustizia, non dovrà aver luogo per autorità di altri, che del Potere supremo esecutivo. E tutte le spese di detenzione e di consegna effettuate in forza degli articoli precedenti, saranno a carico della parte che ne avrà fatta la dimanda.

The surrender to be made by the executive.

Expenses.

## ARTICOLO XXIV.

I sudditi o cittadini di ciascuna delle Alte Parti contraenti rimarranno eccettuati dalle stipulazioni de' precedenti Articoli, in quanto alla estradizione de' delinquenti fuggitivi, né saranno esse applicabili a reati commessi prima del presente Trattato, né a reati di carattere politico, sempre però che a questi non siavi connesso alcuno de' reati indicati nell' Articolo XXII.

These stipulations for extradition not to apply to citizens, nor to previous or political offences.

## ARTICOLO XXV.

Il presente Trattato avrà esecuzione dal giorno, in cui ne saranno scambiate le ratifiche, e sarà in vigore per lo spazio di dieci anni, a contare dalla sua ratificazione, ed anche fino al termine di dodici mesi, dopo che ciascuna delle Parti contraenti avrà notificato all' altra la sua intenzione di porvi termine, riserbandosi ciascuna delle dette Parti contraenti il diritto di avvertirne l' altra allo spirare del detto termine di dieci anni, o in ogni altro tempo posteriore.

When this treaty shall take effect.

Its duration.

## ARTICOLO XXVI.

Il presente Trattato sarà approvato e ratificato da Sua Maestà il Re del Regno delle Due Sicilie e dal Presidente degli Stati Uniti di America, con l' intesa e col consentimento del Senato degli Stati suddetti, e ne saranno scambiate in Napoli le ratifiche fra dodici mesi dalla data della sottoscrizione, o anche prima, se sarà possibile.

Ratifications.

In fede di chè, i plenipotenziarii rispettivi anno firmati gli anzidetti Articoli scritti nelle lingue Italiana

foregoing articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Done, in duplicate, at the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

ROBERT DALE OWEN. [L. s.]

ed Inglese, e vi anno apposto il suggello delle loro armi.

Fatto in duplicato nella Città di Napoli, il primo giorno di Ottobre, dell' anno del nostro Signore mille ottocento cinquantacinque.

LUIGI CARAFA. [L. s.]

PRINCIPE DI COMITINI. [L. s.]

GIUSEPPE MARIO ARPINO. [L. s.]

#### DECLARATION.

Duties on red and white wines and on cotton. Vol. IX. p. 840.

It having been stipulated in article XI. of the treaty of the first December, 1845, that the red and white wines, of every kind, of the kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and in like manner, that the cottons of the United States of America which may be imported directly into the kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations:

And it being agreed in the new treaty concluded between the United States of America and the kingdom of the Two Sicilies, and to-day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries imported into the other country other or higher than shall be paid on merchandise of the same kind the produce of any other country, but also, that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation:

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the kingdom of the

#### DICHIARAZIONE.

Trovandosi dichiarato nell' Articolo XI. del Trattato del primo Dicembre, 1845, che i vini rossi e bianchi di qualunque sorta del Regno delle Due Sicilie, inclusi quelli di Marsala, che sarebbero stati immessi direttamente negli Stati Uniti di America, con legni dell' uno o dell' altro Paese, non avrebbero pagato dazii maggiori o più elevati de' vini rossi e bianchi delle Nazioni le più favorite; e similmente, che i cottoni degli Stati Uniti di America che verrebbero immessi direttamente nel Regno delle Due Sicilie con legni dell' una o dell' altra Nazione, non pagherebbero dazii maggiori o più elevati de' cottoni di Egitto e del Bengala, o di quelli delle Nazioni le più favorite:

E trovandosi convenuto nel nuovo Trattato conchiuso tra il Regno delle Due Sicilie e gli Stati Uniti di America, oggi firmato dai Sottoscritti, non solo che niun dazio doganale diverso o più elevato sarà pagato all' importazione in ciascuno de' due paesi delle merci di produzione dell' altro, di quello che vien pagato sulle merci dello stesso genere di produzione di qualunque altro paese; ma ancora, che pei diritti di navigazione e di dogana, non si farebbe pei bastimenti delle due Alte Parti contraenti, alcuna distinzione tra la navigazione diretta e l'indiretta:

I Sottoscritti dichiarano, che per l' applicazione del detto nuovo Trattato, dal giorno, in cui ne saranno state scambiate le ratifiche, i vini rossi e bianchi di qualunque specie di produzione del Regno delle Due Sicilie, compreso il vino di Marsala, che veranno immessi

Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the treaty itself.

In faith whereof, the undersigned have hereunto set their hands and affixed the seal of their arms.

Done in duplicate, in the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

ROBERT DALE OWEN. [L. s.]

negli Stati Uniti di America, non pagheranno dazii diversi o più elevati dé vini rossi e bianchi delle nazioni le più favorite.

E similmente, che i cotoni di produzione degli Stati Uniti che verranno immessi nel Regno delle Due Sicilie, non pagheranno dazii diversi o più elevati dé cotoni di Egitto e del Bengala, o di quelli delle Nazioni le più favorite.

La presente Dichiarazione sarà considerata come faciente parte integrale del detto nuovo Trattato, e verrà ratificata nello stesso tempo, scambiandosene le ratifiche con quelle del Trattato medesimo.

In fede di chè, i Sottoscritti l'anno firmata, e vi anno apposto il suggello delle loro armi.

Fatta in duplicato, nella Città di Napoli il primo giorno di Ottobre dell' anno del nostro Signore mille ottocento cinquantacinque.

LUIGI CARAFA. [L. s.]

PRINCIPE DI COMITINI. [L. s.]

GIUSEPPE MARIO ARPINO. [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, 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 in the city of Washington, this tenth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and of the independence of the United States the eighty-first.

FRANKLIN PIERCE.

By the President:

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





## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 17, 1855.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit :—

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac I. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellow Stone Rivers, and who have permanent homes as follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Percé tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes, and being duly authorized thereto by them.

Title.

ARTICLE 1. Peace, friendship and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

Peace to exist with U. States.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good-will and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that peaceful relations shall be maintained with and that they will abstain from all hostilities whatsoever, excepting in self-defence, against the following named nations and tribes of Indians, to wit: the Crows, Assineboins, Crees, Snakes, Blackfeet, Sans Arce, and Aunce-pa-pas bands of Sioux, and all other neighboring nations and tribes of Indians.

Peace to exist with each other and with certain other tribes.

ARTICLE 3. The Blackfoot nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclu-

Blackfoot Territory recognized as common hunting ground.

sive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

*Provided*, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscle Shell to the Yellow Stone; the Muscle Shell River being the boundary separating the Blackfoot from the Crow Territory.

No settlements to be made thereon.

*And provided*, That no nation, band or tribe of Indians, parties to this treaty, nor any other Indians, shall be permitted to establish permanent settlements, or in any other way exercise, during the period above mentioned, exclusive rights or privileges within the limits of the above-described hunting-ground.

Vested rights, not interfered with.

*And provided further*, That the rights of the western Indians to a whole or a part of the common hunting-ground, derived from occupancy and possession, shall not be affected by this article, except so far as said rights may be determined by the treaty of Laramie.

Certain territory to belong to the Blackfoot nation.

ARTICLE 4. The parties to this treaty agree and consent, that the tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

*Provided also*, That the Assiniboinas shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel.

How to enter and leave the common hunting ground.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the common hunting-ground, nor any part of the Blackfoot Territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt or otherwise disturb the game, when visiting the Blackfoot Territory for trade or social intercourse.

Indians to remain in their respective territories except, &c.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries, except when going to or from, or whilst hunting upon, the "common hunting-ground," or when visiting each other for the purpose of trade or social intercourse.

Citizens may pass through and live in the Indian territory.

ARTICLE 7. The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

Protection against depredations.

Roads, telegraph lines, and military posts, &c. may be established.

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the countries respectively occupied and claimed by them, construct roads of every

description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agree to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: *Provided, however*, That if, in the judgment of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

Annual payment for benefit of Blackfoot nation.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: *Provided, however*, That to accomplish the objects of this article, the President may, at his discretion, apply any or all the annuities provided for in this treaty: *And provided, also*, That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

Same subject.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and are held responsible in their tribal capacity, to make reparation for depredations so committed.

Provisions to secure peace, and indemnity against Indian depredations.

Nor will they make war upon any other tribes, except in self-defence, but will submit all matters of difference between themselves and other Indians to the government of the United States, through its agent, for adjustment, and will abide thereby. And if any of the said Indians, parties to this treaty, commit depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article in case 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.

War not to be made on other tribes except in self-defence.

Provision against depredations of other Indians.

Criminals to be surrendered.

ARTICLE 12. It is agreed and understood, by and between the parties to this treaty, that if any nation or tribe of Indians aforesaid, shall violate any of the agreements, obligations, or stipulations, herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portion or all of the annuities agreed to be paid to said nation or tribe under the ninth and tenth articles of this treaty.

Annuities may be stopped in case of violation of this treaty.

ARTICLE 13. The nations and tribes of Indians, parties to this treaty, desire to exclude from their country the use of ardent spirits or other

Provision against intoxication.

tion or the intro- intoxicating liquor, and to prevent their people from drinking the same.  
duction of ardent Therefore it is provided, that any Indian belonging to said tribes who is  
spirits. guilty of bringing such liquor into the Indian 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.

This treaty to be in full for compensation.  
ARTICLE 14. The aforesaid nations and tribes of Indians, west of the Rocky Mountains, parties to this treaty, do agree, in consideration of the provisions already made for them in existing treaties, to accept the guarantees of the peaceful occupation of their hunting-grounds, east of the Rocky Mountains, and of remuneration for depredations made by the other tribes, pledged to be secured to them in this treaty out of the annuities of said tribes, in full compensation for the concessions which they, in common with the said tribes, have made in this treaty.

The Indians east of the Mountains, parties to this treaty, likewise recognize and accept the guarantees of this treaty, in full compensation for the injuries or depredations which have been, or may be committed by the aforesaid tribes, west of the Rocky Mountains.

Annuities not to be taken for debts.  
ARTICLE 15. The annuities of the aforesaid tribes shall not be taken to pay the debts of individuals.

ARTICLE 16. This treaty shall be obligatory upon the aforesaid nations and tribes of Indians, parties hereto, from the date hereof, and upon the United States as soon as the same shall be ratified by the President and Senate.

In testimony whereof the said A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid nations and tribes of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. CUMMING. [L. S.]  
ISAAC I. STEVENS. [L. S.]

*Piegans.*

NEE-TI-NEE, or "the only chief," now	
called the Lame Bull,	
MOUNTAIN CHIEF,	his x mark. [L. S.]
LOW HORN,	his x mark. [L. S.]
LITTLE GRAY HEAD,	his x mark. [L. S.]
LITTLE DOG,	his x mark. [L. S.]
BIG SNAKE,	his x mark. [L. S.]
THE SKUNK,	his x mark. [L. S.]
THE BAD HEAD,	his x mark. [L. S.]
KITCH-EEPONE-ISTAH,	his x mark. [L. S.]
MIDDLE SITTER,	his x mark. [L. S.]

*Bloods.*

ONIS-TAY-SAY-NAH-QUE-IM,	his x mark. [L. S.]
THE FATHER OF ALL CHILDREN,	his x mark. [L. S.]
THE BULL'S BACK FAT,	his x mark. [L. S.]
HEAVY SHIELD,	his x mark. [L. S.]
NAH-TOSE-ONISTAH,	his x mark. [L. S.]
THE CALF SHIRT,	his x mark. [L. S.]

*Gros Ventres.*

BEAR'S SHIRT,	his x mark. [L. S.]
LITTLE SOLDIER,	his x mark. [L. S.]
STAR ROBE,	his x mark. [L. S.]

SITTING SQUAW,	his x mark.	[L. s.]
WEASEL HORSE,	his x mark.	[L. s.]
THE RIDER,	his x mark.	[L. s.]
EAGLE CHIEF,	his x mark.	[L. s.]
HEAP OF BEARS,	his x mark.	[L. s.]

*Blackfeet.*

THE THREE BULLS,	his x mark.	[L. s.]
THE OLD KOOTOMAIS,	his x mark.	[L. s.]
POW-AH-QUE,	his x mark.	[L. s.]
CHIEF RABBIT RUNNER,	his x mark.	[L. s.]

*Nez Percés.*

SPOTTED EAGLE,	his x mark.	[L. s.]
LOOKING GLASS,	his x mark.	[L. s.]
THE THREE FEATHERS,	his x mark.	[L. s.]
EAGLE FROM THE LIGHT,	his x mark.	[L. s.]
THE LONE BIRD,	his x mark.	[L. s.]
IP-SHUN-NEE-WUS,	his x mark.	[L. s.]
JASON,	his x mark.	[L. s.]
WAT-TI-WAT-TI-WE-HINCK,	his x mark.	[L. s.]
WHITE BIRD,	his x mark.	[L. s.]
STABBING MAN,	his x mark.	[L. s.]
JESSE,	his x mark.	[L. s.]
PLENTY BEARS,	his x mark.	[L. s.]

*Flathead Nation.*

VICTOR,	his x mark.	[L. s.]
ALEXANDER,	his x mark.	[L. s.]
MOSES,	his x mark.	[L. s.]
BIG CANOE,	his x mark.	[L. s.]
AMBROSE,	his x mark.	[L. s.]
KOOTLE-CHA,	his x mark.	[L. s.]
MICHELLE,	his x mark.	[L. s.]
FRANCIS,	his x mark.	[L. s.]
VINCENT,	his x mark.	[L. s.]
ANDREW,	his x mark.	[L. s.]
ADOLPHE,	his x mark.	[L. s.]
THUNDER,	his x mark.	[L. s.]

*Piegans.*

RUNNING RABBIT,	his x mark.	[L. s.]
CHIEF BEAR,	his x mark.	[L. s.]
THE LITTLE WHITE BUFFALO,	his x mark.	[L. s.]
THE BIG STRAW,	his x mark.	[L. s.]

*Flathead.*

BEAR TRACK,	his x mark.	[L. s.]
LITTLE MICHELLE,	his x mark.	[L. s.]
PALCHINAH,	his x mark.	[L. s.]

*Bloods.*

THE FEATHER,	his x mark.	[L. s.]
THE WHITE EAGLE,	his x mark.	[L. s.]

Executed in presence of—

JAMES DOTY, *Secretary*.  
 ALFRED J. VAUGHAN, Jr.  
 E. ALW. HATCH, *Agent for Blackfeet*.  
 THOMAS ADAMS, *Special Agent Flathead Nation*.  
 R. H. LANSDALE, *Indian Agent Flathead Nation*.  
 W. H. TAPPAN, *Sub-Agent for the Nez Percés*.  
 JAMES BIRD,  
 A. CULBERTSON, } *Blackfoot Interpreters*.  
 BENJ. DEROCHÉ, }  
 BENJ. KISER, his x mark, }  
 Witness, JAMES DOTY, } *Flat Head Interpreters*.  
 GUSTAVUS SOHON, }  
 W. CRAIG, }  
 DELAWARE JIM, his x mark, } *Nez Percé Interpreters*.  
 Witness, JAMES DOTY, }  
 A. CREE CHIEF, (BROKEN ARM,) his mark.  
 Witness, JAMES DOTY.  
 A. J. HOEKEORSG,  
 JAMES CROKE,  
 E. S. WILSON,  
 A. C. JACKSON,  
 CHARLES SHUCETTE, his x mark.  
 CHRIST. P. HIGGINS,  
 A. H. ROBIE,  
 S. S. FORD, 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 fifteenth day of April, eighteen hundred and fifty-six, 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,

*April 15, 1856.*

*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 between the United States and the Blackfeet and other tribes of Indians, at the council ground on the Upper Missouri River, October seventeenth, eighteen hundred and fifty-five.

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 fifteenth day of April, one thousand eight hundred and fifty-six, 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 twenty-fifth day of April,  
 [L. S.] A. D. one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

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

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Feb. 5, 1856.

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

WHEREAS a treaty was made and concluded at Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians, assembled in general council, and such of the Munsees as were included in the treaty of September third, eighteen hundred and thirty-nine, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson, which treaty is in the words and figures following, to wit :—

Whereas by Senate amendment to the treaty with the Menomonees of February eighth, one thousand eight hundred and thirty-one, two townships of land on the east side of Winnebago Lake, Territory of Wisconsin, were set aside for the use of the Stockbridge and Munsee tribes of Indians, all formerly of the State of New York, but a part of whom had already removed to Wisconsin ; and

Preamble.

Vol. vii. p. 347.

Whereas said Indians took possession of said lands, but dissensions existing among them led to the treaty of September third, one thousand eight hundred and thirty-nine, by which the east half of said two townships was retroceded to the United States, and in conformity to which a part of said Stockbridges and Munsees emigrated west of the Mississippi ; and

Vol. vii. p. 580.

Whereas to relieve them from dissensions still existing by “ An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin,” approved March third, one thousand eight hundred and forty-three, it was provided, that the remaining townships of land should be divided into lots and allotted between the individual members of said tribe ; and

1843, ch. 101.  
Vol. v. p. 645.

Whereas a part of said tribe refused to be governed by the provisions of said act, and a subsequent act was passed on the sixth day of August, one thousand eight hundred and forty-six, repealing the aforementioned act, but without making provision for bona fide purchasers of lots in the townships subdivided in conformity to the said first named act ; and

1846, ch. 85.  
Vol. ix. p. 55.

Whereas it was found impracticable to carry into effect the provisions of the last-mentioned act, and to remedy all difficulties, a treaty was entered into on the twenty-fourth of November, one thousand eight hundred and forty-eight, wherein among other provisions, the tribe obligated itself to remove to the country west of the Mississippi set apart for them by the amendment to said treaty ; and

Vol. ix. p. 955.

Whereas dissensions have yet been constantly existing amongst them, and many of the tribe refused to remove, when they were offered a location in Minnesota, and applied for a retrocession to them of the township of Stockbridge, which has been refused by the United States ; and

Whereas a majority of the said tribe of Stockbridges and the Munsees are averse to removing to Minnesota and prefer a new location in Wisconsin, and are desirous soon to remove and to resume agricultural pursuits, and gradually to prepare for citizenship, and a number of other members of the said tribe desire at the present time to sever their tribal relations and to receive patents for the lots of land at Stockbridge now occupied by them ; and

Whereas the United States are willing to exercise the same liberal policy as heretofore, and for the purpose of relieving these Indians from the complicated difficulties, by which they are surrounded, and to establish comfortably together all such Stockbridges and Munsees—wherever they may be now located, in Wisconsin, in the State of New York, or west of the Mississippi—as were included in the treaty of September third, one thousand eight hundred and thirty-nine, and desire to remain for the present under the paternal care of the United States government; and for the purpose of enabling such individuals of said tribes as are now qualified and desirous to manage their own affairs, to exercise the rights and to perform the duties of the citizen, these articles of agreement have been entered into :

## Title.

Articles of agreement and convention made and concluded at Stockbridge in the State of Wisconsin, on the fifth day of February, in the year of our Lord one thousand eight hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians assembled in general council, and such of the Munsees who were included in the treaty of September third, one thousand eight hundred and thirty-nine, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson.

Vol. vii. p. 580.

Cession of  
lands at Stock-  
bridge, Wiscon-  
sin, and in Min-  
nesota.

Vol. vii. p. 580.

Vol. ix. p. 955.

Relinquish-  
ment of certain  
payments and  
claim.

ARTICLE I. The Stockbridge and Munsee tribes, who were included in the treaty of September third, one thousand eight hundred and thirty-nine, and all the individual members of said tribes, hereby jointly and severally cede and relinquish to the United States all their remaining right and title in the lands at the town of Stockbridge, State of Wisconsin, the seventy-two sections of land in Minnesota set aside for them by the amendment to the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, the twenty thousand dollars stipulated to be paid to them by the said amendment, the sixteen thousand five hundred dollars invested by the United States in stocks for the benefit of the Stockbridge tribe in conformity to Article IX. of the said treaty, and all claims set up by and for the Stockbridge and Munsee tribes, or by and for the Munsees separately, or by and for any individuals of the Stockbridge tribe who claim to have been deprived of annuities since the year one thousand eight hundred and forty-three, and all such and other claims set up by or for them or any of them are hereby abrogated, and the United States released and discharged therefrom.

Another tract  
to be selected by  
them, and pay-  
ment to be made.

ARTICLE II. In consideration of such cession and relinquishment by said Stockbridges and Munsees, the United States agree to select as soon as practicable, and to give them a tract of land in the State of Wisconsin, near the southern boundary of the Menomonee reservation, of sufficient extent to provide for each head of a family and others lots of land of eighty and forty acres as hereinafter provided; every such lot to contain at least one half of arable land, and to pay to be expended for improvements for the said Stockbridges and Munsees, as provided in Article IV., the sum of forty-one thousand one hundred dollars, and a further sum of twenty thousand five hundred and fifty dollars to enable them to remove.\*

Survey of such  
tract and allot-  
ment thereof.

ARTICLE III. As soon as practicable after the selection of the lands set aside for these Indians by the preceding article, the United States shall cause the same to be surveyed into sections, half and quarter sections, to correspond with the public surveys, and the council of the Stockbridges and Munsees shall under the direction of the Superintendent of Indian Affairs for the northern superintendency, make a fair and just allotment among the individuals and families of their tribes. Each head of a family shall be entitled to eighty acres of land, and in case his or her family consists of more than four members, if thought expedient by the

\* See amendment for provision for further payment of \$18,000 for debts, &c., *post*, p. 75.



said council, eighty acres more may be allotted to him or her; each single male person above eighteen years of age shall be entitled to eighty acres; and each female person above eighteen years of age, not belonging to any family, and each orphan child, to forty acres; and sufficient land shall be reserved for the rising generation.

After the said allotment is made, the persons entitled to land may take immediate possession thereof, and the United States will thenceforth and until the issuing of the patents, as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land; but such certificates shall not be assignable, and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein. After the expiration of ten years upon the application of the holder of such certificate, made with the consent of the said Stockbridge and Munsee council, and when it shall appear prudent and for his or her welfare, the President of the United States may direct, that such restriction on the power of sale, shall be withdrawn and a patent issued in the usual form.

Immediate possession given after allotment.

Certificates not assignable to issue.

When patent is to issue.

Should any of the heads of families die before the issuing of the certificates or patents, herein provided for, the same shall issue to their heirs; and if the holder of any such certificate shall die without heirs, his or her land shall not revert to the United States, unless on petition of the Stockbridge and Munsee council for the issuing of a new certificate for the land of such deceased person, to the holder of any other certificate for land, and on the surrendering to the United States of such other certificate, by the holder thereof, the President shall direct the issuing of a new certificate for such land; and in like manner new certificates may be given for lots of land, the prior certificates for which have been surrendered by the holders thereof.

Provision in case of death of person entitled.

ARTICLE IV. Of the monies set aside for improvements by the II<sup>d</sup> of these Articles, not exceeding one fourth shall be applied to the building of roads leading to, and through said lands; to the erection of a school-house, and such other improvements of a public character, as will be deemed necessary by the said Stockbridge and Munsee council, and approved by the superintendent of the northern superintendency. The residue of the said fund shall be expended for improvements to be made by and for the different members and families composing the said tribes, according to a system to be adopted by the said council, under the direction of the superintendent aforesaid, and to be first approved by the Commissioner of Indian Affairs.

How moneys are to be expended.

ARTICLE V. The persons to be included in the apportionment of the land and money to be divided and expended under the provisions of this agreement, shall be such only, as are actual members of the said Stockbridge and Munsee tribes, (a roll or census of whom shall be taken and appended to this agreement,) their heirs, and legal representatives; and hereafter, the adoption of any individual amongst them shall be null and void, except it be first approved by the Commissioner of Indian Affairs.

Who are entitled to lot.

ARTICLE VI. In case the United States desire to locate on the tract of land to be selected as herein provided, the Stockbridges and Munsees emigrated to the west of the Mississippi in conformity to the treaty of September third, one thousand eight hundred and thirty-nine, the Stockbridges and Munsees, parties to this treaty, agree to receive them as brethren: *Provided*, That none of the said Stockbridges and Munsees, whether now residing at Stockbridge, in the State of Wisconsin, in the State of New York, or west of the Mississippi, shall be entitled to any of these lands or the money stipulated to be expended by these articles, unless they remove to the new location within two years from the ratification hereof.

Emigrated Indians may be located on said tract.

ARTICLE VII. The said Stockbridges and Munsees hereby set aside

VOL. XI. TREAT.—87

Payments for

educational purposes.

Vol. vii. p. 44.

Vol. vii. p. 303.

Vol. vii. p. 580.

School-house.

Vol. ix. p. 955.

Grounds for a cemetery.

Right of way for roads.

President and Senate or Congress may regulate affairs.

Provision against ardent spirits.

Sales of allotments under act of 1843, ch. 101, may be examined into and set aside or confirmed.

Vol. v. p. 645.

Sales of sundry lots.

for educational purposes exclusively their portion of the annuities under the treaties of November eleventh, one thousand seven hundred and ninety-four; August eleventh, one thousand eight hundred and twenty-seven; and September third, one thousand eight hundred and thirty-nine.

ARTICLE VIII. One hundred and fifty dollars valuation of the school-house at Stockbridge made in conformity to Article VI. of the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, and remaining unpaid, shall be expended in the erection of a school-house, with the other funds set aside for the same purpose by Article IV. of this agreement.

ARTICLE IX. About seven and two fifths acres bounded as follows: Beginning at the northeast corner of lot eighty-nine, in the centre of the military road; thence west, along the north line of said lot, fifty-four and a quarter rods; thence south, thirty-eight and a quarter rods; thence east twenty-eight and a quarter rods; thence north, thirty-four and a quarter rods; thence east, twenty-six rods; thence north, four rods to the place of beginning, comprising the ground heretofore used by the Stockbridges to bury their dead, shall be patented to the supervisors of the town of Stockbridge, to be held by them and their successors in trust for the inhabitants of said town, to be used by them as a cemetery, and the proceeds from cemetery lots and burial places to be applied in fencing, clearing, and embellishing the grounds.

ARTICLE X. It is agreed that all roads and highways, laid out by authority of law shall have right of way through the lands set aside for said Indians, on the same terms as are provided by law for their location through lands of citizens of the United States.

ARTICLE XI. The object of this instrument being to advance the welfare and improvement of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President of the United States 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 XII. The said Stockbridges and Munsees agree to suppress the use of ardent spirits among their people and to resist by all prudent means, its introduction in their settlements.

ARTICLE XIII. The Secretary of the Interior, if deemed by him expedient and proper, may examine into the sales made by the Stockbridge Indians, to whom lots of land were allotted in conformity to the act of Congress, entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, one thousand eight hundred and forty-three; and if it shall be found that any of the said sales have been improperly made, or that a proper consideration has not been paid, the same may be disapproved or set aside. By the direction of the said Secretary, patents to such lots of land shall be issued to such persons as shall be found to be entitled to the same.

ARTICLE XIV. The lots of land, the equitable title to which shall be found not to have passed by valid sales from the Stockbridge Indians to purchasers, and such lots as have, by the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, been ceded to the United States, shall be sold at the minimum price of ten dollars per acre for lots fronting on Lake Winnebago, on both sides of the military road, and all the lands in the three tiers of lots next to Lake Winnebago, and at five dollars per acre for the residue of the lands in said township of Stockbridge. Purchasers of lots, on which improvements were made by Stockbridge Indians, shall pay, in addition to the said minimum price, the appraised value of such improvements. To actual settlers on any of said lots possessing the qualifications requisite to acquire preëemption rights, or being civilized persons of Indian descent, not members of any tribe, who shall

prove, to the satisfaction of the register of the land district, to which the township of Stockbridge shall be attached, that he or she has made improvements to the value of not less than fifty dollars on such lot, and that he or she is actually residing on it; the time of paying the purchase price may be extended for a term not exceeding three years from the ratification hereof, as shall be deemed advisable by the President of the United States, provided, that no such actual settler shall be permitted to preëempt, in the manner aforesaid, more than one lot, or two contiguous lots, on which he has proved to have made improvements exceeding the value of one hundred dollars. The residue of said lots shall be brought into market as other government lands are offered for sale, and shall not be sold at a less price than the said minimum price; and all said sales shall be made, and the patents provided for in these articles shall be issued in accordance with the survey made in conformity to said act of March third, one thousand eight hundred and forty-three, unless, in the opinion of the Secretary of the Interior, a new survey shall be deemed necessary and proper.

ARTICLE XV. The United States agree to pay, within one year after the ratification of this agreement, the appraised value of the improvements upon the lands herein ceded and relinquished to the United States, to the individuals claiming the same, the valuation of such improvements, to be made by a person to be selected by the Superintendent of Indian Affairs for the northern superintendency, and not to exceed, in the aggregate, the sum of five thousand dollars.

ARTICLE XVI. The hereinafter named Stockbridge Indians, having become sufficiently advanced in civilization, and being desirous of separating from the Stockbridge tribe, and of enjoying the privileges granted to persons of Indian descent by the State of Wisconsin, and in consideration of ceding and relinquishing to the United States all their rights in the lands and annuities of the Stockbridge tribe of Indians, and in the annuities, money, or land, to which said Indians now are or may hereafter be entitled, the United States agree to issue patents in fee simple to the said Stockbridge Indians to the lots of land, at the town of Stockbridge, described and set opposite their names.

Appraised value of improvements on the ceded land to be paid.

Certain persons to have patents in fee of certain lots in full of all claims.

NAMES OF PERSONS.*	Lots to be patented to them.	Lots, the privilege of entering which, on the same terms of payment as prescribed for actual settlers in ARTICLE XIV, is granted.
John Moore,.....	9, 38, and 105.....	226 and 187
Job Moore,.....	69, 176, and 191....	230.....
Sophia Moore,.....	177.....	.....
Caleb Moore,.....	223.....	.....
Elizabeth Moore,.....	234.....	.....
Henry Moore,.....	264.....	233.....
Daniel Davids' heirs,.....	47, N. half 48, 60....	.....
John Littleman's heirs,.....	113.....	.....
Jane Dean's heirs,.....	30.....	.....
A. Miller's heirs,.....	14.....	.....
Mary McAllister,.....	N. half 280.....	S. half 280
Hope Welch,.....	284.....	.....
Catherine Mills,.....	S. half 194.....	N. half 194
Nancy Hom,.....	N. half 270.....	S. half 270
Margaret Beaulieu,.....	N. half 238.....	S. half 238
Sally Schenandoah,.....	76.....	.....
Jacob Moore,.....	233.....	190.....
Martha Moore, wife of Jacob Moore,.....	253.....	.....
Betsey Manague,.....	N. half 349.....	S. half 349
Levy Konkapot,.....	61, 152.....	.....
Mary Hendrick,.....	78.....	.....

\* See amendment inserting the name of John W. Abrams, *post*, p. 75.

The said Mary Hendrick and Levy Konkapot to have the privilege of joining again the said Stockbridges and Munsees in their new location.

Inconsistent  
treaties annul-  
led.

ARTICLE XVII. So much of the treaties of September third, one thousand eight hundred and thirty-nine, and of November twenty-fourth, one thousand eight hundred and forty-eight, as is in contravention or in conflict with the stipulations of this agreement, is hereby abrogated and annulled.

ARTICLE XVIII. This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the chiefs, headmen, and members of the said Stockbridge and Munsee tribes, and the said delegates of the Munsees of New York, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

FRANCIS HUEBSCHMANN, [L. S.]  
*Commissioner on the part of the United States.*

ZIBA T. PETERS, <i>sachem,</i>	[L. S.]
JOHN N. CHICKS,	[L. S.]
JEREMIAH SLINGERLAND,	[L. S.]
JOHN W. ABRAMS,	[L. S.]
LEVI KONKAPOT,	[L. S.]
JOSHUA WILLSON,	[L. S.]
his x mark.	[L. S.]
<i>Delegate of Munsees of New York.</i>	

THOMAS S. BRANCH,	[L. S.]
JACOB DAVIDS,	[L. S.]
his x mark.	[L. S.]
JOHN W. QUINNEY, jr.,	[L. S.]
his x mark.	[L. S.]
TIMOTHY JOURDEN,	[L. S.]
his x mark.	[L. S.]
JOHN YOCCOM,	[L. S.]
his x mark.	[L. S.]
WILLIAM MOHAWK,	[L. S.]
his x mark.	[L. S.]
<i>Delegate of Munsees of New York.</i>	

GEORGE T. BENNETT,	[L. S.]
JACOB KONKAPOT,	[L. S.]
JESSEE JOURDEN,	his x mark. [L. S.]
JEREMIAH BENNETT,	his x mark. [L. S.]
ISAAC JACOBS,	his x mark. [L. S.]
JAMES JOSHUA,	his x mark. [L. S.]
BENJAMIN PYE, 2d,	his x mark. [L. S.]
JOHN HENDRICKS,	[L. S.]
ELI WILLIAMS,	his x mark. [L. S.]
CORNELIUS ANTHONY,	[L. S.]
LEWIS HENDRICK,	[L. S.]
ADAM DAVIDS,	[L. S.]
ELIAS KONKAPOT,	his x mark. [L. S.]
JEDIEHAL WILBER,	[L. S.]
WILLIAM GARDNER,	[L. S.]
STEPHEN GARDNER,	[L. S.]
SIMEON GARDNER,	his x mark. [L. S.]
POLLY BENNETT,	her x mark. [L. S.]
ELEANOR CHARLES,	her x mark. [L. S.]
MARY HENDRICK,	her x mark. [L. S.]
SUSAN HENDRICK,	her x mark. [L. S.]
JOSEPH DOXTATOR,	his x mark. [L. S.]
JOSEPH L. CHICKS,	[L. S.]
SOLOMON DAVIDS,	his x mark. [L. S.]
JOB MOORE,	his x mark. [L. S.]
SOPHIA MOORE,	her x mark. [L. S.]

CALEB MOORE,	his x mark.	[L. S.]
ELIZABETH MOORE,	her x mark.	[L. S.]
HENRY MOORE,	his x mark.	[L. S.]
ELIZABETH BOMAN	her x mark.	[L. S.]
HUMBLE JOURDEN,		[L. S.]
PHEBE PYE,	her x mark.	[L. S.]
JACOB JACOBS,		[L. S.]
AARON KONKAPOT,		[L. S.]
JEREMIAH GARDNER,	his x mark.	[L. S.]
ANDREW WILBER,	his x mark.	[L. S.]
PRUDENCE QUINNEY,	her x mark.	[L. S.]
BERSHEBA WRIGHT,		[L. S.]
ALONZO QUINNEY,	his x mark.	[L. S.]
REBECCA THOMPSON,	her x mark.	[L. S.]
DIANAH DAVIDS,		[L. S.]
MARY ANN LITTLEMAN,	her x mark.	[L. S.]
PETER BENNETT, sr.,	his x mark.	[L. S.]
PETER BENNETT, jr.,	his x mark.	[L. S.]
DANIEL GARDNER,		[L. S.]
BASHIBA BROWN,	her x mark.	[L. S.]
DENNIS T. TURKEY,		[L. S.]
BENJAMIN PYE, 3d,	his x mark.	[L. S.]
ABRAM PYE, SR.,	his x mark.	[L. S.]
ABRAM PYE, JR.,	his x mark.	[L. S.]
DAVID PYE,	his x mark.	[L. S.]
ELIZABETH DOXTATOR,	her x mark.	[L. S.]
MARGARET DAVIDS,	her x mark.	[L. S.]
CORNELIUS AARON,	his x mark.	[L. S.]
ANNA TURKEY,	her x mark.	[L. S.]
LOUISA KONKAPOT,	her x mark.	[L. S.]
PHEBE SHICKET,	her x mark.	[L. S.]
ELIZABETH AARON,	her x mark.	[L. S.]
REBECCA AARON,	her x mark.	[L. S.]
BENJAMIN PYE, 4th.	his x mark.	[L. S.]
PAUL PYE,	his x mark.	[L. S.]
JACKSON CHICKS, and 2 heirs of JOSIAH CHICKS,		[L. S.]
ELECTA W. CANDY, sister of the late JOHN W. QUINNEY,		[L. S.]
MARY JANE DEAN, }		[L. S.]
DANIEL P. DEAN, }	Heirs of Jane Dean.	[L. S.]
JOHN W. DEAN, }		[L. S.]
CORNELIUS YOCCOM,	his x mark.	[L. S.]
HARRIET JOURDEN,	her x mark.	[L. S.]
PETER D. LITTLEMAN,	his x mark.	[L. S.]
LOVINA PYE,	her x mark.	[L. S.]
CHARLOTTE PALMER,	her x mark.	[L. S.]
RAMONA MILLER,	her x mark.	[L. S.]
HANNAH TURKEY,	her x mark.	[L. S.]
DIDEMA MILLER,		[L. S.]
Dr. BIG DEER,	his x mark.	[L. S.]
ELIZABETH WILBER,	her x mark.	[L. S.]
DARIUS DAVIDS,	his x mark.	[L. S.]
HARVY JOHNSTON,	his x mark.	[L. S.]
MARY ELIZA BUTLER,	her x mark.	[L. S.]
THOMAS TOUSEY,		[L. S.]
CHESTER TOUSEY,		[L. S.]
DANIEL TOUSEY,		[L. S.]
SARAH TOUSEY,	her x mark.	[L. S.]

PHILENA PYE, 1st,	her x mark.	[L. S.]
LUCINDA QUINNEY,	her x mark.	[L. S.]
SALLY SCHANANDOAH,	her x mark.	[L. S.]
MARY McALLISTER,	her x mark.	[L. S.]
HOPE WELCH,	her x mark.	[L. S.]
CATHARINE MILLS,	her x mark.	[L. S.]
NANCY HOM,	her x mark.	[L. S.]
MARGARET BOLREW,	her x mark.	[L. S.]
ELIZA FRANKS,	her x mark.	[L. S.]
LUCINDA GARDNER,	her x mark.	[L. S.]
MARY JANE BOMAN,	her x mark.	[L. S.]
DEBBY BALDWIN,	her x mark.	[L. S.]
EDWARD BOMAN,	his x mark.	[L. S.]
HANNAH SMITH,	her x mark.	[L. S.]
MOSES SMITH,	his x mark.	[L. S.]
BETSY MANAGUE,	her x mark.	[L. S.]
DOLLY DOXTATOR,	her x mark.	[L. S.]
AARON SMITH,	his x mark.	[L. S.]
POLLY SMITH,	her x mark.	[L. S.]
MARY THEBEANT,	her x mark.	[L. S.]
JACOB MOORE,		[L. S.]
ABIGAIL MOORE,		[L. S.]
CLARISSA MILLER,	her x mark.	[L. S.]
POLLY KONKAPOT,	her x mark.	[L. S.]
JOHN LEWIS,	his x mark.	[L. S.]
JAMES CHICKS,	his x mark.	[L. S.]

Signed and sealed in presence of  
THEODORE KOVEN, *Secretary to Commissioner.*  
SAML. W. BEALL,  
ADAM SCHERFF,  
JAMES CHRISTIE,  
LEMUEL GOODELL,  
ENOS MCKENZIE,  
ELAM C. PEASE.

*Roll and Census made in conformity to Article V. of the foregoing Treaty.*

NAMES.	Men.	Women.	Children.	Total.	NAMES.	Men.	Women.	Children.	Total.
<i>Census of the Munsees of New York, included in the treaty of September 3, 1839.</i>					<i>Census of Stockbridges and Munsees at Stockbridge, Wisconsin.</i>				
Isaac Durkee.....	1	1	2	4	John N. Chicks.....	1	..	3	4
William Mohawk.....	1	1	2	4	Jeremiah Slingerland.....	1	1	3	5
Titus Mohawk.....	..	..	1	1	John W. Abrams.....	1	1	4	6
Thomas Snake's widow....	..	1	1	2	Ziba T. Peters.....	1	1	2	4
Austin Half White.....	..	..	1	1	Levy Konkapot.....	1	..	..	1
Clarissa Spragg.....	..	1	7	8	Thomas S. Branch.....	1	1	2	4
George Moses.....	1	1	2	4	Jacob Davids.....	1	1	4	6
Jonathan Waterman.....	1	1	5	7	John W. Quinney, jr.....	1	1	2	4
Jonathan Titus.....	1	..	..	1	Timothy Jourdan.....	1	1	3	5
Levy Halftown.....	1	1	7	9	John Yocum.....	1	1	4	6
Jefferson Halftown.....	1	1	..	2	George T. Bennet.....	1	1	3	5
Eunice Red Eye.....	..	1	5	6	Jacob Konkapot.....	1	1	3	5
John Willson.....	1	1	3	5	Jesse Jourdan.....	1	1	2	4
Joshua Willson.....	1	1	2	4	Jeremiah Bennet.....	1	1	2	4
					Isaac Jacobs.....	1	1	1	3

ROLL OF THOSE AT STOCKBRIDGE—*Continued.*

NAMES.	Men.	Women.	Children.	Total.	NAMES.	Men.	Women.	Children.	Total.
James Joshua.....	1	..	..	1	Remona Miller.....	..	1	2	3
Benjamin Pye, 2d.....	1	2	4	7	Hannah Turkey.....	..	1	3	4
John P. Hendricks.....	1	1	2	4	Bigdeer.....	1	..	..	1
Eh Williams.....	1	1	3	5	Elizabeth Wilber.....	..	1	2	3
Cornelius Anthony.....	1	1	2	4	Harvey Johnston.....	1	1	7	9
Lewis Hendrick.....	1	..	..	1	Mary Eliza Butler.....	..	1	3	4
Adam Davids.....	1	1	2	4	Thomas Tousey.....	1	1	6	8
Elias Konkapot.....	1	..	..	1	Chester Tousey.....	1	1	5	7
Jedediah Wilber.....	1	..	..	1	Daniel Tousey.....	1	..	..	1
William Gardner.....	1	1	3	5	Sarah Tousey.....	..	1	..	1
Stephen Gardner.....	1	1	1	3	Philena Pye, 1st.....	..	1	..	1
Simeon Gardner.....	1	1	1	3	Lucinda Quinney.....	..	1	2	3
Polly Bennet.....	..	1	2	3	Eliza Franks.....	..	1	1	2
Eleanor Charles.....	..	1	..	1	Lucinda Gardner.....	..	1	1	2
Mary Hendrick.....	..	1	..	1	Mary Jane Bowman.....	..	1	..	1
Susannah Hendrick.....	..	1	..	1	Debby Baldwin.....	..	1	2	3
Joseph Duxtator.....	1	1	..	2	Edward Bowman.....	1	1	1	3
Joseph L. Chicks.....	1	..	3	4	Moses Smith.....	1	1	2	4
James Chicks.....	..	..	1	1	Dolly Duxtator.....	..	1	1	2
Solomon Davids.....	1	1	1	3	Polly Smith.....	..	1	..	1
Elizabeth Bowman.....	..	1	3	4	Aaron Smith, (Hannah Smith).....	1	1	2	4
Humble Jourdan.....	1	1	..	2	Polly Konkapot.....	..	1	..	1
Phebe Pye.....	..	1	..	1	John Lewis.....	1	..	..	1
Jacob Jacobs.....	1	..	..	1	Peter D. Littleman.....	1	1	4	6
Aaron Konkapot.....	1	..	..	1	Clarissa Miller.....	..	1	..	1
Jeremiah Gardiner.....	1	..	..	1	John P. Quinney, (absent).....	1	1	..	2
Andrew Wilber.....	1	..	..	1	Paul Quinney, (absent).....	1	1	1	3
Prudence Quinney.....	..	1	..	1	Charles Stevens.....	1	..	..	1
Bethseba Wright.....	..	1	..	1	Samuel Stevens.....	1	1	..	2
Alonzo Quinney.....	1	..	..	1	Samuel Miller.....	..	1	4	5
Rebecca Thompson.....	..	1	..	1	John Metoxen, sen.....	1	1	..	2
Peter Bennet, sr.....	1	1	4	6	Simeon S. Metoxen.....	1	1	4	6
Peter Bennet, jr.....	1	1	..	2	Nicholas Palmer.....	1	1	2	4
Daniel Gardner.....	1	..	..	1	Daniel Metoxen.....	1	..	..	1
Bathseba Brown.....	..	1	..	1	Moses Duxtator.....	1	1	2	4
Dennis T. Turkey.....	1	1	..	2	Darius Charles.....	1	..	2	3
Benjamin Pye, 3d.....	1	1	4	6	Catharine Butterfield.....	..	1	1	2
Abram Pye, sen.....	1	..	2	3	Washington Quinney.....	1	1	3	5
Abram Pye, jr.....	1	..	..	1	Ezekiel Robinson.....	1	..	..	1
David Pye.....	1	..	..	1	Sally Pye.....	..	1	2	3
Elizabeth Duxtator.....	..	1	4	5	James Palmer.....	1	..	2	3
Margaret Davids.....	..	1	1	2	Jonas Thompson.....	1	1	3	5
Cornelius Aaron.....	1	1	1	3	William Thompson.....	1	..	..	1
Anna Turkey.....	..	1	..	1	Austin E. Quinney.....	1	1	3	5
Phebe Skicket.....	..	1	..	1	John Beaman.....	1	..	..	1
Louisa Konkapot.....	..	1	..	1	Simeon Quinney.....	1	1	1	3
Elizabeth Aaron.....	..	1	..	1	Elizabeth Palmer.....	..	1	..	1
Rebecca Aaron.....	..	1	..	1	Margaret Miller.....	..	1	2	3
Benjamin Pye, 4th.....	1	1	3	5	William Miller.....	1	..	..	1
Paul Pye.....	1	..	..	1	Zachariah Miller.....	1	1	..	2
Jackson Chicks and one oth- er orphan, heirs of Josiah Chicks.....	..	..	2	2	Salomon Duchamp.....	1	..	..	1
Electa W. Candy.....	1	1	4	6	John Metoxen, jr.....	1	..	..	1
Cornelius Yocum.....	1	1	3	5	Joseph M. Quinney.....	1	1	1	3
Harriet Jourdan.....	..	1	..	1	Mary Quinney.....	..	1	..	1
Levina Pye.....	..	1	..	1	Frelinghuysen Quinney.....	1	..	..	1
Charlotte Palmer.....	1	1	3	4	Bartholomew Bowman.....	1	..	..	1
					Lewis Bowman.....	1	..	..	1

FRANCIS HUEBSCHMANN,  
*Commissioner on the part of the United States.*

ZIBA T. PETERS, *Sachem.*

Roll and Census of Stockbridges and Munsees who prefer to remain at Stockbridge, according to ART. XVI.

NAMES.				Total.					Total.
	Men.	Women.	Children.			Men.	Women.	Children.	
John Moore.....	1	..	..	1		Dideema Miller .....	..	1	1
Job Moore.....	1	1	6	8		Darius Davids.....	1	..	1
Sophia Moore.....	..	1	..	1		Mary McAllister.....	..	1	1
Caleb Moore.....	..	..	..	..		Hope Welch.....	..	1	1
Elizabeth Moore.....	..	..	..	..		Catherine Mills.....	..	1	1
Henry Moore.....	1	..	1	2		Nancy Hom .....	..	1	1
Diana Davids.....	..	1	..	1		Margaret Beaulieu.....	..	1	5
Mary Ann Littleman.....	..	1	1	2		Sally Schenandoah.....	..	1	2
Mary Jane Dean, } Children	..	..	1	1		Betsey Manague.....	..	1	5
Daniel P. Dean, } of Jane	..	..	1	1		Jacob Moore.....	1	1	2
John W. Dean, } Dean.	..	..	1	1					4

FRANCIS HUEBSCHMANN, *Commissioner.*  
ZIBA T. PETERS, *Sachem.*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, March 3, 1856.*

Letter of Geo. W. Manypenny, Indian Commissioner.

SIR: Referring to my last two annual reports, where the embarrassed condition of the Stockbridge and Munsee Indians is discussed, and to the paragraph of the general Indian appropriation bill, of the 3d March, 1855, Stat. at Large, vol. x, p. 699, where there is appropriated, "For the purpose of enabling the President to treat with, and arrange the difficulties existing among the Stockbridge and Munsee Indians, of Lake Winnebago, in the State of Wisconsin, arising out of the acts of Congress of third March, eighteen hundred and forty-three, and August sixth, eighteen hundred and forty-six, and the treaty of twenty-fourth of November, eighteen hundred and forty-eight, in such manner as may be just to the Indians, and with their assent, and not inconsistent with the legal rights of white persons who may reside on the Stockbridge reserve, of the claim of the United States under the treaty of eighteen hundred and forty-eight, the sum of fifteen hundred dollars;" and also to the treaty which was made between these Indians and Superintendent Francis Huebschmann, during the last summer, which, for reasons then given you, was disapproved of, I have now the honor to send up a treaty concluded with them, on the 5th ultimo, by Superintendent Huebschmann, the provisions of which are approved by me, and would recommend, if you agree, that it be laid before the President, to the end, if approved by him, that it may be sent to the Senate for its constitutional action thereon.

And I herewith transmit a copy of the letter of the superintendent sending on said treaty, together with a copy of a power of attorney from certain Munsees to Isaac Durkee, William Mohawk, and Joshua Willson, for purposes therein indicated.

I would merely remark that, by locating the Stockbridges in Wisconsin, instead of Minnesota, about \$20,000 of expense would be saved in removal, while a location in Minnesota could not be more out of the way of the whites, and the lands there would be worth to the government at least as much as the price to be paid the Menomonees.

Very respectfully, your obedient servant,  
GEO. W. MANYPENNY, *Commissioner.*  
Hon. ROBERT McCLELLAND,  
*Secretary of the Interior.*



## NORTHERN SUPERINTENDENCY,

*Milwaukee, February 23, 1856.*

SIR: I have the honor to enclose a treaty with the Stockbridges and Munsees, concluded in conformity to your instructions. In consequence of the complicated difficulties at Stockbridge, and the factious spirit ruling among the Indians, the task imposed upon me was not an easy one, and required extraordinary patience and forbearance. I believe I have used all proper means to make the arrangement contemplated by the treaty as acceptable to all parties interested as could be expected under the circumstances. However, about one fifth of the Indians, headed by Austin E. Quinney, and mostly consisting of members of the Quinney family, did not sign the treaty, but without giving any sensible reason. The only two objections raised by Austin E. Quinney to the draft of the treaty were: *First*, That the issuing of patents to lands, to be apportioned to the individuals of the tribe, was contemplated. This objection was virtually obviated by amending the treaty, so that the application for a patent to be made after ten years, has first to be consented to by the general council of the Stockbridges and Munsees.

Letter of Francis Huebschmann, Superintendent.

His second objection was, that there was no provision made for the payment of a claim he himself has against the tribe. Though I invited him to submit the claim to me for examination, he did not do so, and, from what I learned from himself and others, it appears that it would, if submitted, not bear very accurate examination, as about half of it is made up of high charges for meals furnished councillors of the Stockbridges, and the other half for funds advanced to one certain Chandler, on his share of the twenty thousand dollars, to be paid under the amendment to the treaty of 1848, for procuring the adoption of the said amendment.

The real objection on the part of the Quinneys to the reorganization of the Stockbridges and Munsees under this treaty, is, no doubt, the certainty staring them in the face, that their rule over the tribe will be at an end if the treaty is ratified. To show what use this family has made of their power over the tribe, I will only mention a few instances. Though claiming to hold their lands again in commonalty in consequence of the law of August 6, 1846, Austin E. Quinney, by barter and trade carried on with widows and other Indians, and by advancing to them a few provisions, pretended to have bought their lots of land, and, under the treaty of 1848, he not only received pay for the improvements on all these lands, (1,440 acres,) \$2,760.63, but of the sixteen thousand five hundred dollars paid under V. article of treaty of 1848, he received \$3,083, while under a proper per capita apportionment, the share of his family would not have been much more than about three hundred dollars. The interest of the \$16,500, to be paid "as other annuities are paid by the United States," has been apportioned in direct violation of the said treaty until the Stockbridge affairs came under my superintendence, in the same manner as the \$16,500, under art. V. had been paid; and for the benefit of Sam'l Miller, even that illegal apportionment was falsified so as to pay him one half of \$1,662.50, and the interest on the other half instead of \$412.50, the proportion to which he would have been entitled by the quantity of land held by him at the treaty of 1848. Austin E. Quinney realized about a thousand dollars more by selling his pretended right of occupancy to lots, so that it appears, that he has received about seven thousand dollars in addition to what he has received of the money paid to his tribe by the State of New York, and it is no doubt mortifying to him that his share of moneys hereafter, is to be no larger than that of any other member of the tribe. A great part of the funds received from the State of New York has been used by the Quinney family for their own aggrandizement and the sending of delegations to Washington; and the wishes of a

majority of the Stockbridges in relation to the application of those funds, have been frequently disregarded, and at the present time Sam'l Miller has been sent by Austin E. Quinney as delegate to Washington with a part of those funds, in direct opposition to the wishes of the majority.

I proposed to Austin E. Quinney and his followers to patent to them lands at Stockbridge, and to make other stipulations favorable to them, if they preferred to remain there and to separate from the tribe; but as they would not declare their willingness to accept of such provisions, and as Quinney declared that he would probably desire to remove with the others if the lands to be selected were of good quality, and deeming it more beneficial to them, that they should remove with the others and be settled by themselves, if they preferred it, in some corner of the new reservation, I did not feel prompted to provide for their remaining at Stockbridge, and increased the sums to be paid in proportion to their number.

I had made no secret, since my visit to Stockbridge during the forepart of December last, of the arrangement contemplated in relation to lands and land-titles at Stockbridge, (articles XIII. and XIV.,) and it appeared generally satisfactory to white settlers; yet there will be always found meddlesome individuals, and it appears that, at the request of a resident of Stockbridge, who, however, has no land himself, a lawyer of Green Bay had drawn up a petition or memorial asking the treaty to be amended.

When I saw the document, no names were attached to it, and I have not inquired afterwards, if it has been signed by anybody and forwarded. I read it very hastily; but it left the impression upon my mind that little legal knowledge was displayed by its author. Since the authority to issue patents, given by the law of 1843, was destroyed by the repealing act of 1846, and the list of patents to lots to be granted under the treaty of 1848, is imperfect and incorrect, the settlers at Stockbridge, if they understand it, will be the last to object to authority being granted to the proper officer, to issue patents; and the investigation of sales made by Indians provided for, I think, will not be seriously objected to, except by such who are afraid that the consideration paid by them would be found to have consisted of whiskey.

The minimum price fixed in the treaty for the land, to be sold by the United States government, is not too high nor unjust to any class of the settlers at Stockbridge. Those who settled there shortly after the treaty of 1848, and bought out, for a small consideration, the right of occupancy of Indians, to their houses, clearings, and fields, have since mostly confined themselves to cultivating the fields already made and raised fine crops, without paying any taxes or bearing any of the hardships of a new settlement. It has not been so much by their labor that these lands have become valuable, as by the settlements and improvements made in the surrounding country and the general prosperity of the State. The settlers who have recently squatted on lots of land at Stockbridge, have gone there with the perfect knowledge of the price which was expected to be fixed on those lands, and since it has become known that the treaty was signed, that part of the State has been under great excitement, and many have flocked to Stockbridge to make claims and to avail themselves of the privileges contemplated to be extended to actual settlers by the treaty. It is feared that there are even more settlers and claimants than lots of land, and if the price should be reduced, the excitement would, no doubt, become more intense, and the land officers would find it more difficult to settle the conflicting claims. The privilege of entering lands at the terms of payment, as prescribed for actual settlers, in ART. XIV., granted to a number of Indians by ART. XVI., was considered by all as very valuable, which seems to prove beyond a doubt, that the price is considered very moderate. If the petition above referred to has been signed generally by the settlers at Stockbridge, they have done so in consequence of its being represented to them, that it could do no harm to try to get the lands from the government at a less price, and not because the price is too high

or unjust to any one of them. A power of attorney of the Munsees of New York to their delegate is herewith enclosed.

Very respectfully, your obedient servant,  
FRANCIS HUEBSCHMANN,  
*Superintendent.*

HON. GEORGE W. MANYPENNY,  
*Commissioner of Indian Affairs, Washington, D. C.*

Know all men that by these presents we make, constitute, and appoint Isaac Durkee, William Mohawk, and Joshua Willson, or either two of them, in the absence of the other, to receive from the commissioner of the United States the share of us, and each of us, and our families in money, which, in consideration of annuities due us from the United States, or by virtue and effect of a treaty which it is understood, is about to be made between the United States and the Stockbridge and Munsee tribes of Indians, we are informed will be our due, and will be paid to us by the said commissioner, or by the superintendent of Indian affairs for Wisconsin. And we hereby authorize our attorneys as aforesaid to give receipts and vouchers to the said commissioner or superintendent, as may be right, or he may require; our intention being that our said attorneys shall transmit to us, in the State of New York, said moneys, to enable us immediately to remove to, improve, and subsist in our new homes in the State of Wisconsin.

Hereby ratifying the acts of our attorneys in the premises.

In witness whereof, we have hereunto set our hands and seals, this  
—— day of January, A. D. 1856.

ISAAC DURKEE,	
WILLIAM MOHAWK,	
TITUS MOHAWK,	his x mark.
AUSTIN HALF WHITE,	his x mark.
CLARISSA SPRAGG,	her x mark.
GEORGE MOSES,	his x mark.
JONATHAN WATERMAN,	his x mark.
JONATHAN TITUS,	his x mark.
LEVY HALF TOWN,	his x mark.
JEFFERSON HALF TOWN,	his x mark.

In presence of

SAM'L W. BEALL,  
JOHN ARMSTRONG.

STATE OF NEW YORK, }  
*Cattaraugus County,* } ss.

On this 19th day of January, A. D. 1856, came before me Isaac Durkee, William Mohawk, Titus Mohawk, Austin Half White, Clarissa Spragg, George Moses, Jonathan Watersnake, Jonathan Titus, Levy Half Town, Jefferson Half Town, proven to me, by the oath of George Jamison, to me well known, to be the individuals who signed and executed the within instrument of attorney, and acknowledged that they executed it freely.

GEORGE JAMISON, his x mark.

Sworn and subscribed before me, this 19th day of January, 1856.

ELISHA BROWN,  
*Justice of the Peace.*

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 eighteenth day of April, eighteen hundred and fifty-six, advise and

consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

*April 18, 1856.*

*Resolved,* (two third 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 Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians assembled in general council, and such of the Munsees, who were included in the treaty of September 3, 1839, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson, with the following

AMENDMENTS.

Amendments. ARTICLE II. Add thereto, the following:

"And the further sum of eighteen thousand dollars, (twelve thousand for the Stockbridges, and six thousand for the Munsees,) to be expended, at such time, and in such manner, as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessities, the discharge of national or tribal debts, and to enable them to settle their affairs."

ARTICLE XVI. Insert the name of "John W. Abrams" in the list of persons provided for in this article; and in the column opposite his name, the words "lot No. 59"—and insert his name also after the name of "Levi Konkapot," in the paragraph below the list of names.

Attest:

ASBURY DICKINS, *Secretary.*

And whereas the said amendments were, at Stockbridge, Wisconsin, on the twenty-ninth day of July, eighteen hundred and fifty-six, laid before the general council of the Stockbridge and Munsee tribes of Indians, and after having been read and fully explained to said council, were ratified and accepted by said council, by a written instrument in the words and figures following, to wit:

IN GENERAL COUNCIL OF THE STOCKBRIDGE AND MUNSEE TRIBES OF INDIANS.

*Stockbridge, Wisconsin, July 29, 1856.*

The Senate of the United States having advised and consented to the ratification of the articles of agreement and convention, made and concluded at Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians, assembled in general council, and such of the Munsees, who were included in the treaty of September 3d, 1839, but were yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson, with the following

AMENDMENTS.

Amendments. ARTICLE II. Add thereto, the following:

"And the further sum of eighteen thousand dollars, (twelve thousand for the Stockbridges, and six thousand for the Munsees,) to be expended, at such time, and in such manner, as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessities, the discharge of national or tribal debts, and to enable them to settle their affairs."

ARTICLE XVI. Insert the name of "John W. Abrams" in the list of persons provided for in this article; and in the column opposite his name, the words, "lot No. 59"—and insert his name also after the name of "Levi Konkapot" in the paragraph below the list of names—we, the

abovenamed Stockbridges and Munsees, parties to the said articles of agreement and convention, after the said amendments have been read and explained to us, consent to and accept of the same.

In witness whereof, we have hereunto set our hands and seals.

ZIBA T. PETERS, <i>sachem</i> ,		[L. S.]
JOHN N. CHICKS,		[L. S.]
JEREMIAH SLINGERLAND,		[L. S.]
JOHN W. ABRAMS,	} <i>Counsellors</i> ,	[L. S.]
LEVI KONKAPOT,		[L. S.]
JOSHUA WILLSON,		[L. S.]
JOHN YOCCOM,		[L. S.]
WILLIAM MOHAWK,		[L. S.]
JAMES JOSHUA,	his x mark.	[L. S.]
BENJAMIN PYE, 2d,	his x mark.	[L. S.]
JOHN HENDRICKS,	his x mark.	[L. S.]
ELI WILLIAMS,		[L. S.]
ELIAS KONKAPOT,	his x mark.	[L. S.]
WILLIAM GARDNER,		[L. S.]
STEPHEN GARDNER,		[L. S.]
MARY HENDRICK,	her x mark.	[L. S.]
JOSEPH DOXTATOR,	his x mark.	[L. S.]
ELIZABETH BOMAN,	her x mark.	[L. S.]
HUMBLE JOURDEN,		[L. S.]
JEREMIAH GARDNER,	his x mark.	[L. S.]
ABRAM PYE, sen.,	his x mark.	[L. S.]
CORNELIUS YOCCOM,	his x mark.	[L. S.]
PETER D. LITTLEMAN,		[L. S.]
LOVINA PYE,	her x mark.	[L. S.]
DR. BIG DEER,		[L. S.]
HARVEY JOHNSTON,	his x mark.	[L. S.]
THOMAS TOUSEY,		[L. S.]
CHESTER TOUSEY,	his x mark.	[L. S.]
DANIEL TOUSEY,	his x mark.	[L. S.]
SARAH TOUSEY,	her x mark.	[L. S.]
DEBBY BALDWIN,	her x mark.	[L. S.]
ABIGAIL MOON,	her x mark.	[L. S.]
CLARISSA MILLER,	her x mark.	[L. S.]
SOLOMAN DAVIDS,	his x mark.	[L. S.]
JACOB KONKAPOT,	his x mark.	[L. S.]
ISAAC JACOBS,	his x mark.	[L. S.]
SUSAN HENDRICKS,		[L. S.]
JEREMIAH BENNETT,	his x mark.	[L. S.]
DENNIS TURKEY,		[L. S.]
ELECTA W. CANDY,		[L. S.]
SALLY SCHANENDOAH,		[L. S.]
DANIEL GARDNER,	his x mark.	[L. S.]
SIMEON GARDNER,	his x mark.	[L. S.]
SOPHRONIA THOMPSON,	her x mark.	[L. S.]
CATHERINE MILLS,	her x mark.	[L. S.]
JOHN W. QUINNEY,		[L. S.]
PAUL QUINNEY,	his x mark.	[L. S.]
LUCINDA GARDNER,	her x mark.	[L. S.]
JACOB JACOBS,		[L. S.]
MARGARET DAVIDS,	her x mark.	[L. S.]
PETER BENNETT,	his x mark.	[L. S.]
PHEBE PYE,	her x mark.	[L. S.]
ELIZABETH DOXTATOR,	her x mark.	[L. S.]
JOHN LEWIS,	his x mark.	[L. S.]
ELIZABETH WILBER,	her x mark.	[L. S.]

REBECCA AARON,	her x mark.	[L. S.]
ELIZABETH AARON,	her x mark.	[L. S.]
THOMAS S. BRANCH,		[L. S.]
JANE BOMAN,	her x mark.	[L. S.]
JAMES CHICKS,	his x mark.	[L. S.]
HANNAH TURKEY,		[L. S.]
BENJAMIN PYE, 3d,		[L. S.]
POLLY KONKAPOT,	her x mark.	[L. S.]
JACOB DAVID,	his x mark.	[L. S.]
ADAM DAVID,	his x mark.	[L. S.]
LEVI KONKAPOT,	his x mark.	[L. S.]
POLLY SMITH,	her x mark.	[L. S.]
AARON SMITH,	his x mark.	[L. S.]
JEDEDIAH WILBER,		[L. S.]
MARY ELIZA BUTLER,	her x mark.	[L. S.]
HANNAH SMITH,	her x mark.	[L. S.]
POLLY BENNETT,	her x mark.	[L. S.]
BASHEBA WRIGHT,	her x mark.	[L. S.]
BARSHEBA BROWN,	her x mark.	[L. S.]
TIMOTHY JOURDEN,		[L. S.]
HARRIET JOURDEN,		[L. S.]
DOLLY DOXTATOR,	her x mark.	[L. S.]
PHEBE SKICKET,	her x mark.	[L. S.]
LOUISA KONKAPOT,	her x mark.	[L. S.]
ANDREW JACKSON CHICKS, and		
two heirs of JOSHUA CHICKS,		[L. S.]
HOPE WELCH,		[L. S.]
CHARLOTTE PALMER,	her x mark.	[L. S.]
RAMONA MILLER,	her x mark.	[L. S.]
DIDEMA MILLER,	her x mark.	[L. S.]
JOB MOORE,	his x mark.	[L. S.]
LUCINDA QUINNEY,	her x mark.	[L. S.]

Signed and sealed in presence of

FRANCIS HUEBSCHMANN, *Superintendent Indian Affairs.*  
 DR. FERDINAND OSALLO,  
 H. BREWER,  
 J. H. CLEAVES,  
 THOMAS MCLEAN.

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 eighteenth day of April, eighteen hundred and fifty-six, accept, ratify, and confirm the said treaty, with the amendments.

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 eighth day of September, eighteen hundred and fifty-six, and of the independence of the United States, the eighty-first.

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: Feb. 11, 1856.

WHEREAS a treaty was made and concluded at Keshena, State of Wisconsin, on the eleventh day of February, one thousand eight hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council, which treaty is in the words and figures following, to wit:—

Whereas a treaty was entered into at Stockbridge, in the State of Wisconsin, on the fifth of the present month, between the United States of America on the one part, and the Stockbridge and Munsee tribes of Indians on the other, stipulating that a new home shall be furnished to the said Stockbridge and Munsee Indians, near the south line of the Menomonee reservation; and

Preamble.

Whereas the United States desire to locate said Stockbridges and Munsees near the said line in the western part of the said reservation, on lands on which no permanent settlements have been made by the Menomonees; and

Whereas there is no objection on the part of the Menomonees to the location of the Stockbridges and Munsees in their neighborhood, therefore, this agreement and convention has been entered into—

Articles of agreement made and concluded at Keshena, State of Wisconsin, on the eleventh day of February, in the year of our Lord eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council.

Title.

ARTICLE 1. The Menomonee tribe of Indians cede to the United States a tract of land, not to exceed two townships in extent, to be selected in the western part of their present reservation on its south line, and not containing any permanent settlements made by any of their number, for the purpose of locating thereon the Stockbridge and Munsee Indians, and such others of the New York Indians as the United States may desire to remove to the said location within two years from the ratification hereof.

Cession of land to the U. States.

ARTICLE 2. The United States agree to pay for the said cession, in case the said New York Indians will be located on the said lands, at the rate of sixty cents per acre; and it is hereby stipulated, that the monies so to be paid shall be expended in a like manner, to promote the improvement of the Menomonees, as is stipulated by the third article of the treaty of May twelfth, eighteen hundred and fifty-four, for the expenditure of the forty thousand dollars which had been set aside for their removal and subsistence, west of the Mississippi, by the treaty of October eighteenth, eighteen hundred and forty-eight.

Payment for said cession.

ARTICLE 3. To promote the welfare and the improvement of the said Menomonees, and friendly relations between them and the citizens of the United States, it is further stipulated—

1. That in case this agreement and the treaties made previously with the Menomonees should prove insufficient, from causes which cannot now been [be] foreseen, to effect the said objects, the President of the United

Laws may be made for the affairs of the Menomonees.

States may, by and with the advice and consent of the Senate, adopt such policy in the management of the affairs of the Menomonees 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.

Suppression of  
use of ardent  
spirits.

2. That the Menomonees will suppress the use of ardent spirits among their people, and resist, by all prudent means, its introduction in their settlements.

Annuities may  
be paid semi-an-  
nually or quar-  
terly.

3. That the President of the United States, if deemed by him condu- cive to the welfare of the Menomonees, may cause their annuity monies to be paid to them in semi-annual or quarterly instalments.

Right of way  
for roads.

4. That all roads and highways, laid out by authority of law, shall have right of way through the lands of the said Indians on the same terms as are provided by law for their location through lands of citizens of the United States.

ARTICLE 4. This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the chiefs and headmen of the said Menomonee tribe, in presence and with the consent of the warriors and young men of the said tribe, assembled in general council, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

FRANCIS HUEBSCHMANN, [L. s.]  
*Commissioner on the part of the United States.*

OSH-KOSH,	his x mark.	[L. s.]
SHO-NE-NIEW,	his x mark.	[L. s.]
KE-SHE-NA,	his x mark.	[L. s.]
LA-MOTTE,	his x mark.	[L. s.]
PE-QUAH-KAW-NAH,	his x mark.	[L. s.]
CAR-RON,	his x mark.	[L. s.]
WAU-KE-CHON,	his x mark.	[L. s.]
AH-KAMOTE,	his x mark.	[L. s.]
AH-YAH-METAH,	his x mark.	[L. s.]
OSH-KE-HE-NA-NIEW,	his x mark.	[L. s.]
KOTCH-KAW-NO-NAEW,	his x mark.	[L. s.]
SHO-NE-ON,	his x mark.	[L. s.]
WA-PA-MASSAEW,	his x mark.	[L. s.]
NAW-NO-HA-TOKE,	his x mark.	[L. s.]
MATCH-A-KIN-NAEW,	his x mark.	[L. s.]
MAH-MAH-KE-WET,	his x mark.	[L. s.]
KO-MAN-E-KIM,	his x mark.	[L. s.]
SHAW-PUY-TUCK,	his x mark.	[L. s.]
OKEN-A-PO-WET,	his x mark.	[L. s.]
WAY-TAW-SAY,	his x mark.	[L. s.]
NAW-KAW-CHIS-KA,	his x mark.	[L. s.]
WA-TA-PUSH,	his x mark.	[L. s.]
PY-AW-WAH-SAY,	his x mark.	[L. s.]
WAY-AICH-KIEW,	his x mark.	[L. s.]
AY-OH-SHA,	his x mark.	[L. s.]
MO-SHA-HART.	his x mark.	[L. s.]

Signed and sealed in presence of

BENJA HUNKINS, *Indian Agent.*  
TALBOT PRICKET, *United States Interpreter.*  
THEODORE KOVEN, *Secretary to Commissioner.*  
JOHN WILEY.



R. OTTO SKOLLA.  
H. L. MURNY.  
BENJAMIN RICE.  
JOHN WERDCHAFF.  
STEPHEN CANFIELD.  
THOMAS HEATON.

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 eighteenth day of April, eighteen hundred and fifty-six, 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,

*April 18, 1856.*

*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 Keshena, State of Wisconsin, on the eleventh of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council. 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 18th day of April, A. D. one thousand eight hundred and fifty-six, 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 twenty-fourth day of April,  
[L. s.] A. D. one thousand eight hundred and fifty-six, and of the independence of the United States, the eightieth.

FRANKLIN PIERCE.

By the President :

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



*Treaty between the United States of America and the Kingdom of Siam.  
Concluded at Bangkok May 29th, 1856. Ratified March 16th, 1857.  
Ratifications exchanged at Bangkok June 15th, 1857. Proclaimed by  
the President of the United States August 16th, 1858.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

### A PROCLAMATION.

WHEREAS a treaty between the United States of America and their Majesties the First King of Siam and the Second King of Siam was concluded and signed at Bangkok on the twenty-ninth day of May, eighteen hundred and fifty-six, the English version of which treaty—the original being in the English and Siamese languages—is word for word as follows:

May 29, 1856.

Preamble.

The President of the United States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin Klau, Chau, Yu, Hua, the second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their Plenipotentiaries; that is to say, the President of the United States, Townsend Harris, Esq., of New York, Consul-General of the United States of America for the empire of Japan, and their Majesties the first and second Kings of Siam, his royal highness the Prince Krom Hluang, Wongsā, Dhiraj, Snidh, his excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate, his excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom, his excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang, his excellency Chau, Phaya, Yomray, the lord mayor, who after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

Negotiators.

ARTICLE I. There shall, henceforward, be perpetual peace and friendship between the United States and their Majesties the first and second Kings of Siam and their successors.

Amity, &c.

All American citizens coming to Siam shall receive from the Siamese government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships-of-war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American consuls, residing at ports visited by Siamese vessels, shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

Mutual aid to be rendered.

American consul at Bangkok.

Powers and duties.

Vol. viii. p. 454.

Settlement of disputes, &c.

Offenders, &c., to be mutually surrendered.

Right to trade, &c.

Residence of traders, and rights, &c.

Freedom of religion.

Siamese servants.

ARTICLE II. The interests of all American citizens coming to Siam shall be placed under the regulations and control of a consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts, in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and determined by the consul, in conjunction with the proper Siamese officers; and criminal offences will be punished, in the case of American offenders, by the consul, according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

ARTICLE III. If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese, having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American consul on his requisition.

ARTICLE IV. American citizens are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred seng (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese government to enable them to do so. But with the exception of this limitation American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the American citizen shall, in the first place, make application through the consul to the proper Siamese officer, and the Siamese officer and the consul, having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvements of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property upon returning to the American citizen the purchase-money paid by him for the same.

ARTICLE V. All American citizens visiting or residing in Siam shall be allowed the free exercise of their religion, and liberty to build places of worship in such localities as shall be consented to by the Siamese authorities. The Siamese government will place no restriction upon the employment by the Americans of Siamese subjects as servants, or in any

other capacity. But wherever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese government will not enforce an agreement between an American citizen and any Siamese in his employ, unless made with the knowledge and consent of the master who has a right to dispose of the services of the person engaged.

ARTICLE VI. American ships-of-war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ship-of-war conveying to Siam a public functionary, accredited by the American government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese government. But, in the absence of an American ship-of-war, the Siamese authorities engage to furnish the consul with a force sufficient to enable him to give effect to his authority over American citizens, and to enforce discipline among American shipping.

Rights, &c. of American ships-of-war.

Siamese to aid American consul, when, &c.

ARTICLE VII. The measurement duty hitherto paid by American vessels trading to Bangkok under the treaty of 1833 shall be abolished from the date of this treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

American shipping, &c. subject only to import and export duties, &c.

On the articles of import the duty shall be three per cent., payable, at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and reexported. Should the American merchant and the custom-house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Rate of import duty.

Drawback.

Disagreement as to value of imports how settled.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be reexported, and no impost or duty [shall be] levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Opium to be free.

Sale, &c.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same without the interference in either case of any other person.

Exports.

Right to purchase and sell.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

Rates of duty

Privileges of American shipping.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Americans may build ships in Siam, &c.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days, (say thirty days) notice, except in case of war.

Exportation of salt, rice, and fish may be prohibited.

Articles free of duty.

Regulations now enforced.

Fines and penalties.

Privileges, &c. of most favored nation.

This treaty may be revised in 10 years.

When to take effect and ratifications be exchanged.

Signature May 29, 1856.

Regulations of trade.

Arrivals of vessels, &c. to be reported, &c.

Penalty for violation.

Vessel's papers, &c. to be deposited with consul, &c.

Bullion or personal effects may be imported or exported free of charge.

ARTICLE VIII. The code of regulations appended to this treaty shall be enforced by the consul, with the coöperation of the Siamese authorities; and they, the said authorities and consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese government.

ARTICLE IX. The American government and its citizens will be allowed free and equal participation in any privileges that may have been or may hereafter be granted by the Siamese government to the government, citizens, or subjects of any other nation.

ARTICLE X. After the lapse of ten years from the date of the ratification of this treaty, upon the desire of either the American or Siamese government, and on twelve months' notice given by either party, the present, and such portions of the treaty of 1833 as remain unrevoked by this treaty, together with the tariff and regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

ARTICLE XI. This treaty, executed in English and Siamese, both versions having the same meaning and intention, shall take effect immediately, and the ratifications of the same shall be exchanged at Bangkok within eighteen months from the date thereof.

In witness whereof, the above-named Plenipotentiaries have signed and sealed the present treaty in triplicate at Bangkok, on the twenty-ninth day of May, in the year one thousand eight hundred and fifty-six of the Christian era, and of the Independence of the United States the eightieth, corresponding to the tenth of the waning moon of the lunar month, Wesakh, or sixth month of the year of the Quadraped Serpent of the Siamese civil era, one thousand two hundred and eighteen, and the sixth of the reign of their Majesties the first and second Kings of Siam.

[L. S.] TOWNSEND HARRIS,

[L. S.] [L. S.] [L. S.] [L. S.] [L. S.]\*

*General Regulations under which American Trade is to be conducted in Siam.*

REGULATION I. The master of every American ship coming to Bangkok to trade, must, either before or after entering the river, as may be found convenient, report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II. A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam, to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four-and-twenty hours after arrival, proceed to the American consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the consul's reporting these

\* Signatures of Siamese Plenipotentiaries.

particulars to the custom-house, permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty. Penalty for neglect.

REGULATION IV. An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged. Penalty for smuggling, &c.

REGULATION V. As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American consul, a Siamese port clearance shall be granted her, on application from the consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge. Clearance of vessels.

REGULATION VI. The American plenipotentiary having no knowledge of the Siamese language, the Siamese government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted as conveying, in every respect, their true meaning and intention. The English text of these regulations to be taken to be the true one.

REGULATION VII. All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV., of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul. American citizens intending to reside in Siam to be registered, &c. Privileges, &c. Prohibitions, &c.

[L. s.] TOWNSEND HARRIS.  
[L. s.] [L. s.] [L. s.] [L. s.] [L. s.] \*

*Tariff of Export and Inland Duties to be levied on Articles of Trade.*

Tariff of duties.

SECTION I. The undermentioned articles shall be entirely free from inland or other taxes on production or transit, and shall pay export duty as follows: Articles paying export duty only.

	Tical. Salung. Fuang. Hun.					
1. Ivory .....	10	0	0	0	per pecul.	Export duty.
2. Gamboge .....	6	0	0	0	do	
3. Rhinoceros' horns.....	50	0	0	0	do.	

\* Signatures of Siamese Plenipotentiaries.

	Tical. Salung. Fuang. Hun.				
4. Cardamums, best.....	14	0	0	0	per pecul.
5. Cardamums, bastard.....	6	0	0	0	do.
6. Dried mussels.....	1	0	0	0	do.
7. Pelicans' quills.....	2	2	0	0	do.
8. Betel nut, dried.....	1	0	0	0	do.
9. Krachi wood.....	0	2	0	0	do.
10. Sharks' fins, white.....	6	0	0	0	do.
11. Sharks' fins, black.....	3	0	0	0	do.
12. Lukkrabau seed.....	0	2	0	0	do.
13. Peacocks' tails.....	10	0	0	0	per 100 tails.
14. Buffalo and cow bones.....	0	0	0	3	per pecul.
15. Rhinoceros' hides.....	0	2	0	0	do.
16. Hide cuttings.....	0	1	0	0	do.
17. Turtle shells.....	1	0	0	0	do.
18. Soft shells.....	1	0	0	0	do.
19. Beche de mer.....	3	0	0	0	do.
20. Fish maws.....	3	0	0	0	do.
21. Birds' nests, uncleaned.....	20	per ct.			
22. Kingfishers' feathers.....	6	0	0	0	per 100.
23. Cutch.....	0	2	0	0	per pecul.
24. Beyche seed, [nux vomica]....	0	2	0	0	do.
25. Pungtarai seed.....	0	2	0	0	do.
26. Gum Benjamin.....	4	0	0	0	do.
27. Angrai bark.....	0	2	0	0	do.
28. Agilla wood.....	2	0	0	0	do.
29. Ray skins.....	3	0	0	0	do.
30. Old deers' horns.....	0	1	0	0	do.
31. Soft or young horns.....	10	per ct.			
32. Deer hides, fine,.....	8	0	0	0	per 100 hides.
33. Deer hides, common.....	3	0	0	0	do.
34. Deer sinews.....	4	0	0	0	per pecul.
35. Buffalo and cow hides.....	1	0	0	0	do.
36. Elephants' bones.....	1	0	0	0	do.
37. Tigers' bones.....	5	0	0	0	do.
38. Buffalo horns.....	0	1	0	0	do.
39. Elephants' hides.....	0	1	0	0	do.
40. Tigers' skins.....	0	1	0	0	per skin.
41. Armadillo skins.....	4	0	0	0	per pecul.
42. Stick lack.....	1	1	0	0	do.
43. Hemp.....	1	2	0	0	do.
44. Dried fish, flaheng.....	1	2	0	0	do.
45. Dried fish, plasalit.....	1	0	0	0	do.
46. Sapan wood.....	0	2	1	0	do.
47. Salt meat.....	2	0	0	0	do.
48. Mangrove bark.....	0	1	0	0	do.
49. Rosewood.....	0	2	0	0	do.
50. Ebony.....	1	1	0	0	do.
51. Rice.....	4	0	0	0	per royan.

Articles paying  
inland duties  
only.

SECTION II. The undermentioned articles, being subject to the inland or transit duties herein named, and which shall not be increased, shall be exempt from export duty.

	Tical. Salung. Fuang. Hun.				
Inland duty. 52. Sugar, white.....	0	2	0	0	per pecul.
53. Sugar, red.....	0	1	0	0	do.
54. Cotton, cleaned and uncleaned.	10	per cent.			
55. Pepper.....	1	0	0	0	per pecul.



Tical. Salung. Fuang. Hun.

56. Salt fish, platu.....	1	0	0	0	per 10,000 fish.
57. Beans and peas .....					one twelfth.
58. Dried prawns.....					do.
59. Tilseed.....					do.
60. Silk, raw .....					do.
61. Beeswax.....					one fifteenth.
62. Tallow .....	1	0	0	0	per pecul.
63. Salt.....	6	0	0	0	per royan.
64. Tobacco .....	1	2	0	0	per 1,000 bundles.

SECTION III. All goods or produce unenumerated in this tariff shall be free of export duty, and shall only be subject to one inland tax or transit duty, not exceeding the rate now paid. Unenumerated articles to be free of duty.

[L. s.] TOWNSEND HARRIS.

[L. s.] [L. s.] [L. s.] [L. s.]\*

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Bangkok, on the fifteenth day of June, eighteen hundred and fifty-seven, by CHARLES WILLIAM BEADLEY, Consul of the United States at Ningpo, in China, and the royal Siamese Commissioners, on the part of their respective governments. Exchange of ratifications, June 15, 1857.

Now, therefore, be it known that I, JAMES BUCHANAN, 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. Proclaimed Aug. 16, 1858.

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 sixteenth day of August, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States of America the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

\* Signatures of Siamese Plenipotentiaries.



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA :

## A PROCLAMATION.

WHEREAS, a convention between the United States of America and his Majesty the Emperor of Austria was concluded and signed by their respective plenipotentiaries, at Washington, on the third day of July last, which convention, being in the English and German languages, is word for word, as follows :

July 3, 1856.

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

Vertrag zwischen Oesterreich einerseits und den Vereinigten Staaten andererseits, wegen der in gewissen Fallen zu gewahrenden Auslieferung der vor der Justiz fluchtigen Verbrecher.

Title.

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 of Austria forbid the surrender of its 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 Emperor of Austria, 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, William L. Marcy, Secretary of State, and his Majesty the Emperor of Austria, John George Chevalier de Hülse- mann, his said Majesty's minister resident near the government of the United States, who, after reciprocal communication of their respective

Da es behufs besserer Verwaltung der Rechtspflege und zur Verhütung von Verbrechen innerhalb des Gebietes und der Gerichtsbarkeit der contrahirenden Theile zweckmassig befunden worden ist, dass Individuen, welche gewisse schwere Verbrechen begehen und vor der Justiz flüchtig geworden sind unter Umständen gegenseitig ausgeliefert werden, auch dass die betreffenden Verbrechen namentlich aufgezählt werden; und da die Gesetze Oesterreichs nicht gestatten, die 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, burger der Vereinigten Staaten auszuliefern so haben einerseits die Vereinigten Staaten von Nord Amerika, und andererseits der Kaiser von Oesterreich beschlossen über diesen Gegenstand zu verhandeln und zu diesem Behufe ihre respectiven Bevollmächtigten ernannt, um eine Uebereinkunft zu verhandeln und abzuschliessen nämlich: Der Präsident den Staats-Secretar William L. Marcy, und Seine Majestät der Kaiser von Oesterreich Aller- hochst Ihren Minister Residenten

Preamble.

Negotiators.

powers, have agreed to and signed the following articles :

## ARTICLE I.

Provision for extradition of criminals.

Evidence.

Expense.

Not to apply retrospectively nor to political offences.

It is agreed that the United States and Austria 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 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. The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first arti-

bei der Regierung der Vereinigten Staaten Johann Georg Ritter von Hulsemann, welche nach gegenseitiger Mittheilung ihrer respectiven Vollmachten die folgende artikel vereinbart und unterzeichnet haben :

## ARTIKEL I.

Man ist dahin übereingekommen dass die Vereinigten Staaten und Oesterreich auf gegenseitige requisitionen, welche respective sie selbst oder ihre Gesandten, Beamten, oder Behörden erlassen, alle Individuen der Justiz ausliefern sollen, welche beschuldigt das Verbrechen des Mordes, oder eines Angriffs in morderischer Absicht, oder des Seeraubs, oder der Brandstiftung, oder des Raubes, oder der Fälschung, oder der Verfertigung oder Verbreitung falschen Geldes, sie es gemuntztes oder papier Geld, oder des Defects, oder der Unterschlagung öffentlicher Gelder, innerhalb der Gerichtsbarkeit eines der beiden Theile begangen zu haben, im 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 wurden, wenn das Verbrechen oder Vergehen dort begangen ware; 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 Beweis für die Strafbarkeit gehört und in Erwägung gezogen werde; und wenn bei dieser Vernehmung der Beweis für ausreichend zur aufrechterhaltung 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

cle committed anterior to the date thereof, nor to any crime or offence of a political character.

Befehl zur Auslieferung eines solchen Fluchtlings erlassen werden könne. Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Theil getragen und erstattet werden, welcher die Requisition erlöst und den Fluchtling in Empfang nimmt. Die Bestimmungen der gegenwärtigen convention sollen in keiner Weise auf die in diesem I artikel aufgezählten jedoch noch vor dem Datum der Convention begangenen Verbrechen, und ebenso wenig auf politische Verbrechen ihre anwendung finden.

## ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

## ARTIKEL II.

Keiner der contrahirenden Theile soll gehalten sein, in Gemassheit der Bestimmungen dieser Uebereinkunft seine eigenen Bürger oder Unterthanen auszuliefern. Not to apply to citizens.

## ARTICLE III.

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.

## ARTIKEL III.

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 Gemassheit 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 sein wird. Person claimed may be retained to answer for offences in the country where he is found.

## ARTICLE IV.

The present convention shall continue in force until the first of January, eighteen 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 ex-

## ARTIKEL IV.

Die gegenwärtige Uebereinkunft soll bis zum ersten Januar Ein tausend acht hundert und acht und funfzig 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 vorbehalt dem Andern Duration of this treaty.

piration of the said first day of January, eighteen hundred and fifty-eight.

eine solche Mittheilung zu jeder Zeit nach dem Ablauf des gedachten ersten Januar Ein tausend acht hundert und acht und funfzig zugehen zu lassen.

## ARTICLE V.

## ARTIKEL V.

Ratifications.

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 his Majesty the Emperor of Austria, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

Die gegenwärtige Uebereinkunft soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten und von Seiner Majestät dem Kaiser von Oesterreich, und die Ratificationen sollen zu Washington innerhalb sechs Monaten von dem heutigen datum, oder wo möglich fruher, ausgetauscht werden.

In faith whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Zu Urkund dessen haben wir, die respectiven Revollmachtigten, diese Uebereinkunft unterzeichnet und unsere Siegel beigeschloßen.

Date.

Done in duplicate, at Washington, the third day of July, in the year of our Lord one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

In zweifacher Ausfertigung geschehen zu Washington den dritten Juli Ein tausend acht hundert und sechs und funfzig im achtzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

W. L. MARCY.

HÜLSEMANN.

Exchange of ratifications.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the 13th instant, by William L. Marcy, Secretary of State of the United States, and the Chevalier Hülsemann, his Austrian Majesty's minister resident 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 in the city of Washington, this fifteenth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and of the independence of the United States the eighty-first.

[L. s.]

FRANKLIN PIERCE.

By the President:

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

## TREATIES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS a convention, between the United States of America and the Republic of Peru, was concluded and signed by their respective plenipotentiaries, at Lima, on the twenty-second day of July, one thousand eight hundred and fifty-six; which convention, being in the English and Spanish languages, is, word for word, as follows:

July 22, 1856.

The United States of America and the Republic of Peru, in order to render still more intimate their relations of friendship and good understanding, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal convention, the principles which the two republics acknowledge as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose, the President of the United States of America has conferred full powers on John Randolph Clay, their envoy extraordinary and minister plenipotentiary to the government of Peru; and the Liberator President of the republic of Peru has conferred like full powers on Don José Maria Seguin, chief officer of the Ministry of Foreign Affairs, in charge of that department, who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I.

The two high contracting parties recognize as permanent and immutable the following principles:

La República del Perú y los Estados Unidos de América, á fin de estrechar mas y mas cada dia sus cordiales relaciones de amistad y buena inteligencia, y deseando, en bien de su comercio respectivo y del de todas las naciones, contribuir á que sea una sola, como lo exige la actual civilizacion, la legislacion maritima universal en tiempo de guerra, han resuelto consignar en una convencion especial, los principios en que las dos republicas fundan los derechos de los neutrales en la mar, y que ambas reconocen y profesan como permanentes é inmutables, considerándolos absolutamente necesarios para la verdadera libertad de la navegacion y de todo comercio y tráfico marítimo.

Preamble.

Con tal objeto el Libertador Presidente de la República del Perú ha conferido plenos poderes á Don José Maria Seguin, Oficial Mayor del Ministerio de Relaciones Exteriores, encargado de su despacho; y el Presidente de los Estados Unidos de América ha conferido iguales plenos poderes á Don Juan Randolpho Clay, Enviado Extraordinario y Ministro Plenipotenciario de los referidos Estados cerca del gobierno del Perú; quienes despues de haber canjeado sus dichos plenos poderes, que hallaron en buena y debida forma, han convenido en los articulos siguientes:

Negotiators.

## ARTICULO 1º.

Las dos altas partes contratantes reconocen como permanentes é inmutables los siguientes principios:

Declaration of principles as to

rights of neutrals at sea.

1st. That free ships make free goods—that is to say, that the effects or merchandise belonging to a power or nation at war, or to its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war; it being also understood that, as far as regards the two contracting parties, warlike articles, destined for the use of either of them, shall not be considered as contraband of war.

The two high contracting parties engage to apply these principles to the commerce and navigation of all Powers and States as shall consent to adopt them as permanent and immutable.

#### ARTICLE II.

Article 22d of treaty of July 26, 1851, annulled so far as it is opposed hereto.  
Vol. x. p. 936.

It is hereby agreed between the two high contracting parties, that the provisions contained in article twenty-second of the treaty concluded between them at Lima, on the twenty-sixth day of July, one thousand eight hundred and fifty-one, are hereby annulled and revoked, in so far as they militate against, or are contrary to, the stipulations contained in this convention; but nothing in the present convention shall, in any manner, affect or invalidate the stipulations contained in the other articles of the said treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, which shall remain in their full force and effect.

#### ARTICLE III.

Application of principles of the first article hereof, may be hereafter considered.

The two high contracting parties reserve to 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 first

1°. Los buques libres hacen libres las mercaderías; es decir, que los efectos ó mercaderías pertenecientes á una potencia ó nacion que se halla en guerra con otra, ó á sus ciudadanos ó súbditos, estan libres de presa ó confiscacion si se encuentran á bordo de buques neutrales, con excepcion de los artículos de contrabando de guerra.

2°. Que las propiedades neutrales á bordo de un buque enemigo no estan sujetas á detencion ó confiscacion, salvo que sean contrabando de guerra; entendiendose que, en cuanto á las dos partes contratantes no se considerará tal contrabando de guerra los artículos bélicos destinados al uso y servicio de cada una de ellas.

Las dos altas partes contratantes se comprometen á aplicar los anteriores principios de comercio y navegacion á todas las Potencias y Estados que consientan en adoptarlos como permanentes é inmutables.

#### ARTICULO II°.

Se conviene asi mismo por las dos altas partes contratantes en que las estipulaciones contenidas en el artículo veintidos del tratado concluido entre ellas en Lima á veintiseis de Julio del año mil ochocientos cincuenta y uno, quedan anuladas y revocadas en cuanto se opongan ó sean contrarias á las estipulaciones contenidas en esta convencion. Pero que las estipulaciones de la presente convencion, no afectan ó invalidan de ninguna manera las estipulaciones contenidas en los demas artículos del dicho tratado del veintiseis de Julio del año mil ochocientos cincuenta y uno, las cuales subsistiran en todo su valor y efecto.

#### ARTICULO III°.

Las dos altas partes contratantes se reservan entrar en ulteriores acuerdos, si las circunstancias lo exigieren, acerca de la aplicacion y extension que deba darse, caso de haber razon para ello, á los principios establecidos en el artículo primero.



article. But they declare, from this time, that they will take the stipulations contained in the said article as a rule, whenever it shall become a question, to judge of the rights of neutrality.

## ARTICLE IV.

It is agreed between the two high contracting parties that all nations which shall 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 parties signing this convention; they shall communicate to each other the result of the steps which may be taken on the subject.

## ARTICLE V.

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 the President of the republic of Peru, with the authorization of the legislative body of Peru, 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, the plenipotentiaries of the United States of America and the republic of Peru have signed and sealed these presents.

Done at the city of Lima, on the twenty-second day of July, in the year of our Lord one thousand eight hundred fifty-six.

J. RANDOLPH CLAY. [L. s.]  
J. M. SEGUIN. [L. s.]

Pero declaran desde ahora, que tomaran por regla las estipulaciones contenidas en dicho articulo, siempre que les sea necesario decidir en cuestiones sobre derechos de neutralidad.

## ARTICULO IV°.

Se conviene por las dos altas partes contratantes en que todas las naciones que consientan en acceder á las reglas del articulo primero de esta convencion, mediante una declaracion formal, estipulando que las observaran, gozaran de los derechos de tal accesion, del mismo modo que seran gozados y observados por las dos partes que firman esta convencion; las cuales se comunicaran el resultado de las medidas que sobre el particular adoptaren.

Nations acceding to these rules shall enjoy the resulting rights

## ARTICULO V°.

La presente convencion será aprobada y ratificada por el Presidente de la república del Perú con autorizacion del cuerpo legislativo, y por el Presidente de los Estados Unidos de América, con el parecer y acuerdo del Senado de los dichos Estados, y las ratificaciones seran canjeadas en Washington á los diez y ocho meses contados desde la fecha en que ha sido firmada, ó antes si fuere posible.

Ratification.

En fé de lo cual los Plenipotenciarios de la República del Perú y de los Estados Unidos de América han firmado y sellado la presente.

Signatures.

Hecha en la ciudad de Lima el veintidos de Julio del año del Señor mil ochocientos cincuenta y seis.

J. M. SEGUIN. [L. s.]  
J. RANDOLPH CLAY. [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 thirty-first ultimo:

Exchange of ratifications.  
Oct. 31, 1857.

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 by the United States and the citizens thereof.

## CONVENTION WITH PERU. JULY 22, 1856.

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 second day of November,  
Anno Domini eighteen hundred and fifty-seven, and of the  
[L. s.] Independence of the United States of America the eighty-  
second.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

## FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

August 7, 1856

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, on the seventh day of August, eighteen hundred and fifty-six, between George W. Manypenny, commissioner on the part of the United States, Tuck-a-batchee-Micco, Echo-Harjo, Chilly McIntosh, Benjamin Marshall, George W. Stidham, and Daniel N. McIntosh, commissioners on the part of the Creeks; and John Jumper, Tuste-nuc-o-chee, Pars-co-fer, and James Factor, commissioners on the part of the Seminoles, which treaty is in the words and figures following, viz:

Preamble.

Articles of agreement and convention between the United States, and the Creek and Seminole tribes of Indians, made and concluded at the city of Washington the seventh day of August, one thousand eight hundred and fifty-six, by George W. Manypenny, commissioner on the part of the United States, Tuck-a-batchee-Micco, Echo-Harjo, Chilly McIntosh, Benjamin Marshall, George W. Stidham, and Daniel N. McIntosh, commissioners on the part of the Creeks; and John Jumper, Tuste-nuc-o-chee, Pars-co-fer, and James Factor, commissioners on the part of the Seminoles:

Treaty.

Whereas the convention heretofore existing between the Creek and Seminole tribes of Indians west of the Mississippi River, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a re-adjustment of their relations to each other and to the United States; and whereas the United States desire, by providing the Seminoles remaining in Florida with a comfortable home west of the Mississippi River, and by making a liberal and generous provision for their welfare, to induce them to emigrate and become one people with their brethren already west, and also to afford to all the Seminoles the means of education and civilization, and the blessings of a regular civil government; and whereas, the Creek nation and individuals thereof, have, by their delegation, brought forward and persistently urged various claims against the United States, which it is desirable shall be finally adjusted and settled; and whereas it is necessary for the simplification and better understanding of the relations between the United States and said Creek and Seminole tribes of Indians, that all their subsisting treaty stipulations shall, as far as practicable, be embodied in one comprehensive instrument; now therefore, the United States, by their commissioner, George W. Manypenny, the Creek tribe of Indians, by their commissioners, Tuck-a-batchee-Micco, Echo-Harjo, Chilly McIntosh, Benjamin Marshall, George W. Stidham, and Daniel N. McIntosh; and the Seminole tribe of Indians, by their commissioners, John Jumper, Tuste-nuc-o-chee, Pars-co-fer, and James Factor, do hereby agree and stipulate as follows, viz:

Preamble.

ARTICLE I. The Creek Nation doth hereby grant, cede, and convey to the Seminole Indians, the tract of country included within the following boundaries, viz: beginning on the Canadian River, a few miles east of the ninety-seventh parallel of west longitude where Ock-hi-appo, or Pond Creek, empties into the same; thence, due north to the north fork of the Canadian; thence, up said north fork of the Canadian to the southern line of the Cherokee country; thence, with that line, west, to the one hundredth parallel of west longitude; thence, south along said parallel of longitude to the Canadian River, and thence down and with that river to the place of beginning.

Cession by  
Creeks to Semi-  
noles.

Boundaries of  
Creek Country.

ARTICLE II. The following shall constitute and remain the boundaries of the Creek country, viz: beginning at the mouth of the north fork of the Canadian River, and running northerly four miles; thence running a straight line so as to meet a line drawn from the south bank of the Arkansas River, opposite to the east or lower bank of Grand River, at its junction with the Arkansas, and which runs a course, south, forty-four degrees, west, one mile, to a post placed in the ground; thence along said line to the Arkansas and up the same and the Verdigris River, to where the old territorial line crosses it; thence along said line, north, to a point twenty-five miles from the Arkansas River, where the old territorial line crosses the same; thence running west with the southern line of the Cherokee country, to the north fork of the Canadian River, where the boundary of the cession to the Seminoles defined in the preceding article, first strikes said Cherokee line; thence down said north fork, to where the eastern boundary line of the said cession to the Seminoles strikes the same; thence, with that line, due south to the Canadian River, at the mouth of the Ock-hi-appo, or Pond Creek; and thence down said Canadian River to the place of beginning.

Seminole and  
Creek countries  
as hereby fixed,  
guaranteed to  
them.

ARTICLE III. The United States do hereby solemnly guarantee to the Seminole Indians the tract of country ceded to them by the first article of this convention; and to the Creek Indians, the lands included within the boundaries defined in the second article hereof; and likewise that the same shall respectively be secured to and held by said Indians by the same title and tenure by which they were guaranteed and secured to the Creek Nation by the fourteenth article of the treaty of March twenty-fourth, eighteen hundred and thirty-two, the third article of the treaty of February fourteenth, eighteen hundred and thirty-three, and by the letters-patent issued to the said Creek Nation, on the eleventh day of August, eighteen hundred and fifty-two, and recorded in volume four of records of Indian deeds in the Office of Indian Affairs, pages 446 and 447. *Provided however*, that no part of the tract of country so ceded to the Seminole Indians, shall ever be sold, or otherwise disposed of without the consent of both tribes legally given.

No State or  
Territory to pass  
laws for said  
tribes.

ARTICLE IV. The United States do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within, or annexed to, any Territory or State, nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

Said countries  
not to be includ-  
ed in any State  
or Territory  
without their  
consent.

Release by  
Creeks of all title  
to other lands,  
and all claims  
against United  
States, except,  
&c.

ARTICLE V. The Creek Indians do hereby, absolutely and forever, quitclaim and relinquish to the United States all their right, title, and interest in and to any lands heretofore owned or claimed by them, whether east or west of the Mississippi River, and any and all claim for or on account of any such lands, except those embraced within the boundaries described in the second article of this agreement; and it doth also, in like manner, release and fully discharge the United States from all other claims and demands whatsoever, which the Creek Nation or any individuals thereof may now have against the United States, excepting only such as are particularly or in terms provided for and secured to them by the provisions of existing treaties and laws; and which are as follows, viz: permanent annuities in money amounting to twenty-four thousand five hundred dollars, secured to them by the fourth article of the treaty of seventh August, seventeen hundred and ninety, the second article of the treaty of June sixteenth, eighteen hundred and two, and the fourth article of the treaty of January twenty-fourth, eighteen hundred and twenty-six; permanent provision for a wheelwright, for a blacksmith and assistant; blacksmith shop and tools, and for iron and steel under the eighth article

Vol. vii. p. 36.

Vol. vii. p. 69.

of the last-mentioned treaty; and costing annually one thousand seven hundred and ten dollars; two thousand dollars per annum, during the pleasure of the President, for assistance in agricultural operations under the same treaty and article; six thousand dollars per annum for education for seven years, in addition to the estimate for present fiscal year, under the fourth article of the treaty of January fourth, eighteen hundred and forty-five; one thousand dollars per annum during the pleasure of the President, for the same object, under the fifth article of the treaty of February fourteenth, eighteen hundred and thirty-three; services of a wagon maker, blacksmith and assistant, shop and tools, iron and steel, during the pleasure of the President, under the same treaty and article, and costing one thousand seven hundred and ten dollars annually; the last instalment of two thousand two hundred and twenty dollars for two blacksmiths and assistants, shops and tools, and iron and steel, under the thirteenth article of the treaty of March twenty-fourth, eighteen hundred and thirty-two, and which last it is hereby stipulated shall be continued for seven additional years. The following shall also be excepted from the foregoing quitclaim, relinquishment, release, and discharge, viz: the fund created and held in trust for Creek orphans under the second article of the treaty of March twenty-fourth, eighteen hundred and thirty-two; the right of such individuals among the Creeks as have not received it, to the compensation in money provided for by the act of Congress of March third, eighteen hundred and thirty-seven, in lieu of reservations of land to which they were entitled, but which were not secured to them, under the said treaty of eighteen hundred and thirty-two; the right of the reserves under the same treaty, who did not dispose of their reservations to the amounts for which they have been or may be sold by the United States; and the right of such members of the tribe to military bounty lands, as are entitled thereto under existing laws of the United States. The right and interest of the Creek Nation and people in and to the matters and things so excepted, shall continue and remain the same as though this convention had never been entered into.

ARTICLE VI. In consideration of the foregoing quitclaim, relinquishment, release, and discharge, and of the cession of a country for the Seminole Indians contained in the first article of this agreement, the United States do hereby agree and stipulate to allow and pay the Creek Nation the sum of one million of dollars, which shall be invested and paid as follows, viz: two hundred thousand dollars to be invested in some safe stocks, paying an interest of at least five per cent. per annum; which interest shall be regularly and faithfully applied to purposes of education among the Creeks; four hundred thousand dollars to be paid *per capita*, under the direction of the general council of the Creek Nation, to the individuals and members of said nation,\* as soon as practicable after the ratification of this agreement; and two hundred thousand dollars shall be set apart to be appropriated and paid as follows, viz: ten thousand dollars to be equally distributed and paid to those individuals, and their heirs, who, under act of Congress of March third, eighteen hundred and thirty-seven, have received money in lieu of reservations of land to which they were entitled, but which were not secured to them under the treaty of March twenty-fourth, eighteen hundred and thirty-two; one hundred and twenty thousand dollars to be equally and justly distributed and paid, under the direction of the general council, to those Creeks, or their descendants, who emigrated west of the Mississippi River prior to said treaty of eighteen hundred and thirty-two, and to be in lieu of and in full compensation for the claims of such Creeks to an allowance equivalent to the reservations granted to the eastern Creeks by that treaty, and seventy thousand dollars for the adjustment and final settlement of such other

Vol. ix. p. 822.

Vol. vii. p. 419.

Vol. vii. p. 368.

Vol. vii. p. 366.

1837, ch. 41.

Vol. v. p. 186.

Payment to the Creeks for said cession and release of \$1,000,000.

\$200,000 to be invested.

\$400,000 to be paid *per capita*.

\$10,000 for arrears under act of 1837, ch. 41.

\$120,000 for Creeks who emigrated before 1832.

\$70,000 for individual claims.

\* See Amendment *post*, p. 706.

claims of individual Creek Indians, as may be found to be equitable and just by the general council of the nation: *Provided however*, That no part of the three last-mentioned sums shall be allowed or paid to any other person or persons, whatsoever, than those who are actual and *bond fide* members of the Creek Nation and belonging, respectively, to the three classes of claimants designated; said sums to be remitted and paid as soon as practicable after the general council shall have ascertained and designated the persons entitled to share therein. And *provided further*, That any balance of the said sum of seventy thousand dollars, which may be found not to be actually necessary for the adjustment and settlement of the claims for which it is set apart, shall belong to the nation, and be applied to such object or objects of utility or necessity as the general council shall direct. The remaining sum of two hundred thousand dollars shall be retained by the United States, until the removal of the Seminole Indians, now in Florida, to the country west of the Mississippi River herein provided for their tribe; whereupon the same, with interest thereon, at five per cent., from the date of the ratification of this agreement, shall be paid over to, or invested for the benefit of the Creek Nation, as may then be requested by the proper authorities thereof. *Provided however*, That if so paid over, it shall be equally divided and paid *per capita* to all the individuals and members of the Creek Nation, or be used and applied only for such objects or purposes of a strictly national or beneficial character as the interests and welfare of the Creek people shall actually require.

\$200,000 to be retained till the Seminoles remove and then paid or invested.

Educational, &c., funds, to be paid to treasurer.

ARTICLE VII. It being the desire of the Creeks to employ their own teachers, mechanics, and farmers, all of the funds secured to the nation for educational, mechanical, and agricultural purposes, shall as the same become annually due, be paid over by the United States to the treasurer of the Creek Nation. And the annuities in money due the nation under former treaties, shall also be paid to the same officer, whenever the general council shall so direct.

Release of Seminole claims.

ARTICLE VIII. The Seminoles hereby release and discharge the United States from all claims and demands which their delegation have set up against them, and obligate themselves to remove to and settle in the new country herein provided for them as soon as practicable. In consideration of such release, discharge, and obligation, and as the Indians must abandon their present improvements, and incur considerable expense in reestablishing themselves, and as the government desires to secure their assistance in inducing their brethren yet in Florida to emigrate and settle with them west of the Mississippi River, and is willing to offer liberal inducements to the latter peaceably so to do, the United States do therefore agree and stipulate as follows, viz: To pay to the Seminoles now west, the sum of sixty\* thousand dollars, which shall be in lieu of their present improvements, and in full for the expenses of their removal and establishing themselves in their new country; to provide annually for ten years the sum of three thousand dollars for the support of schools; two thousand dollars for agricultural assistance; and two thousand two hundred dollars for the support of smiths and smith shops among them, said sums to be applied to these objects in such manner as the President shall direct. Also to invest for them the sum of two hundred and fifty thousand dollars, at five per cent. per annum, the interest to be regularly paid over to them *per capita* as annuity; the further sum of two hundred and fifty thousand dollars shall be invested in like manner whenever the Seminoles now remaining in Florida shall have emigrated and joined their brethren in the west, whereupon the two sums so invested, shall constitute a fund belonging to the united tribe of Seminoles, and the interest on which, at the rate aforesaid, shall be annually paid over to them *per capita* as an annuity; but no portion of the principal thus invested, or the interest thereon annu-

Payment for such release.

\* See Amendment, substituting ninety for sixty, *post* p. 706.

ally due and payable, shall ever be taken to pay claims or demands against said Indians, except such as may hereafter arise under the intercourse laws.

ARTICLE IX. The United States agree to remove comfortably to their new country west, all those Seminoles now in Florida who can be induced to emigrate thereto; and to furnish them with sufficient rations of wholesome subsistence during their removal and for twelve months after their arrival at their new homes; also, to provide each warrior of eighteen years of age and upwards, who shall so remove, with one rifle gun if he shall not already possess one; with two blankets, a supply of powder and lead, a hunting shirt, one pair of shoes, one and a half yards of strouding, and ten pounds of good tobacco; and each woman, youth, and child, with a blanket, pair of shoes, and other necessary articles of comfortable clothing, and to expend for them in improvements, after they shall all remove, the sum of twenty thousand dollars. And to encourage the Seminoles to devote themselves to the cultivation of the soil, and become a sober, settled, industrious, and independent people, the United States do further agree to expend three thousand dollars in the purchase of ploughs and other agricultural implements, axes, seeds, looms, cards, and wheels; the same to be proportionately distributed among those now west, and those who shall emigrate from Florida.

United States to remove Seminoles who will emigrate, and give them certain supplies.

ARTICLE X. The Seminoles west do hereby agree and bind themselves to furnish, at such time or times as the President may appoint, a delegation of such members of their tribe as shall be selected for the purpose, to proceed to Florida, under the direction of an agent of the government, to render such peaceful services as may be required of them, and otherwise to do all in their power to induce their brethren remaining in that State to emigrate and join them in the west; the United States agreeing to pay them and such members of the Creek tribe as may voluntarily offer to join them and be accepted for the same service, a reasonable compensation for their time and services, as well as their travelling, and other actual and necessary expenses.

Seminoles west to send a delegation to Florida.

ARTICLE XI. It is further hereby agreed that the United States shall pay Foc-te-lus-te-harjo, his heirs or assigns, the sum of four hundred dollars, in consideration of the unpaid services of said Foc-te-luc-te-harjo, or Black Dirt, rendered by him as chief of the friendly band of Seminole warriors who fought for the United States during the Florida war.

Payment to certain Indians.

ARTICLE XII. So soon as the Seminoles west shall have removed to the new country herein provided for them, the United States will then select a site and erect the necessary buildings for an agency, including a council-house for the Seminoles.

Agency for Seminoles.

ARTICLE XIII. The officers and people of each of the tribes of Creeks and Seminoles shall, at all times, have the right of safe conduct and free passage through the lands and territory of the other. The members of each shall have the right freely to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of members thereof, except that no member of either tribe shall be entitled to participate in any funds belonging to the other tribe. Members of each tribe shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective legislatures.

Rights of Creeks and Seminoles in each other's countries.

ARTICLE XIV. Any person, duly charged with a criminal offence against the laws of either the Creek or Seminole tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the tribe within whose jurisdiction the offence shall be alleged to have been committed.

Extradition of criminals between said Indian countries.

ARTICLE XV. So far as may be compatible with the constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles

Government of Creeks and Seminoles.

shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property, within their respective limits; excepting, however, all white persons, with their property, who are not, by adoption or otherwise, members of either the Creek or Seminole tribe; and all persons not being members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively; (assisted, if necessary, by the military;) with the following exceptions, viz: such individuals with their families as may be in the employment of the government of the United States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes.

Extradition of criminals to the United States or to States.

ARTICLE XVI. The Creeks and Seminoles shall promptly apprehend and deliver up all persons accused of any crime against the laws of the United States, or of any State thereof, who may be found within their limits, on demand of any proper officer of a State or of the United States.

Traders to pay for use of land and timber.

ARTICLE XVII. All persons licensed by the United States to trade with the Creeks or Seminoles shall be required to pay to the tribe within whose country they trade, a moderate annual compensation for the land and timber used by them, the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent therefor.

Protection of said Creeks and Seminoles.

ARTICLE XVIII. The United States shall protect the Creeks and Seminoles from domestic strife, from hostile invasion, and from aggression by other Indians and white persons, not subject to their jurisdiction and laws; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

Right to establish posts, roads, and agencies reserved to the United States.

ARTICLE XIX. The United States shall have the right to establish and maintain such military posts, military and post-roads, and Indian agencies as may be deemed necessary within the Creek and Seminole country, but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, or agencies, the property of any Creek or Seminole be taken, destroyed, or injured, or any property of either nation, other than land and timber, just and adequate compensation shall be made by the United States. Such persons only as are or may be in the employment of the United States, in any capacity, civil or military, or subject to the jurisdiction and laws of the Creeks and Seminoles, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian agencies. And no offender against the laws of either of said tribes shall be permitted to take refuge therein.

Regulations respecting the same.

Right of way for railroads and telegraphs.

ARTICLE XX. The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Creek and Seminole countries; but in the case of any incorporated company, it shall have such right of way only upon such terms, and payment of such amount to the Creeks and Seminoles, as the case may be, as may be agreed upon between it and the national council thereof; or, in case of disagreement by making full compensation, not only to individual parties injured, but also to the tribe for the right of way, all damage and injury done to be ascertained and determined in such manner as the President of the United States shall direct. And the right of way granted by either of said tribes for any railroad, shall be perpetual or for such



shorter term, as the same may be granted, in the same manner as if there were no reversion of their lands to the United States provided for, in case of abandonment by them, or of extinction of their tribe.

ARTICLE XXI. The United States will cause such portions of the boundaries of the Creek and Seminole countries, as do not consist of well-defined natural boundaries, to be surveyed and permanently marked and established. The Creek and Seminole general councils may each appoint a commissioner from their own people to attend the running of their respective boundaries, whose expenses and a reasonable allowance for their time and services, while engaged in such duty, shall be paid by the United States. Survey of boundaries.

ARTICLE XXII. That this convention may conduce, as far as possible, to the restoration and preservation of kind and friendly feelings among the Creeks and Seminoles; a general amnesty of all past offences committed within their country, either west or east of the Mississippi, is hereby declared. Amnesty declared.

ARTICLE XXIII. A liberal allowance shall be made to each of the delegations signing this convention; including, with the Seminole delegation, George W. Brinton, the interpreter, as a compensation for their travelling and other expenses in coming to and remaining in this city and returning home. Allowance to delegations.

ARTICLE XXIV. Should the Seminoles in Florida desire to have a portion of the country described in the first article of this agreement, set apart for their residence, it is agreed that the Seminoles west may make such arrangement, not inconsistent with this instrument, as may be satisfactory to their brethren in Florida. Seminoles may set a tract apart for Florida Seminoles.

ARTICLE XXV. The Creek laws shall be in force and continue to operate in the country herein assigned to the Seminoles, until the latter remove thereto; when they shall cease and be of no effect. Creek laws, force of in Seminole country.

ARTICLE XXVI. This convention shall supersede and take the place of all former treaties, between the United States and the Creeks, between the United States and the Florida Indians and Seminoles, and between the Creeks and Seminoles, inconsistent herewith; and shall take effect and be obligatory on the contracting parties from the date hereof, whenever it shall be ratified by the Senate and President of the United States.\* This treaty to supersede former inconsistent ones.  
When to take effect.

In testimony whereof, the said George W. Manypenny, commissioner on the part of the United States, and the said commissioners on the part of the Creeks and Seminoles, have hereunto set their hands and seals.

Done in triplicate at the city of Washington, on the day and year first above written.

GEO. W. MANYPENNY, [L. s.]  
*United States Commissioner.*

TUCK-A-BATCHEE-MICCO, his x mark, [L. s.]

ECHO-HARJO, his x mark, [L. s.]

CHILLY McINTOSH, [L. s.]

BENJAMIN MARSHALL, [L. s.]

GEORGE W. STIDHAM, [L. s.]

DANIEL N. McINTOSH, [L. s.]

*Creek Commissioners.*

JOHN JUMPER, his x mark, [L. s.]

TUS-TE-NUC-O-CHEE, his x mark, [L. s.]

PARS-CO-FER, his x mark, [L. s.]

JAMES FACTOR, his x mark, [L. s.]

*Seminole Commissioners.*

\* For an additional article, see *post*, p. 706.

Executed in presence of:

JOHN W. ALLEN,  
EDWARD HANRICK,  
W. H. GARRETT, *Creek Agent*,  
J. W. WASHBOURNE, *Seminole Agent*,  
G. W. STIDHAM, *U. S. Interpreter*,  
GEO. W. BRINTON, *Interpreter*,  
JAMES R. ROCHE,  
CHS. O. JOLINE.

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 sixteenth day of August, eighteen hundred and fifty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*August 16th, 1856.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Creek and Seminole tribes of Indians, made and concluded at the city of Washington, the seventh of August, one thousand eight hundred and fifty-six, by George W. Manypenny, commissioner on the part of the United States, Tuck-a-batchee-Micco, Echo-Harjo, Chilly McIntosh, Benjamin Marshall, George W. Stidham, and Daniel N. McIntosh, commissioners on the part of the Creeks; and John Jumper, Tus-te-nuc-o-chee, Pars-co-fer, and James Factor, commissioners on the part of the Seminoles, with the following

#### AMENDMENTS.

Amendments  
of Senate.

ARTICLE VI. After the words "individuals of said nation," insert "except such portion, as they shall by order of said national council, direct to be paid to the treasurer of said nation for any specified national object, not exceeding (\$100,000) one hundred thousand dollars."

ARTICLE VIII. Strike out the word "sixty" and insert "ninety."

Add the following as

ARTICLE XXVII. "And it is further agreed, that nothing herein contained, shall be so construed as to release the United States from any liability, other than those in favor of said nations or individuals thereof."

Attest:

ASBURY DICKINS.

WASHINGTON CITY, *August 18, 1856.*

The Senate of the United States having advised and consented to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, the seventh day of August, one thousand eight hundred and fifty-six, between George W. Manypenny, commissioner on the part of the United States, Tuck-a-batchee-Micco, Echo-Harjo, Chilly McIntosh, Benjamin Marshall, George W. Stidham, and Daniel N. McIntosh, commissioners on the part of the Creeks, and John Jumper, Tus-te-nuc-o-chee, Pars-co-fer, and James Factor, commissioners on the part of the Seminoles, with the following

#### AMENDMENTS.

ARTICLE VI. After the words "individuals of said nation," insert "except such portion, as they shall by order of said national council, direct to be paid to the treasurer of said nation for any specified national object, not exceeding (\$100,000) one hundred thousand dollars."

ARTICLE VIII. Strike out the word "sixty" and insert "ninety."

Add the following as the

ARTICLE XXVII. "And it is further agreed that nothing herein contained shall be so construed as to release the United States from any liability, other than those in favor of said nations or individuals thereof."

We, the above named Creeks and Seminoles, commissioners as above stated, and parties to the above articles of agreement and convention, after the said amendments have been read and explained to us, consent to and accept of the same. Assent of  
Indians to said  
amendments.

In witness whereof we have hereunto set our hands and seals the day of the date hereof.

TUCK-A-BATCHEE-MICCO, his x mark,	[L. S.]
ECHO-HARJO, his x mark,	[L. S.]
CHILLY McINTOSH,	[L. S.]
B. MARSHALL,	[L. S.]
GEORGE W. STIDHAM,	[L. S.]
D. N. McINTOSH,	[L. S.]
<i>Creek Commissioners.</i>	

JOHN JUMPER, his x mark,	[L. S.]
TUS-TE-NUC-O-CHEE, his x mark,	[L. S.]
PARS-CO-FER, his x mark,	[L. S.]
JAMES FACTOR, his x mark,	[L. S.]
<i>Seminole Commissioners.</i>	

Executed in the presence of:

EDWARD HANRICK,  
ALFRED CHAPMAN,  
WM. W. DENNISON,  
W. H. GARRETT, *Creek Agent*,  
J. W. WASHBOURNE, *Seminole Agent*,  
G. W. STIDHAM, *U. S. Int.*,  
GEO. W. BRINTON, *Int.*

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 sixteenth of August, aforesaid, accept, ratify, and confirm the said treaty, with the amendments.

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 twenty-eighth day of  
[L. s.] August, A. D. eighteen hundred and fifty-six, and of the  
independence of the United States the eighty-first.

FRANKLIN PIERCE.

By the President:

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



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS, a treaty between the United States of America and his Majesty the Shah of Persia, was concluded and signed by their respective plenipotentiaries at Constantinople, on the thirteenth day of December last, which treaty, being in the English and Persian languages, is, word for word, as follows:

Dec. 13, 1856.

In the name of God, the Clement and the Merciful—

The President of the United States of North America, and his Majesty, as exalted as the planet Saturn; the sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the sublime sovereign, the monarch whose armies are as numerous as the stars: whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians, the sublime Emperor of all Persia, being both equally and sincerely desirous of establishing relations of friendship between the two governments, which they wish to strengthen by a treaty of friendship and commerce, reciprocally advantageous and useful to the citizens and subjects of the two high contracting parties, have for this purpose named for their plenipotentiaries—

Preamble.

The President of the United States of North America, Carroll Spence, minister resident of the United States near the Sublime Porte; and his Majesty the Emperor of all Persia, his excellency Emin ul Molk Farrukh Khan, ambassador of his imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue, and bearer of the girdle of diamonds, &c. &c. &c. &c.

Negotiators

And the said plenipotentiaries, having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles:

ARTICLE I. There shall be hereafter a sincere and constant good understanding between the government and citizens of the United States of North America and the Persian empire and all Persian subjects.

Sincere and constant amity.

ARTICLE II. The ambassadors or diplomatic agents whom it may please either of the two high contracting parties to send and maintain near the other, shall be received and treated, they and all those composing their missions, as the ambassadors and diplomatic agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there in all respects the same prerogatives and immunities.

Ambassadors, &c. to be treated as those of the most favored nation.

ARTICLE III. The citizens and subjects of the two high contracting parties, travellers, merchants, manufacturers, and others, who may reside in the territory of either country, shall be respected and efficiently protected by the authorities of the country and their agents, and treated in all respects as the subjects and citizens of the most favored nation are treated.

Citizens, &c. of either power resident in the territory of the other, to be protected.

They may reciprocally bring by land or by sea into either country, and export from it, all kinds of merchandise and products, and sell, exchange, or buy, and transport them to all places in the territories of either of the high contracting parties. It being, however, understood that the merchants of either nation who shall engage in the internal commerce of either country,

May engage in commerce.

To have as large privileges as citizens of any nation.

Duties to be same as on goods of subjects of most favored nation.

Disputes in Persia between Persians and citizens of United States, how settled.

Between citizens of the United States.

Between citizens of the United States and other foreigners.

How in United States.

Criminal offences, how tried.

Effects of persons dying, &c.

Each power may have diplomatic agent and three consuls.

Consulates.

Rights and privileges of consuls.

shall be governed, in respect to such commerce, by the laws of the country in which such commerce is carried on; and in case either of the high contracting powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other governments, the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

ARTICLE IV. The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country, on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored nation, and no exceptional tax, under any name or pretext whatever, shall be collected on them in either of the two countries.

ARTICLE V. All suits and disputes arising in Persia between Persian subjects and citizens of the United States, shall be carried before the Persian tribunal to which such matters are usually referred at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity in the presence of an employé of the consul or agent of the United States.

All suits and disputes which may arise in the empire of Persia between citizens of the United States, shall be referred entirely for trial and for adjudication to the consul or agent of the United States, residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective consuls or agents.

In the United States, Persian subjects, in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offences, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

ARTICLE VI. In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the consul or agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

ARTICLE VII. For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a diplomatic agent at either seat of government, and to name each three consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia, at Washington, New York, and New Orleans.

The consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges, and immunities granted in either country to the consuls of the most favored nation. The diplomatic agent or consuls of the United States shall not protect, secretly or publicly, the subjects of the Persian government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

If consuls engage in trade.

And it is also understood by the high contracting parties, that the diplomatic and consular agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

Number of domestics diplomatic agents of the United States to have.

ARTICLE VIII. And the high contracting parties agree that the present treaty of friendship and commerce, cemented by the sincere good feeling and the confidence which exists between the governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification; and if, before the expiration of the first ten years, neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective governments at Constantinople in the space of six months, or earlier, if practicable.

Duration of this treaty.

To extend beyond stipulated time one year after notice.

Ratifications to be exchanged in six months.

In faith of which, the respective plenipotentiaries of the two high contracting parties have signed the present treaty, and have attached their seals to it.

Signatures.

Done in duplicate in Persian and English, the thirteenth day of December, one thousand eight hundred and fifty-six, and of the Hijereh the fifteenth day of the moon of Rebiul Sany, one thousand two hundred and seventy-three, at Constantinople.

Dec. 13, 1856.

CARROLL SPENCE, [L. S.]  
EMIN UL MOLK FARRUHK KHAN, [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 Constantinople on the 13th of June last:

Exchange of ratifications, June 13, 1857.

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 eighteenth day of August, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States of America the eighty-second.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*





BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS a convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States of America and the Grand Duchy of Baden, was concluded and signed by their respective plenipotentiaries, at Berlin, on the thirtieth day of January last, which convention, being in the English and German languages, is 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 the Grand Duchy of Baden, on the other part.

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 Baden do not allow its government to surrender its 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 Royal Highness the Grand Duke of Baden, 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, Peter D. Vroom, envoy extraordinary and minister plenipotentiary of the United States, at the court of the kingdom of Prussia,

Vertrag zwischen den Vereinigten Staaten von Amerika einerseits und dem Grossherzogthum Baden andererseits, wegen der in gewissen Fällen zu gewährenden Auslieferung der vor der Justiz flüchtigen Verbrecher.

Preamble.

Da es Behufs, besserer Verwaltung der Rechtsflüge 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 dass die betreffenden Verbrechen namentlich aufgezählt werden; und da die Gesetze und Verfassung Badens seiner Regierung nicht gestatten, die 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 die Vereinigten Staaten von Amerika einerseits und seine Königliche Hoheit der Grossherzog von Baden andererseits, beschlossen, über diesen Gegenstand zu verhandeln und zu diesen Behufe ihre respectiven Bevollmächtigten ernannt, um eine Uebereinkunft zu vereinbaren und abzuschliessen; nämlich: Der Prä-

Negotiators.

and his Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, his said Royal Highness' envoy extraordinary and minister plenipotentiary at the court of his Majesty the King of Prussia, &c., &c., &c.; who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

## ARTICLE I.

Extradition of criminals.

Crimes for which extradition shall be made.

Proviso.

What proof of criminality required.

It is agreed that the United States and Baden 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 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 ex-

sident der Vereinigten Staaten von Amerika, Peter D. Vroom, ausserordentlichen Gesandten und bevollmächtigten Minister der Vereinigten Staaten am Königlich Preussischen Hofe; und seine Königliche Hoheit der Grossherzog von Baden, Adolph, Freiherrn Marschall V. Bieberstein, Allerhöchst Ihren ausserordentlichen Gesandten und bevollmächtigten Minister an dem Hofe Seiner Preussischen Majestät, &c., &c., &c.; 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 Baden, auf gegenseitige Requisitionen, welche respective sie 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 der Verfertigung oder Verbreitung falschen Geldes, sei es gemünztes oder Papiergeld, 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, Befugnis 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

ecutive 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.

Nothing in this article contained shall be construed to extend to crimes of a political character.

#### ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

#### ARTICLE III.

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 IV.

The present convention shall continue in force until the first of January, one thousand eight hundred and sixty, (1860;) and if neither

gestellt werde, dass der Beweis für die Strafbarkeit gehört und in Erwägung gezogen werde; und wenn bei dieser Vernehmung der Beweis für ausreichend zur Anfrechthaltung 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 werde könne.

Die Kosten einer solchen Verhaftung und Auslieferung sollen von dem Thiel getragen und erstattet werden, welcher die Requisition erlässt und den Flüchtling in Empfang nimmt.

Der Inhalt diesses Artikels darf keine solche ausdehnende Auslegung erhalten, dass er auf Vebrecher politischer natur anwendbar wäre.

#### ARTIKEL II.

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

#### ARTIKEL III.

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 es 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 sein wird.

#### ARTIKEL IV.

Die gegenwärtige Uebereinkunft soll bis zum 1sten Januar, eintausend acht hundert und sechzig, (1860;) in Kraft bleiben, und wenn

Expense how borne.

Not to extend to political crimes.

Neither party to deliver up its own citizens or subjects.

Fugitive committing new crime in new place of residence not to be surrendered until tried for such new crime, &c.

Duration of convention.

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 sixty, (1860).

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 hat; wobei jeder der hohen contrahirenden Theile sich dass Recht vorbehält dem andern eine solche Mittheilung zu jeder Zeit nach dem Ablauf des gedachten ersten Januar, eintausend acht hundert und sechzig, (1860,) zugehen zu lassen.

## ARTICLE V.

## Ratification.

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 Baden, and the ratifications shall be exchanged in Berlin, within one year from the date hereof, or sooner, if possible.

## ARTIKEL V.

Die gegenwärtige Uebereinkunft soll ratificirt werden von dem Präsidenten unter und mit der Genehmigung und Zustimmung des Senates der Vereinigten Staaten und von der Badischen Regierung, und die Ratificationen sollen zu Berlin innerhalb eines Jahres von dem heutigen Datum, oder wo möglich früher ausgewechselt werden.

## Signatures.

In faith whereof the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate at Berlin, the thirtieth day of January, one thousand eight hundred and fifty-seven, (1857,) and the eighty-first year of the independence of the United States.

Zu Urkunde dessen haben die respectiven Bevollmächtigten diese Uebereinkunft unterzeichnet und hierunter ihre Siegel begedrückt.

Zu zweifacher Ausfertigung geschehen zu Berlin den dreissigsten Januar des Jahres eintausend acht hundert und sieben und fünfzig, und im ein und achtzigsten Jahre der Unabhängigkeit der Vereinigten Staaten.

P. D. VROOM, [L. s.]  
ADOLPH BAR. MARSCHALL  
DE BIEBERSTEIN, [L. s.]

PETER D. VROOM, [L. s.]  
ADOLPH FRHR. MARCHALL  
VON BIEBERSTEIN, [L. s.]

Exchange of  
ratifications,  
April 21, 1857.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Berlin, on the 21st ultimo, by Peter D. Vroom, envoy extraordinary and minister plenipotentiary of the United States, and Adolph, Baron Marschall de Bieberstein, envoy extraordinary and minister plenipotentiary of his Royal Highness the Grand Duke of Baden, at the court of his Majesty the King of Prussia, on the part of their respective governments:

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 nineteenth day of May, in the year of our Lord one thousand eight hundred and fifty-  
[L. s.] seven, and of the independence of the United States of America the eighty-first.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

WHEREAS a convention between the United States of America and his Majesty the King of Denmark, for the discontinuance of the Sound dues, was concluded and signed by their respective plenipotentiaries at Washington, on the eleventh day of April last, which convention is word for word as follows:

April 11, 1857.

Preamble.

The United States of America and his Majesty the King of Denmark, being desirous to terminate amicably the differences which have arisen between them in regard to the tolls levied by Denmark on American vessels and their cargoes passing through the Sound and Belts, and commonly called the Sound dues, have resolved to conclude a convention for that purpose, and have named as their plenipotentiaries, that is to say, the President of the United States, Lewis Cass, Secretary of State of the United States, and his Majesty the King of Denmark, Torben Bille, Esquire, Knight of the Dannebrog, and decorated with the Cross of Honor of the same order, his said Majesty's chargé d'affaires near the government of the United States, who, after having communicated to each other their full powers in due form, have agreed to and signed the following articles:

Negotiators.

ARTICLE I. His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes, after that day, shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

Navigation of the Sound and Belts to be free to American vessels.

ARTICLE II. His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish Majesty agrees to make such additions and improvements in regard to the lights, buoys, and pilot establishments in these waters as circumstances and the increasing trade of the Baltic may require. He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

Passages of Sound and Belts to be lighted and buoyed as heretofore, &c. without charge to American vessels.

It is understood, however, to be optional for the masters of American vessels either to employ, in the said waters, Danish pilots, at reasonable rates fixed by the Danish government, or to navigate their vessels without such assistance.

Masters of American vessels may employ Danish pilots, or otherwise.

ARTICLE III. In consideration of the foregoing agreements and stipulation on the part of Denmark, whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever

United States to pay to Denmark \$393,011.

1858, ch. 8.  
*Ante*, p. 261.

secured, the United States agree to pay to the government of Denmark, once for all, the sum of seven hundred and seventeen thousand eight hundred and twenty-nine rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London, on the day when the said convention shall go into full effect, as herein afterwards provided.

Citizens of the United States to enjoy all further privileges granted by Denmark to commerce of any nation.

ARTICLE IV. It is further agreed that any other or further privileges, rights, or advantages which may have been, or may be, granted by Denmark to the commerce and navigation of any other nation at the Sound and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to, and enjoyed by, the citizens of the United States, and by their vessels and property in that quarter.

Convention of April 26, 1826, except 5th article, to be again in force.  
Vol. viii. p. 340.

ARTICLE V. The general convention of friendship, commerce, and navigation, concluded between the United States and his Majesty the King of Denmark, on the twenty-sixth of April, 1826, and which was abrogated on the fifteenth of April, 1856, and the provisions contained in each and all of its articles, the fifth article alone excepted, shall, after the ratification of this present convention, again become binding upon the United States and Denmark; it being, however, understood, that a year's notice shall suffice for the abrogation of the stipulations of the said convention hereby renewed.

When convention to take effect.

ARTICLE VI. The present convention shall take effect as soon as the laws to carry it into operation shall be passed by the governments of the contracting parties, and the sum stipulated to be paid by the United States shall be received by, or tendered to, Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this convention shall be allowed.

1858, ch. 8.  
*Ante*, p. 261.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in anticipation of the payment of the sum stipulated in Article III.; it being understood, however, that in that event the government of the United States shall also pay to that of Denmark four per cent. interest on the said sum, from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

Ratification.

ARTICLE VII. The present convention shall be duly ratified, and the exchange of ratifications shall take place in Washington within ten months from the date hereof, or sooner if practicable.

In faith whereof, the respective plenipotentiaries have signed the present convention, in duplicate, and have thereunto affixed their seals.

Signatures.

Done at Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-first.

LEWIS CASS. [L. S.]  
TORBEN BILLE. [L. S.]

Exchange of ratifications.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the twelfth instant, by Lewis Cass, Secretary of State of the United States, and W. de Raasloff, his Danish Majesty's chargé d'affaires and consul-general in the United States, on the part of their respective governments:

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 thirteenth day of January,  
in the year of our Lord one thousand eight hundred and  
[L. s.] fifty-eight, and of the independence of the United States the  
eighty-second.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.



*Treaty between the United States of America and the Empire of Japan, Concluded at Simoda, June 17, 1857. Ratified by the President of the United States, June 30, 1858. Proclaimed by the President of the United States, June 30, 1858.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

June 17, 1857.

WHEREAS a convention between the United States and the Empire of Japan, for the purpose of further regulating the intercourse of American citizens within the Empire of Japan, was concluded and signed at Simoda, on the seventeenth day of June, eighteen hundred and fifty-seven, the English version of which convention—it being in the English, Japanese, and Dutch languages—is word for word as follows :—

Preamble.

For the purpose of further regulating the intercourse of American citizens within the empire of Japan, and, after due deliberation, his excellency Townsend Harris, consul-general of the United States of America for the Empire of Japan, and their excellencies Inowouye, Prince of Sinano, and Nakamoera, Prince of Dewa, governors of Simoda, all having full powers from their respective governments, have agreed on the following articles, to wit :—

Negotiators.

ARTICLE I. The port of Nangasaki, in the principality of Hizen, shall be open to American vessels, where they may repair damages, procure water, fuel, provisions, and other necessary articles, even coals, where they are obtainable.

Port of Nangasaki to be open to American vessels.

ARTICLE II. It being known that American ships coming to the ports of Simoda and Hakodade cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodade, and the government of the United States may appoint a vice-consul to reside at Hakodade.

American citizens may reside at Simoda and Hakodade.

Vice-consul at Hakodade.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

This article to take effect July 4, 1858.

ARTICLE III. In settlement of accounts the value of the money brought by the Americans shall be ascertained by weighing it with Japanese coin, (gold and silver itsebues,) that is, gold with gold and silver with silver, or weights representing Japanese coin may be used, after such weights have been carefully examined and found to be correct.

Relative value of American and Japanese coin.

The value of the money of the Americans having been thus ascertained, the sum of six per cent. shall be allowed to the Japanese for the expense of recoinage.

Allowance for recoinage.

ARTICLE IV. Americans committing offences in Japan shall be tried by the American consul-general or consul, and shall be punished according to American laws.

Jurisdiction of offences.

Japanese committing offences against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

ARTICLE V. American ships which may resort to the ports of Simoda, Hakodade, or Nangasaki, for the purpose of obtaining necessary supplies, or to repair damages, shall pay for them in gold or silver coin, and if they have no money, goods shall be taken in exchange.

Medium of exchange, &c.

ARTICLE VI. The government of Japan admits the right of his excellency the consul-general of the United States to go beyond the limits of Seven Ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

Rights of consul-general, &c.

Purchases for  
consul-general,  
how made.

ARTICLE VII. Purchases for his excellency the consul-general, or his family, may be made by him only, or by some member of his family, and payment made to the seller, for the same, without the intervention of any Japanese official, and for this purpose Japanese silver and copper coin shall be supplied to his excellency the consul-general.

The Dutch ver-  
sion of these  
articles to be  
taken to give the  
true meaning.

ARTICLE VIII. As his excellency the consul-general of the United States of America has no knowledge of the Japanese language, nor their excellencies the governors of Simoda, a knowledge of the English language, it is agreed that the true meaning shall be found in the Dutch version of the articles.

When to take  
effect.

ARTICLE IX. All the foregoing articles shall go into effect from the date hereof, except article two, which shall go into effect on the date indicated in it.

Signature  
June 17, 1857.

Done in quintuplicate, (each copy being in English, Japanese, and Dutch,) at the Goyosso of Simoda, on the seventeenth day of June, in the year of the Christian era eighteen hundred fifty-seven, and of the Independence of the United States of America the eighty-first, corresponding to the fourth Japanese year of Ansei, Mi, the fifth month, the twenty-sixth day, the English version being signed by his excellency the consul-general of the United States of America, and the Japanese version by their excellencies the governors of Simoda.

TOWNSEND HARRIS, [L. s.]

Ratification.

And whereas the said convention has been duly ratified :

Proclaimed June  
30, 1858.

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 thirtieth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States of America the eighty-second.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*

*Convention between the United States of America and the Republic of Peru. Interpreting the Twelfth Article of the Treaty of July 26, 1851. Signed at Lima, July 4, 1857. Ratified by President of United States, May 7, 1858. Ratifications exchanged at Washington, October 13, 1858. Proclaimed by the President of the United States, October 14, 1858.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

July 4, 1857.

WHEREAS a convention between the United States and the Republic of Peru with regard to the interpretation to be given to article XIIth of the treaty of the twenty-sixth July, eighteen hundred and fifty-one, was signed at Lima on the fourth of July, eighteen hundred and fifty-seven, which convention is, word for word, as follows :

Preamble.

Certain doubts having arisen with regard to the interpretation to be given to article twelfth of the treaty of the 26th of July, 1851, as to the goods, other than oil and the produce of their fishery, that the whale ships of the United States may land and sell, or barter, duty free, for the purpose of obtaining provisions and refitting, a concession which, in articles eighty-one and one hundred and ten of the General Commercial Regulations, is not so extensive; and it being convenient, for the advantage of the citizens of the United States employed in the whale fishery, and of the citizens of Peru, who furnish provisions, to fix, clearly and definitively, the proper meaning of the concessions stipulated in the above-mentioned article twelfth of the treaty of the 26th July, 1851, so that while those reciprocal benefits are secured, all and every controversy in the matter may be avoided :

The envoy extraordinary and minister plenipotentiary of the United States of America to the Republic of Peru, John Randolph Clay, in virtue of his full powers, and his excellency Doctor Don Manuel Ortiz de Zavallos, minister of foreign affairs of the Republic of Peru, fully authorized to act in the premises by the excellent council of ministers charged with the government of the Republic, after having held repeated conferences, and come to a mutual

Habiendose suscitado dudas sobre la inteligencia que debía darse al artículo 12 del tratado de 26 de Julio de 1851, relativo á las mercaderías, que además del aceite y los productos de la pesca, se permite á los buques balleneros de los Estados Unidos, desembarcar y vender libres de derechos, con el objeto de procurarse viveres y repararse; permiso que en los artículos 81 y 110 del Reglamento General de Comercio no tiene la misma latitud; y siendo conveniente en provecho del comercio de los naturales Peruanos que proveen de viveres, y en utilidad de los ciudadanos de los Estados Unidos que se dedican a la pesca, fijar clara y definitivamente el sentido propio de las concesiones estipuladas en el preindicado artículo 12 del tratado de 26 de Julio, de 1851, de manera que, á la vez que se alcancen aquellas reciprocas ventajas, se eviten para en adelante cualesquiera diferencias sobre esta materia :

Vol. x. p. 931.

Su exelencia el ministro de relaciones exteriores de la Republica del Peru, Doctor Don Manuel Ortiz de Zavallos, autorizado al efecto por el exelentísimo consejo de ministros encargado del gobierno de la Republica; y su exelencia el Señor Juan Randolph Clay, enviado extraordinario y ministro plenipotenciario de los Estados Unidos cerca del gobierno del Peru, en virtud de sus plenos poderes; despues de haber conferen-

Negotiators.

understanding, upon the true spirit and extent of the exemption from duties conceded to the said whale ships in the sale and barter of their stores and merchandise, by article twelfth of the treaty of 1851, which provides :

“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 of 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 favoured nations : ” —

Have agreed and declared :

ARTICLE I.

Extent of exemption of whale-ships from duty.

That the permission to the whale-ships of the United States to barter or sell their supplies and goods to the value of two hundred dollars, *ad valorem*, without being obliged to pay port or tonnage dues, or other imposts, should not be understood to comprehend every kind of merchandise, without limitation, but those only that whale-ships are usually provided with for their long voyages.

ciado repetidos veces, hasta llegar á un avenimiento mutuo sobre la verdadera extension y espíritu, de las esenciones de derechos concedidas á los buques balleneros en la venta de sus provisiones y mercaderias por el artículo 12 del tratado de 1851, que dice :

“ARTICULO XII.

“Los buques balleneros de los Estados Unidos podran entrar en el puerto de Tumbes, y en los puertos mayores del Peru, y pasar de uno á otro con el objeto de tomar víveres y repararse, y les será permitido vender ó cambiar sus provisiones ó mercaderias, inclusive el aceite, hasta la cantidad de doscientos pesos *ad valorem* por cada buque, sin que esten obligados á pagar los derechos de tonelada ó de puerto, ni derecho alguno ó impuesto por los artículos vendidos ó cambiados de esta manera. Se les permitirá además, con la misma esencion de derechos de toneladas y puerto, vender ó cambiar sus provisiones ó mercaderias, 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 mercaderias y aceite, cuando se importan en buques y por ciudadanos de la nacion mas favorecida : ” —

Han convenido y declarado :

ARTICULO I.

Que el permiso concedido á los buques balleneros de los Estados Unidos para que puedan cambiar ó vender sus provisiones ó mercaderias hasta la cantidad de doscientos pesos *ad valorem*, sin que esten obligados á pagar derechos de tonelada y de puerto, ni otro impuesto alguno, no debe extenderse sin limitacion á toda clase de mercaderias, sino solamente á aquellas de que es costumbre á proveer á los buques balleneros para sus largas navegaciones.

## ARTICLE II.

That in the said exemption from duties of every kind are included the following articles, in addition to the produce of their fishery, viz :

White unbleached domestics.  
 White bleached domestics.  
 Wide cotton cloths.  
 Blue drills.  
 Twilled cottons.  
 Shirting stripes.  
 Ticking.  
 Cotton shirtings. }  
 Prints. }  
 Sailor's clothing of all kinds.  
 Soap..  
 Slush.  
 Boots, shoes, and brogans.  
 Axes, hatchets.  
 Biscuit of every kind.  
 Flour.  
 Lard.  
 Butter.  
 Rum.  
 Beef.  
 Pork.  
 Spermaceti and composition candles.  
 Canvass.  
 Rope.  
 Tobacco.

## ARTICLE III.

It is also agreed upon and understood between the contracting parties, that the whale-ships of the United States may land and sell or barter, free of all duties or imposts whatsoever, the supplies and merchandise specified in the preceding article to the amount of five hundred dollars, *ad valorem*, in conformity with article eighty-one of the General Commercial Regulations; but for every additional quantity from five hundred dollars to one thousand dollars, *ad valorem*, the exemption shall only extend to port and tonnage dues.

## ARTICLE IV.

The stipulations in this convention shall have the same force and effect as if inserted, word for word, in the treaty concluded in Lima on the 26th

## ARTICULO II.

Que en esta esencion de derechos Articles ex-  
 estan comprendidos, ademas de los empted.  
 productos de la pesca, los articulos  
 siguientes :

Tocuyos blancos crudos.  
 Tocuyos blancos.  
 Imperiales.  
 Driles azules.  
 Tocuyos asargados.  
 Amotapes.  
 Cotines.  
 Indianas ó sarazas.  
 Ropa de marinero de todas clases.  
 Javon.  
 Grasa.  
 Botas, zapatos, y zapatones.  
 Hachas y machetes.  
 Galleta.  
 Harina.  
 Manteca.  
 Mantequilla.  
 Ron.  
 Carne salada.  
 Tocino.  
 Belas esterinas y de esperma.  
 Lona.  
 Cordaje.  
 Tabaco.

## ARTICULO III.

Que se permite ademas á los Enumerated arti-  
 buques balleneros de los Estados cles to the value  
 Unidos desembarcar sin derecho al- of \$500 may be  
 guno las provisiones y mercaderias sold free of duty.  
 especificadas en el articulo anterior  
 hasta la cantidad de quinientos pesos  
*ad valorem*, de conformidad con el  
 articulo 81 del Reglamento General  
 de Comercio, pero que por toda can- Value  
 tidad adicional, desde quinientos á between \$500  
 mil pesos *ad valorem* la esencion and \$1,000 to be  
 debe limitarse a los derechos de exempt only  
 puerto y tonelada. from port and  
tonnage dues.

## ARTICULO IV.

Que las declaraciones de este con- Effect to be given  
 venio tendran la misma fuerza que hereto.  
 los articulos del tratado celebrado en  
 Lima en 26 de Julio de 1851, como

of July, 1851, and of which they shall be deemed and considered as explanatory. For which purpose 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 thereof, and by the executive power of the Republic of Peru, with the authorization of the national Peruvian legislature; and the ratifications shall be exchanged in Washington in as short a time as possible. In faith whereof, the above-named plenipotentiaries have signed, in quadruplicate, this convention, explanatory of the treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, and have hereunto affixed their seals.

Signature.

Done at Lima, the fourth day of July, in the year of our Lord one thousand eight hundred and fifty-seven.

J. RANDOLPH CLAY, [L. s.]  
MANUEL ORTIZ DE ZEVAL-  
LOS, [L. s.]

si estuvieran en el insertas, palabra por palabra, y del cual seran consideradas como interpretativas. A cuyo efecto, el presente convenio sera aprobado y ratificado por el poder ejecutivo de la Republica del Peru, con la autorizacion de la Convencion Nacional Peruana, y por el Presidente de los Estados Unidos de America, con el parecer y acuerdo del Senado de los Estados Unidos; debiendo canjearse las ratificaciones en Washington en el menor tiempo posible.

En testimonio de lo cual, los infrascritos, su exelencia el ministro de relaciones exteriores de la republica del Peru y su exelencia el enviado extraordinario y ministro plenipotenciario de los Estados Unidos, firmaron por cuadruplicado este convenio, interpretativo del tratado de 26 de Julio de 1851, y lo sellaron con sus respectivos sellos.

Hecho en Lima el cuatro de Julio del año del Señor mil ochocientos cincuenta y siete.

MANUEL ORTIZ DE ZEVAL-  
LOS. [L. s.]  
J. RANDOLPH CLAY. [L. s.]

Exchange of  
Ratifications,  
October 13, 1858.

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 13th instant, by Lewis Cass, Secretary of State of the United States, and Señor Juan Y. de Osma, Minister Resident of the Republic of Peru, in the United States, on the part of their respective governments:

Proclaimed  
October 14, 1858.

Now, therefore, be it known, that I, JAMES BUCHANAN, 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 fourteenth day of October, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third.

By the President;

LEWIS CASS, *Secretary of State.*

JAMES BUCHANAN.



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

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

WHEREAS a treaty was made and concluded at Table Creek, in the Territory of Nebraska, on the twenty-fourth day of September, one thousand eight hundred and fifty-seven, between the United States of America, by James W. Denver, commissioner duly authorized thereto, and the Chiefs and Head-men of the four confederate bands of Pawnee Indians, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee Tribe, which treaty is in the following words, to wit:

Sept. 24, 1857.

Preamble.

Articles of agreement and convention made this twenty-fourth day of September, A. D. 1857, at Table Creek, Nebraska Territory, between James W. Denver, commissioner on behalf of the United States, and the Chiefs and Head-men of the four confederate bands of Pawnee Indians, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee Tribe.

Title.

ARTICLE I. The confederate bands of the Pawnees aforesaid, hereby cede and relinquish to the United States, all their right, title, and interest in and to all the lands now owned or claimed by them, except as hereinafter reserved, and which are bounded as follows, viz: on the east by the lands lately purchased by the United States from the Omahas; on the south by the lands heretofore ceded by the Pawnees to the United States; on the west by a line running due north from the junction of the North with the South Fork of the Platte River, to the Keha-Paha River; and on the north by the Keha-Paha River to its junction with the Niobrara, L'eauqui court, or Running Water River, and thence, by that river, to the western boundary of the late Omaha cession. Out of this cession the Pawnees reserve a tract of country, thirty miles long from east to west, by fifteen miles wide from north to south, including both banks of the Loup fork of the Platte River; the east line of which shall be at a point not further east than the mouth of Beaver Creek. If, however, the Pawnees, in conjunction with the United States agent, shall be able to find a more suitable locality for their future homes, within said cession, then, they are to have the privilege of selecting an equal quantity of land there, in lieu of the reservation herein designated, all of which shall be done as soon as practicable; and the Pawnees agree to remove to their new homes, thus reserved for them, without cost to the United States, within one year from the date of the ratification of this treaty by the Senate of the United States, and, until that time, they shall be permitted to remain where they are now residing, without molestation.

Lands hereby  
ceded by Paw-  
nees to the Unit-  
ed States.

Reservation.

ARTICLE II. In consideration of the foregoing cession, the United States agree to pay to the Pawnees the sum of forty thousand dollars per annum, for five years, commencing on the first day of January, A. D. eighteen hundred and fifty-eight; and, after the end of five years, thirty thousand dollars per annum, as a perpetual annuity, at least one half of which annual payments shall be made in goods, and such articles as may be deemed necessary for them.

Payment to  
Pawnees.

United States  
to establish man-  
ual labor schools.

ARTICLE III. In order to improve the condition of the Pawnees, and teach them the arts of civilized life, the United States agree to establish among them, and for their use and benefit, two manual-labor schools, to be governed by such rules and regulations as may be prescribed by the President of the United States, who shall also appoint the teachers, and, if he deems it necessary, may increase the number of schools to four. In these schools, there shall be taught the various branches of a common school education, and, in addition, the arts of agriculture, the most useful mechanic arts, and whatever else the President may direct. The Pawnees, on their part agree that each and every one of their children, between the ages of seven and eighteen years, shall be kept constantly at these schools for, at least, nine months in each year; and if any parent or guardian shall fail, neglect, or refuse to so keep the child or children under his or her control at such school, then, and in that case, there shall be deducted from the annuities to which such parent or guardian would be entitled, either individually or as parent or guardian, an amount equal to the value, in time, of the tuition thus lost; but the President may at any time change or modify this clause as he may think proper. The chiefs shall be held responsible for the attendance of orphans who have no other guardians; and the United States agree to furnish suitable houses and farms for said schools, and whatever else may be necessary to put them in successful operation; and a sum not less than five thousand dollars per annum shall be applied to the support of each school, so long as the Pawnees shall, in good faith, comply with the provisions of this article; but if, at any time, the President is satisfied they are not doing so, he may, at his discretion, discontinue the schools in whole or in part.

Children to be  
kept at school.

Pawnees to be  
protected in their  
new homes.

ARTICLE IV. The United States agree to protect the Pawnees in the possession of their new homes. The United States also agree to furnish the Pawnees:

To supply cer-  
tain tools, &c.

First, with two complete sets of blacksmith, gunsmith, and tinsmith tools, not to exceed in cost seven hundred and fifty dollars; and erect shops at a cost not to exceed five hundred dollars; also five hundred dollars annually, during the pleasure of the President, for the purchase of iron, steel, and other necessities for the same. The United States are also to furnish two blacksmiths, one of whom shall be a gunsmith and tinsmith; but the Pawnees agree to furnish one or two young men of their tribe to work constantly in each shop as strikers or apprentices, who shall be paid a fair compensation for their labor.

Farming uten-  
sils and stock.

Second. The United States agree to furnish farming utensils and stock, worth twelve hundred dollars per annum, for ten years, or during the pleasure of the President, and for the first year's purchase of stock, and for erecting shelters for the same, an amount not exceeding three thousand dollars, and also to employ a farmer to teach the Indians the arts of agriculture.

To erect and  
run a steam-mill.

Third. The United States agree to have erected on said reservation a steam-mill, suitable to grind grain and to saw lumber, which shall not exceed in cost six thousand dollars, and to keep the same in repair for ten years; also, to employ a miller and engineer for the same length of time, or longer, at the discretion of the President; the Pawnees agreeing to furnish apprentices, to assist in working the mill, who shall be paid a fair compensation for their services.

Dwellings for  
interpreter, &c.

Fourth. The United States agree to erect dwelling-houses for the interpreter, blacksmiths, farmer, miller and engineer, which shall not exceed in cost, five hundred dollars each; and the Pawnees agree to prevent the members of their tribe from injuring or destroying the houses, shops, machinery, stock, farming utensils, and all other things furnished by the government, and if any such shall be carried away, injured, or destroyed, by any of the members of their tribe, the value of the same shall be deducted from the tribal annuities. Whenever the President shall become satisfied

that the Pawnees have sufficiently advanced in the acquirement of a practical knowledge of the arts and pursuits to which this article relates, then, and in that case, he may turn over the property to the tribe, and dispense with the services of any or all of the employees herein named.

ARTICLE V. The Pawnees 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, nor on that of any other person belonging to any tribe or nation at peace with the United States. 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.

Pawnees to be friendly, and not to make war, except, &c.

ARTICLE VI. The United States agent may reside on or near the Pawnee reservation; and the Pawnees agree to permit the United States to build forts and occupy military posts on their lands, and to allow the whites the right to open roads through their territories; but no white person shall be allowed to reside on any part of said reservation unless he or she be in the employ of the United States, or be licensed to trade with said tribe, or be a member of the family of such employé or licensed trader; nor shall the said tribe, or any of them, alienate any part of said reservation, except to the United States; but, if they think proper to do so, they may divide said lands among themselves, giving to each person, or each head of a family, a farm, subject to their tribal regulations, but in no instance to be sold or disposed of to persons outside, or not themselves of the Pawnee tribe.

United States may build forts, &c. on lands of Pawnees.

White persons not to reside thereon unless licensed.

Pawnees not to alienate any part thereof, except to the United States.

ARTICLE VII. The United States agree to furnish, in addition to the persons heretofore mentioned, six laborers for three years, but it is expressly understood that while these laborers are to be under the control, and subject to the orders, of the United States' agent, they are employed more to teach the Pawnees how to manage stock and use the implements furnished, than as merely laboring for their benefit; and for every laborer thus furnished by the United States, the Pawnees engage to furnish at least three of their tribe to work with them, who shall also be subject to the orders of the agent, and for whom the chiefs shall be responsible.

United States to furnish six laborers.

ARTICLE VIII. The Pawnees agree to deliver up to the officers of the United States all offenders against the treaties, laws, or regulations of the United States, whenever they may be found within the limits of their reservation; and they further agree to assist such officers in discovering, pursuing, and capturing any such offender or offenders, anywhere, whenever called on so to do; and they agree, also, that, if they violate any of the stipulations contained in this treaty, the President may, at his discretion, withhold a part, or the whole, of the annuities herein provided for.

Offenders against United States laws, &c. to be surrendered.

ARTICLE IX. The Pawnees desire to have some provision made for the half-breeds of their tribe. Those of them who have preferred to reside, and are now residing, in the nation, are to be entitled to equal rights and privileges with other members of the tribes, but those who have chosen to follow the pursuits of civilized life, and to reside among the whites, viz: Baptiste Bayhulle, William Bayhulle, Julia Bayhulle, Frank Tatahyee, William Nealis, Julia Nealis, Catharine Papan, Politte Papan, Rousseau Papan, Charles Papan, Peter Papan, Emily Papan, Henry Geta, Stephen Geta, James Cleghorn, Eliza Deroine, are to be entitled to scrip for one hundred and sixty acres, or one quarter section, of land for each, provided application shall be made for the same within five years from this time, which scrip shall be receivable at the United States land-offices, the same

Provision for the half-breeds of the tribe.

as military bounty land-warrants, and be subject to the same rules and regulations.

\$2,000 to be  
paid Samuel  
Allis.

ARTICLE X. Samuel Allis has long been the firm friend of the Pawnees, and in years gone by has ministered to their wants and necessities. When in distress, and in a state of starvation, they took his property and used it for themselves, and when the smallpox was destroying them, he vaccinated more than two thousand of them; for all these things, the Pawnees desire that he shall be paid, but they think the government should pay a part. It is, therefore, agreed that the Pawnees will pay to said Allis one thousand dollars, and the United States agree to pay him a similar sum of one thousand dollars, as a full remuneration for his services and losses.

Acknowledg-  
ment of certain  
services by Unit-  
ed States.

ARTICLE XI. Ta-ra-da-ka-wa, head chief of the Tappahs band, and four other Pawnees, having been out as guides for the United States troops, in their late expedition against the Cheyennes, and having to return by themselves, were overtaken and plundered of everything given them by the officers of the expedition, as well as their own property, barely escaping with their lives; and the value of their services being fully acknowledged, the United States agree to pay to each one of them one hundred dollars, or, in lieu thereof, to give to each a horse worth one hundred dollars in value.

Contingent  
claims against  
Pawnees.

ARTICLE XII. To enable the Pawnees to settle any just claims at present existing against them, there is hereby set apart, by the United States, ten thousand dollars, out of which the same may be paid, when presented, and proven to the satisfaction of the proper department; and the Pawnees hereby relinquish all claims they may have against the United States under former treaty stipulations.

Signatures.

In testimony whereof, the said James W. Denver, Commissioner, as aforesaid, and the undersigned, chiefs and head-men of the four confederate bands of Pawnee Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

JAMES W. DENVER,  
*U. S. Commissioner.*

PE-TA-NA-SHARO, or the Man and the Chief,  
his x mark. [L. s.]

SA-RA-CHERISH, the Cross Chief, his x mark. [L. s.]

TE-RA-TA-PUTS, he who Steals Horses, his x  
mark. [L. s.]

LE-RA-KUTS-A-NASHARO, the Grey Eagle  
Chief, his x mark. [L. s.]

*Grand  
Pawnees.*

LA-LE-TA-RA-NASHARO, the Comanche Chief,  
his x mark. [L. s.]

TE-STE-DE-DA-WE-TEL, the Man who Distrib-  
utes the Goods, his x mark. [L. s.]

LE-TA-KUTS-NASHARO, the Grey Eagle Chief,  
his x mark. [L. s.]

A-SA-NA-SHARO, the Horse Chief, his x mark. [L. s.]

*Pawnee  
Loups.*

NA-SHARO-SE-DE-TA-RA-KO, the one the Great  
Spirit smiles on, his x mark. [L. s.]

NA-SHARO-CHA-HICKO, a Man, but a Chief, his  
x mark. [L. s.]

DA-LO-LE-KIT-TA-TO-KAH, the Man the Enemy  
steals from, his x mark. [L. s.]

DA-LO-DE-NA-SHARO, the Chief like an Eagle,  
his x mark. [L. s.]

*Pawnee  
Republicans.*

KE-WE-KO-NA-SHARO, the Buffalo Bull Chief,	his x mark.	[L. s.]	} Pawnee Tappahs.
NA-SHARO-LA-DA-HOO, the Big Chief,	his x mark.	[L. s.]	
NA-SHARO, the Chief,	his x mark.	[L. s.]	
DA-KA-TO-WA-KUTS-O-RA-NA-SHARO, the Hawk Chief,	his x mark.	[L. s.]	

Signed and sealed in presence of—

WM. W. DENNISON, *U. S. Indian Agent*,  
 A. S. H. WHITE, *Secretary to Commissioner*.  
 N. W. TUCKER,  
 WILL. E. HARVEY,  
 O. H. IRISH,  
 SAMUEL ALLIS, *Interpreter*.  
 J. STERLING MORTON.

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 thirty-first day of March, one thousand eight hundred and fifty-eight, advise and consent to the ratification of the same by a resolution and with an amendment in the words and figures following, to wit:

Submitted to  
Senate.

IN EXECUTIVE SESSION,  
 SENATE OF THE UNITED STATES, March 31, 1858.

*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Pawnee Indians, made the 24th day of September, 1857, with the following

*Amendment:*

At the end of the 2d (second) article, add: "And it is further agreed that the President may, at any time, in his discretion, discontinue said perpetuity, by causing the value of a fair commutation thereof to be paid to, or expended for the benefit of, said Indians, in such manner as to him shall seem proper."

Amendment.

Attest:

ASBURY DICKINS, *Secretary*.  
 By W. HICKEY, *Chief Clerk*.

And whereas the foregoing amendment having been fully interpreted and explained to the chiefs and head-men of the Pawnee tribe as aforesaid, they did thereunto, on the third day of April, one thousand eight hundred and fifty-eight, in the city of Washington, give their free and voluntary assent, in words and figures as follows, to wit:

We, the undersigned, chiefs and head-men of the Pawnee tribe of Indians, with full powers so to do, hereby give our free and voluntary assent to the amendment made by the Senate of the United States on the thirty-first day of March, A. D. one thousand eight hundred and fifty-eight, to the treaty concluded between the United States and our tribe on the twenty-fourth day of September, A. D. one thousand eight hundred and fifty-seven, after having the same interpreted and fully explained to us.

In testimony whereof, we have hereunto subscribed our names and affixed our seals, at the city of Washington, this third day of April, A. D. one thousand eight hundred and fifty-eight.

PE-TA-NA-SHARO, the Man and the Chief,	his x mark.	[L. s.]	} Grand Pawnees.
NA-HOC-TARO-NA-SHARO, the Pipe Chief,	his x mark.	[L. s.]	
TE-DA-WAT-KA-ROKE, the Man that makes the Enemy poor,	his x mark.	[L. s.]	
KE-WE-EKE, Buffalo Bull,	his x mark.	[L. s.]	

LE-ITS-A-NA-SHARO, the Sword Chief, his x mark.	[L. s.]	Pawnee Loup.
LE-TA-KUTS-NA-SHARO, the Grey Eagle Chief, his x mark.	[L. s.]	
TE-STE-DE-DA-WE-TEL, the Man that Distributes Goods, his x mark.	[L. s.]	
NA-SHARO-SE-DE-TA-RA-KO, the one the Great Spirit smiles on, his x mark.	[L. s.]	Pawnee Republicans.
NA-SHARO-CHO-HICKO, a Man, but a Chief, his x mark.	[L. s.]	
NA-SHARO-RA-DA-A-COATS, Chief and a Brave, his x mark.	[L. s.]	
LA-LA-WE-KU-WA-RA, the Man always at War, his x mark.	[L. s.]	
DA-KA-TO-WA-KUTS-O-RA-NA-SHARO, the Hawk Chief, his x mark.	[L. s.]	Pawnee Tuppah.
NA-SHARO-LAD-A-HOO, the Big Chief, his x mark.	[L. s.]	
PAW-NEE-KI-EKE, Principal Chief, his x mark.	[L. s.]	
LAD-O-NA-SHARO-KA-CHA, a Man that Defeats his Enemy in the Water, his x mark.	[L. s.]	

Signed and sealed in presence of—

WM. W. DENNISON, *U. S. Indian Agent.*

J. NEWTON SEARS,

JAMES R. ROCHE,

D. C. DAVIS,

SAMUEL ALLIS, *U. S. Interpreter.*

C. A. STEUART.

Now, therefore, be it known that I, JAMES BUCHANAN, 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 thirty-first day of March, one thousand eight hundred and fifty-eight, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

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 twenty-sixth day of May, in the year of our Lord one thousand eight hundred and fifty-  
[L. s.] eight, and of the independence of the United States the eighty-second.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

*Treaty between the United States and the Tonawanda Band of Seneca Indians, Concluded November 5, 1857. Supplemental Articles, November 5, 1857. Ratified by the Senate, June 4, 1858. Proclaimed by the President, March 31, 1859.\**

## JAMES BUCHANAN,

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 meeting-house, on the Tonawanda reservation, in the county of Genesee, and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, by Charles E. Mix, as a commissioner on behalf of the United States, and the following persons, viz : Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, duly authorized thereunto by the Tonawanda band of Seneca Indians, which treaty is in the following words, to wit :

Nov. 5, 1857.

Preamble.

Articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee, and State of New York, between Charles E. Mix, commissioner on behalf of the United States, and the following persons, duly authorized thereunto by the Tonawanda band of Seneca Indians, viz : Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker.

Contracting parties.

Whereas a certain treaty was heretofore made between the Six Nations of New York Indians and the United States on the 15th day of January, 1838, and another between the Seneca nation of Indians and the United States on the 20th day of May, 1842, by which, among other things, the Seneca nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellows the two certain Indian reservations in the State of New York known as the Buffalo Creek and the Tonawanda reservations, to be surrendered to the said Ogden and Fellows, on the performance of certain conditions precedent defined in said treaties ; and

Former Treaties.  
Vol. vii. pp. 550, 557.  
Vol. vii. p. 586.

Whereas in and by the said treaties there were surrendered and relinquished to the United States 500,000 acres of land in the then Territory of Wisconsin ; and

Terms of said Treaties.

Whereas the United States, in and by said treaties, agreed to set apart for said Indians certain lands in the Indian territory immediately west of Missouri, and to grant the same to them, to be held and enjoyed in fee-simple, the quantity of said lands being computed to afford 320 acres to each soul of said Indians, and did agree that any individual, or any number of said Indians, might remove to said territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers, respectively ; and

Whereas the United States did further agree to pay the sum of \$400,000 for the removal of the Indians of New York to the said territory, and for their support and assistance during the first year of their residence in said territory ; and

\* This treaty does not appear in the pamphlet laws for the 2d session of the 35th Congress, as it was not received by the publishers until after their publication. It will be printed with the pamphlet laws of the 1st session of the 36th Congress. It is inserted here to make the references from the Public Laws in this volume complete.

Whereas the said Ogden and Fellows did agree to pay to the said Seneca nation of Indians, as the consideration of the surrender and relinquishment of the said two reservations, known as the Buffalo Creek and Tonawanda reservations, certain sums of money, one part of which was to be paid to the individual Indians residing upon said reservations, for the improvements held and owned by them in severalty, the amount of which "improvement money," heretofore apportioned to those residing upon the Tonawanda reservation, being \$15,018.36, which money has been paid into, and still remains in the Treasury of the United States; and

Whereas, for divers reasons and differences, the said treaties remain unexecuted as to the said Tonawanda reservation, and the band of Senecas residing thereon; and

Whereas it is ascertained, at the date of these articles, that the Seneca Indians, composing the Tonawanda band and residing upon the Tonawanda reservation, amount to 650 souls in number; and

Whereas the United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas, and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor,

These articles are entered into:

Certain claims under former treaties relinquished.

ARTICLE I. The said persons, authorized as in the caption hereof stated, hereby surrender and relinquish to the United States all claims severally and in common as a band of Indians, and as a part of the Seneca nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842, except, however, such moneys as they may be entitled to under said treaties, paid or payable by the said Ogden and Fellows.

Pay for such surrender.

ARTICLE II. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of \$256,000 for the said Tonawanda band of Indians.

Tonawandas may purchase reservation. United States will pay therefor not over \$20 an acre.

ARTICLE III. It is hereby agreed that the Tonawanda band may purchase of the said Ogden and Fellows, or the survivor of them, or of their heirs or assigns, the entire Tonawanda reservation, or such portions thereof as they may be willing to sell and said band may be willing to purchase; and the United States undertake and agree to pay for the same out of the said sum of \$256,000, upon the express condition that the rate of purchase shall not exceed, on an average, \$20 per acre.

Post, p. 738.

Deed to run to Secretary of the Interior in trust.

The land so purchased shall be taken by deed of conveyance to the Secretary of the Interior of the United States and his successors in office, in fee, to be held by him in trust for the said Tonawanda band of Indians and their exclusive use, occupation and enjoyment, until the legislature of the State of New York shall pass an act designating some persons, or public officer of that State, to take and hold said land upon a similar trust for said Indians; whereupon they shall be granted by the said Secretary to such persons or public officer.

Unimproved lands surrendered.

ARTICLE IV. And the said Tonawanda band of Indians hereby agree to surrender, relinquish, and give up to the said Ogden and Fellows, the survivor of them, or their assigns—provided the whole reservation shall not be purchased—the unimproved lands which they shall not purchase, as aforesaid, within thirty days after this treaty shall be proclaimed by the President of the United States, and the improved lands which they shall not purchase, as aforesaid, on the 1st day of June, 1859.

Tonawandas may appoint one or more attorneys.

ARTICLE V. For the purpose of contracting for and making purchase of the lands contemplated herein, a majority of the chiefs and headmen of said Tonawanda band, in counsel assembled, may appoint one or more attorneys with adequate powers, which appointment must be approved by the Secretary of the Interior before such attorney or attorneys can have power to act in the premises.



ARTICLE VI. Whenever a quantity of said lands, amounting to 6,500 acres, at the least, upon the terms hereinbefore provided, may be purchased, written notice, executed by the chiefs and headmen in council, and acknowledged before a justice of the supreme court of New York, or judge of the superior court of the city of Buffalo, shall be given to the Secretary of the Interior, whereupon the portion of said sum of \$256,000, not expended in the purchase of lands, as aforesaid, shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States, at his discretion; and the increase arising from such investment shall be paid to the said Tonawanda Indians, at the time and in the manner that the annuities are paid which said Indians are now entitled to receive from the United States.

Part of purchase money to be invested in stocks.

ARTICLE VII. It is hereby agreed that the sum of \$15,018.36 "improvement money," heretofore apportioned to the Indians upon the Tonawanda reservation, shall be again apportioned by an agent, to be appointed by the chiefs and headmen in council assembled, to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and if he concur therein, the shares so ascertained shall be paid to the individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them, or their assigns, their improvements, and any balance remaining shall be paid to the chiefs and headmen of the band, to be disbursed by them in payment of the debts, or for the use of the band. The services of the agent to be thus appointed, and all other expenses attending the execution of these articles, are to be paid by the United States out of any moneys coming to the Tonawandas.

Improvement money to be apportioned.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons, representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

Signature.

CHARLES E. MIX, *Commissioner*. [L. s.]

ISAAC x SHANKS.	[L. s.]	JESSE x SPRING.	[L. s.]
GEORGE x SKY.	[L. s.]	ELY S. PARKER.	[L. s.]
JABEZ x GROUND.	[L. s.]		

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto at the same time affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.  
FREDERICK FOLLETT.  
WILLIAM G. BRYAN.  
C. B. RICH.  
LEANDER MIX.  
HENRY BETTINGER.

NICHOLSON H. PARKER, *U. S. Interpreter*.

Also, the following chiefs and headmen heartily concur in the foregoing articles in behalf of themselves and their people:—

JESSE x SPRING.	GEORGE x SKY.
WM. x PARKER.	SNOW x COOPER.
JABEZ x GROUND.	ISAAC x DOCTOR.
JOHN x WILSON.	ISAAC x SHANKS.
JOHN x BIGFIRE.	WILLIAM x MOSES.
THOMSON x BLINKEY.	DAVID x PRINTUP.
JAMES x MITTEN.	BENJ. x JONAS.
JOHN x JOSHUA.	ADDISON x CHARLES.
JAMES x WILLIAMS.	JOHN x HATCH.

*Headmen.*

JOHN x SMITH.	WM. x ALICK.
SMALL x PETER.	WM. x STEWART.
JOHN x BEAVER.	ANDREW x BLACKCHIEF.
JOHN x FARMER.	JOHN x INFANT.
TOMMY x WHITE.	WM. x TAYLOR.
JOHN x GRIFFIN.	JAMES x BILLY.
GEO. x MOSES.	DANL. x PETER.
HENRY x MOSES.	JOHN x HILL.
SAML. x BLUE SKY.	JOHN x JONES.
JAMES x SCROGGS.	JOHN x SHANKS.
MONROE x JONAS.	LEVI x PARKER.
WM. x JOHNSON.	JOHN x JEMISON.
JACKSON x GROUND.	CHAUNCEY x ABRAM.
HARRISON x SCROGG.	

Signed in open council, in presence of—

FREDERICK FOLLETT.

NICHOLSON H. PARKER, *U. S. Interpreter.*

Supplemental  
articles.

Nov. 5, 1857.

And whereas certain supplemental articles of agreement and convention were also concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, between Charles E. Mix, commissioner on behalf of the United States, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker—which supplemental articles are in the words and figures following, to wit:

Supplemental articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee, State of New York, between Charles E. Mix, commissioner on behalf of the United States, of the first part, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, of the second part.

*Ante*, p. 736.

Whereas, at the date hereof and concurrent with the execution of this instrument, articles of agreement and convention have been entered into between the parties aforesaid, in and by which articles it is provided that the said Tonawanda band of Seneca Indians may purchase portions of the Tonawanda reservation, "upon the express condition that the rate of purchase shall not exceed \$20 per acre on an average."

And whereas the President of the United States may deem it discreet and expedient that certain portions of said reservation, held in severalty by the assigns of said Ogden and Fellows, should be purchased by said Indians if it shall be necessary so to do, at a rate exceeding \$20 per acre on an average.

Portions of reservation may be bought for more than \$20 per acre, if, &c.

Now, therefore, the said parties of the second part agree, that portions of said reservation may be purchased by the authorized agents of said Indians for them, and paid for out of said sum of \$256,000, at a rate exceeding \$20 per acre on an average, provided the contract or contracts therefor shall be first submitted to and approved by the President, or some public officer to be designated by him.

And the said parties of the second part solicit the President to accept and adopt this supplement as a part of the said articles of agreement and convention entered into concurrent with the execution of this agreement.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, *Commissioner*. [L. s.]

ISAAC x SHANKS.	[L. s.]	JESSE x SPRING.	[L. s.]
GEORGE x SKY.	[L. s.]	ELY S. PARKER.	[L. s.]
JABEZ x GROUND.	[L. s.]		

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto, at the same time, affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.  
FREDERICK FOLLETT.  
WILLIAM G. BRYAN.  
C. B. RICH.  
LEANDER MIX.  
HENRY BETTINGER.

NICHOLSON H. PARKER, *U. S. Interpreter*.

Also, the following chiefs and headmen heartily concur in the foregoing supplemental articles in behalf of themselves and their people:—

LEWIS x POODRY.	THOMSON x BLINKEY.
JESSE x SPRING.	JAMES x MITTEN.
WM. x PARKER.	JOHN x JOSHUA.
JABEZ x GROUND.	JAMES x WILLIAMS.
JOHN x WILSON.	SAMUEL x PARKER.
ISAAC x SHANKS.	GEORGE x SKY.
SNOW x COOPER.	DAVID x PRINTUP.
ISAAC x DOCTOR.	BENJ. x JONAS.
JOHN x BIGFIRE.	ADDISON x CHARLES.
WILLIAM x MOSES.	JOHN x HATCH.

*Headmen.*

JOHN x SMITH.	WM. x ALICK.
SMALL x PETER.	WM. x STEWART.
JOHN x BEAVER.	ANDREW x BLACKCHIEF.
JOHN x FARMER.	JOHN x INFANT.
TOMMY x WHITE.	WM x TAYLOR.
JOHN x GRIFFIN.	JAMES x BILLY.
GEORGE x MOSES.	DANL. x PETER.
HENRY x MOSES.	SAML. x BLUE SKY.
JOHN x HILL.	JAMES x SCROGG.
JOHN x JONES.	JOHN x SHANKS.
MONROE x JONAS.	LEVI x PARKER.
WM. x JOHNSON.	JOHN x JEMISON.
JACKSON x GROUND.	CHAUNCEY x ABRAM.
HARRISON x SCROGG.	

Signed in open council, in presence of—

FREDERICK FOLLETT.  
NICHOLSON H. PARKER, *U. S. Interpreter*.

And whereas, the said treaty and the supplementary articles thereunto appended, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of June, one thousand eight hundred and fifty-eight, advise and consent to the rati-

Ratification by  
the Senate, June  
4, 1858.

fication of the same by a resolution, in the words and figures following, to wit:—

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, June 4, 1858.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Tonawanda band of Seneca Indians, of New York, made the 5th day of November, 1857.

“Attest :

“ASBURY DICKINS, *Secretary*.

Proclaimed  
March 31, 1859.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of June the fourth, one thousand eight hundred and fifty-eight, accept, ratify, and confirm the said treaty and supplementary articles.

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 thirty-first day of March,  
in the year of our Lord one thousand eight hundred and fifty-  
[L. s.] nine, and of the independence of the United States the  
eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS.

*Convention between the United States and France, agreeing to an additional Article to the Extradition Convention between the two Countries. Signed at Washington, February 10, 1858. Ratifications exchanged at Washington, February 12, 1859. Proclaimed by the President of the United States, February 14, 1859.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

Feb. 10, 1858.

WHEREAS an additional article to the convention for the surrender of criminals between the United States and France, of the 9th November, 1843, and [the] additional article thereto of the 24th February, 1845, was concluded and signed at Washington by their respective plenipotentiaries on the 10th day of February, 1858, which additional article, as amended by the Senate of the United States, and being in the English and French languages, is word for word as follows:

Preamble.  
Vol. viii. p. 580.  
Vol. viii. p. 617.

Additional article to the extradition convention between the United States and France of the 9th of November, 1843, and to the additional article of the 24th of February, 1845.

Article additionel à la convention d'extradition entre les Etats-Unis et la France du 9 Novembre, 1843, et à l'article additionnel du 24 Février, 1845.

It is agreed between the high contracting parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9th, 1843, and February 24th, 1845, and now in force between the two governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories, or accomplices, namely: forging or knowingly passing or putting in circulation counterfeit coin or bank notes or other paper current as money, with intent to defraud any person or persons; embezzlement by any person or persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

Il est convenu entre les hautes parties contractantes que les stipulations des traités entre les Etats-Unis d'Amérique et la France, du 9 Novembre, 1843, et du 24 Février, 1845, pour l'extradition mutuelle des criminels, et actuellement en vigueur entre les deux gouvernements, comprendront non seulement les personnes accusées des crimes qui y sont mentionnés, mais aussi les personnes accusées des crimes suivants, soit comme principales, accessoires, ou complices, nommément: de fabriquer ou de passer sciemment ou de mettre en circulation de la fausse monnaie ou de faux billets de banque, ou d'autres papiers ayant cours comme monnai, avec intention de faire du tort à toute personne ou personnes que cesoit; détournement partoute personne ou personnes employées ou salariées, au détriment des personnes qui les employent, lorsque ces crimes entraînent une peine infamante.

Persons charged with forgery, or passing counterfeit coin, &c., or embezzlement, &c., to be surrendered.

In witness whereof the respective plenipotentiaries have signed the

En foi de quoi, les plénipotentiaires respectifs ont signé, en triple, le

Date.

present article in triplicate, and have affixed thereto the seal of their arms.

Done at Washington, the tenth of February, 1858.

LEW. CASS. [L. s.]

présent article, et y ont apposé le sceau de leurs armes.

Fait à Washington, le dix de Février, 1858.

SARTIGES. [L. s.]

Ratifications exchanged February 12, 1859.

And whereas the said additional article, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the 12th instant, by Lewis Cass, 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, accredited to the government of the United States on the part of their respective governments :

Proclaimed by President, February 14, 1859.

Now, therefore, be it known, that I, JAMES BUCHANAN, President of the United States of America, have caused the said additional article to be made public, to the end that the same and every 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.

Done at the City of Washington, this 14th day of February, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

[L. s.]

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*

*Treaty between the United States of America, and the Yancton Tribe of Sioux, or Dacotah Indians. Concluded at Washington, April 19, 1858. Ratified by the Senate, February 16, 1859. Proclaimed by the President of the United States, February 26, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

April 19, 1858.

Preamble.

WHEREAS a treaty was made and concluded at the city of Washington, on the nineteenth day of April, one thousand eight hundred and fifty-eight, by Charles E. Mix, as a commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton Tribe of Sioux or Dacotah Indians, viz:

Pa-la-ne-a-pa-pe, the man that was struck by the Ree.

Ma-to-sa-be-che-a, the smutty bear.

Charles F. Picotte, Eta-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder.

Ma-ra-ha-ton, the iron horn.

Nombe-kah-pah, one that knocks down two.

Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk.

A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice.

Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands.

Ma-ga-scha-che-ka, the little white swan.

Oke-che-la-wash-ta, the pretty boy.

They being thereto duly authorized by said tribe, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the city of Washington, this nineteenth day of April, A. D. one thousand eight hundred and fifty eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton Tribe of Sioux or Dacotah Indians, viz:

Contracting  
Parties.

Pa-la-ne-a-pa-pe, the man that was struck by the Ree.

Ma-to-sa-be-che-a, the smutty bear.

Charles F. Picotte, Eta-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder.

Ma-ra-ha-ton, the iron horn.

Nombe-kah-pah, one that knocks down two.

Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk.

A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice.

Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands.

Ma-ga-scha-che-ka, the little white swan.

Oke-che-la-wash-ta, the pretty boy.

(The three last names signed by their duly authorized agent and representative, Charles F. Picotte,) they being thereto duly authorized and empowered by said tribe of Indians.

Lands relinquished to the United States, except, &c.

Boundaries of lands reserved.

ARTICLE I. The said chiefs and delegates of said tribe of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except four hundred thousand acres thereof, situated and described as follows, to wit—Beginning at the mouth of the Naw-izi-wa-koo-pah or Chouteau River and extending up the Missouri River thirty miles; thence due north to a point; thence easterly to a point on the said Chouteau River; thence down said river to the place of beginning, so as to include the said quantity of four hundred thousand acres. They, also, hereby relinquish and abandon all claims and complaints about or growing out of any and all treaties heretofore made by them or other Indians, except their annuity rights under the treaty of Laramie, of September 17, A. D. 1851.

Boundaries of lands ceded.

ARTICLE II. The land so ceded and relinquished by the said chiefs and delegates of the said tribe of Yancions is and shall be known and described as follows, to wit—"Beginning at the mouth of the Tchan-kas-an-data or Calumet or Big Sioux River; thence up the Missouri River to the mouth of the Pa-hah-wa-kan or East Medicine Knoll River; thence up said river to its head; thence in a direction to the head of the main fork of the Wan-dush-kah-for or Snake River; thence down said river to its junction with the Tchan-san-san or Jaques or James River; thence in a direct line to the northern point of Lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux River; thence down the Big Sioux River to its junction with the Missouri River." And they also cede and relinquish to the United States all their right and title to and in all the islands of the Missouri River, from the mouth of the Big Sioux to the mouth of the Medicine Knoll River.

Islands in the Missouri River.

Title.

And the said chiefs and delegates hereby stipulate and agree that all the lands embraced in said limits are their own, and that they have full and exclusive right to cede and relinquish the same to the United States.

Necessary roads may be built across the lands reserved, paying damages therefor.

ARTICLE III. The said chiefs and delegates hereby further stipulate and agree that the United States may construct and use such roads as may be hereafter necessary across their said reservation by the consent and permission of the Secretary of the Interior, and by first paying the said Indians all damages and the fair value of the land so used for said road or roads, which said damages and value shall be determined in such manner as the Secretary of the Interior may direct. And the said Yancions hereby agree to *remove* and *settle* and *reside* on said reservation within one year from this date, and, until they do so remove, (if within said year,) the United States guarantee them in the quiet and undisturbed possession of their present settlements.

Indians to settle, &c., on reservation within a year.

Agreements on the part of the United States.

ARTICLE IV. In consideration of the foregoing cession, relinquishment, and agreements, the United States do hereby agree and stipulate as follows, to wit:

Protection on the reserved lands.

1st. To protect the said Yancions in the quiet and peaceable possession of the said tract of four hundred thousand acres of land so reserved for their future home, and also their persons and property thereon during good behavior on their part.

Payment of annuities.

2d. To pay to them, or expend for their benefit, the sum of sixty-five thousand dollars per annum, for ten years, commencing with the year in which they shall remove to, and settle and reside upon, their said reservation—forty thousand dollars per annum for and during ten years thereafter—twenty-five thousand dollars per annum for and during ten years thereafter—and fifteen thousand dollars per annum for and during twenty years thereafter; making *one million and six hundred thousand dollars in annuities in the period of fifty years*, of which sums the President of the United States shall, from time to time, determine what proportion shall be paid to said Indians, in cash, and what proportion shall be expended for their benefit, and, also, in what manner and for what objects such expen-



diture shall be made, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm, and helpless orphans of the said Indians. In case of any material decrease of said Indians, in number, the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto—or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition, in which case, such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

3d. In addition to the foregoing sum of one million and six hundred thousand dollars as annuities, to be paid to or expended for the benefit of said Indians, during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit the sum of fifty thousand dollars more, as follows, to wit: Twenty-five thousand dollars in maintaining and subsisting the said Indians during the first year after their removal to and permanent settlement upon their said reservation; in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land; in the erection of houses, storehouses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare.

Subsistence.  
Purchase of  
stock, &c.

4th. To expend ten thousand dollars to build a school-house or school-houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians hereby stipulating to keep constantly thereat, during at least nine months in the year, all their children between the ages of seven and eighteen years; and if any of the parents, or others having the care of children, shall refuse or neglect to send them to school, such parts of their annuities as the Secretary of the Interior may direct, shall be withheld from them and applied as he may deem just and proper; and such further sum, in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities, and applied annually, during the pleasure of the President to the support of said schools, and to furnish said Indians with assistance and aid and instruction in agriculture and mechanical pursuits, including the working of the mills, hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in reading shall be in the English language. And the said Indians hereby stipulate to furnish, from amongst themselves, the number of young men that may be required as apprentices and assistants in the mills and mechanic shops, and at least three persons to work constantly with each white laborer employed for them in agriculture and mechanical pursuits, it being understood that such white laborers and assistants as may be so employed *are* thus employed more for the instruction of the said Indians than merely to work for their benefit; and that the laborers so to be furnished by the Indians may be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior, and to be paid out of the shares of annuity of such Indians as are able to work, but refuse or neglect to do so. And whenever the President of the United States shall become satisfied of a failure, on the part of said Indians, to fulfil the aforesaid stipulations, he may, at his discretion, discontinue the allowance and expenditure of the sums so provided and set apart for said school or schools, and assistance and instruction.

Schools and  
school-houses.

Indians to fur-  
nish apprentices,  
&c. for mills.

President may  
discontinue al-  
lowance for  
schools.

U. S. to furnish mills, mechanic shops, &c.

5th. To provide the said Indians with a mill suitable for grinding grain and sawing timber; one or more mechanic shops, with the necessary tools for the same; and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) a farmer, and the mechanics that may be employed for their benefit, and to expend therefor a sum not exceeding fifteen thousand dollars.

Mills, &c. not to be injured.

ARTICLE V. Said Indians further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mills, machinery, stock, farming utensils, or any other thing furnished them by the government, and in case of any such destruction or injury of any of the things so furnished, or their being carried off by any member or members of their tribe, the value of the same shall be deducted from their general annuity; and whenever the Secretary of the Interior shall be satisfied that said Indians have become sufficiently confirmed in habits of industry, and advanced in the acquisition of a practical knowledge of agriculture and the mechanic arts to provide for themselves, he may, at his discretion, cause to be turned over to them all of the said houses and other property furnished them by the United States, and dispense with the services of any or all the persons hereinbefore stipulated to be employed for their benefit, assistance, and instruction.

If injured, value to be deducted from annuity.

Houses, &c. to be given to the Indians when, &c.

ARTICLE VI. It is hereby agreed and understood that the chiefs and head men of said tribe may, in their discretion, in open council, authorize to be paid out of their said annuities such a sum or sums as may be found to be necessary and proper, not exceeding in the aggregate one hundred and fifty thousand dollars, to satisfy their just debts and obligations, and to provide for such of their half-breed relations as do not live with them, or draw any part of the said annuities of said Indians: *Provided, however,* That their said determinations shall be approved by their agent for the time being, and the said payments authorized by the Secretary of the Interior: *Provided, also,* That there shall not be so paid out of their said annuities in any one year, a sum exceeding fifteen thousand dollars.

Portion of annuities may be paid for debts, &c.

Proviso.

Proviso.

Grants of land to Charles F. Picotte, Zephyr Rencontre, Paul Dorian, and others.

ARTICLE VII. On account of their valuable services and liberality to the Yancions, there shall be granted in fee to Charles F. Picotte and Zephyr Rencontre, each, one section of six hundred and forty acres of land, and to Paul Dorian one half a section, and to the half-breed Yancion, wife of Charles Reulo, and her two sisters, the wives of Eli Bedaud and Augustus Traverse, and to Louis Le Count, each, one half a section. The said grants shall be selected in said ceded territory, and shall not be within said reservation, nor shall they interfere in any way with the improvements of such persons as are on the lands ceded above by authority of law; and all other persons (other than Indians, or mixed bloods) who are now residing within said ceded country, by authority of law, shall have the privilege of entering one hundred and sixty acres thereof, to include each of their residences or improvements, at the rate of one dollar and twenty-five cents per acre.

Persons other than Indians or mixed bloods, may enter 160 acres at \$1.25 per acre.

Yancions to be secure in the use of the Red Pipe-stone quarry.

ARTICLE VIII. The said Yancion Indians shall be secured in the free and unrestricted use of the Red Pipe-stone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

United States may maintain military posts, &c.

ARTICLE IX. The United States shall have the right to establish and maintain such military posts, roads, and Indian agencies, as may be deemed necessary, within the tract of country herein reserved for the use of the Yancions; but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, and agencies, the property of

any Yancton shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States.

ARTICLE X. No white person, unless in the employment of the United States, or duly licensed to trade with the Yanctons, or members of the families of such persons, shall be permitted to reside or make any settlement upon any part of the tract herein reserved for said Indians, nor shall said Indians alienate, sell, or in any manner dispose of any portion thereof, except to the United States; whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just.

No trade with Indians unless licensed.

Land not to be alienated except, &c.

ARTICLE XI. The Yanctons acknowledge their dependence upon the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe or nation of Indians; and in case of any such injuries or depredations by said Yanctons full compensation shall, as far as possible, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe or nation, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver, to the proper officer of the United States all offenders against the treaties, laws, or regulations of the United States, and to assist in discovering, pursuing, and capturing all such offenders, who may be within the limits of their reservation, whenever required to do so by such officer.

The Yanctons to preserve friendly relations.

Surrender of offenders.

ARTICLE XII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Yanctons shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Yanctons they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

Tribal annuities to be withheld, if intemperate, &c.

ARTICLE XIII. No part of the annuities of the Yanctons shall be taken to pay any debts, claims, or demands against them, except such existing claims and demands as have been herein provided for, and except such as may arise under this agreement, or under the trade and intercourse laws of the United States.

Annuities not to be subject to debts except, &c.

ARTICLE XIV. The said Yanctons do hereby fully acquit and release the United States from all demands against them on the part of said tribe, or any individual thereof, except the before mentioned right of the Yanctons to receive an annuity under said treaty of Laramie, and except, also, such as are herein stipulated and provided for.

Release of all demands, &c.

ARTICLE XV. For the special benefit of the Yanctons, parties to this agreement, the United States agree to appoint an agent for them, who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such a point as the Secretary of the Interior may direct, one hundred and sixty acres of land.

Indian agent for the Yanctons.

ARTICLE XVI. All the expenses of the making of this agreement and of surveying the said Yancton reservation, and of surveying and marking said Pipe-stone quarry, shall be paid by the United States.

Expense hereof to be borne by the United States.

ARTICLE XVII. This instrument shall take effect and be obligatory upon the contracting parties whenever ratified by the Senate and the President of the United States.

When to take effect.

In testimony whereof, the said Charles E. Mix, commissioner, as afore-

Signatures.

said, and the undersigned chiefs, delegates, and representatives of the said tribe of Yancton Indians, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [L. s.]

PA-LA-NE-APA-PE, or the Man that was struck by the  
Ree, his x mark. [L. s.]

MA-TO-SA-BE-CHE-A, or the Smutty Bear, his x mark [L. s.]

CHARLES F. PICOTTE, or Eta-ke-cha, [L. s.]

TA-TON-KA-WETE-CO, or the Crazy Bull, his x mark. [L. s.]

PSE-CHA-WA-KEA, or the Jumping Thunder, his x  
mark. [L. s.]

MA-RA-HA-TON, or the Iron Horn, his x mark [L. s.]

NOMBE-KAH-PAH, or One that knocks down two, his x  
mark. [L. s.]

TA-TON-KA-E-YAH-KA, or the Fast Bull, his x mark. [L. s.]

A-HA-KA MA-NE, or the Walking Elk, his x mark. [L. s.]

A-HA-KA-NA-ZHE, or the Standing Elk, his x mark. [L. s.]

A-HA-KA-HO-CHE-CHA, or the Elk with a bad voice,  
his x mark. [L. s.]

CHA-TON-WO-KA-PA, or the Grabbing Hawk, his x  
mark. [L. s.]

E-HA-WE-CHA-SHA, or the Owl Man, his x mark. [L. s.]

PLA-SON-WA-KAN-NA-GE, or the White Medicine  
Cow that stands, by his duly authorized delegate and  
representative, Charles F. Picotte. [L. s.]

MA-GA-SCHA-CHE-KA, or the Little White Swan,  
by his duly authorized delegate and representative,  
Charles F. Picotte. [L. s.]

O-KE-CHE-LA-WASH-TA, or the Pretty Boy, by his  
duly authorized delegate and representative, Chas. F.  
Picotte. [L. s.]

Executed in the presence of—

A. H. REDFIELD, *Agent*.

J. B. S. TODD,

THEOPHILE BRUGUIER,

JOHN DOWLING,

FR. SCHMIDT,

JOHN W. WELLS,

D. WALKER,

E. B. GRAYSON,

S. J. JOHNSON,

GEORGE P. MAPES,

H. BITTINGER,

D. C. DAVIS,

ZEPHIER RONCONTRE, his x mark, *U. S. Interpreter*.

Witness: J. B. S. TODD,

PAUL DORAIN, his x mark.

CHARLES RULO, his x mark.

Witness: J. B. S. TODD.

Consent of sen-  
ate.  
Feb. 16, 1859.

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 16th day of February, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by the following resolution:

IN EXECUTIVE SESSION,

SENATE OF THE UNITED STATES, February 16, 1859.

*Resolved*, (two thirds of the senators present concurring,) That the

Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Yancton Tribe of Sioux or Dacotah Indians. Signed the 19th day of April, 1858.

Attest :

ASBURY DICKINS, *Secretary*.

Now, therefore, be it known that I, JAMES BUCHANAN, 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 sixteenth day of February, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclaimed.

Feb. 26, 1859.

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 twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.

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#### TREATY OF FORT LARAMIE.

This treaty was concluded September 17, 1851. When it was before the Senate for ratification, certain amendments were made which require the assent of the Tribes, parties to it, before it can be considered a complete instrument. This assent of all the Tribes has not been obtained, and, consequently, although Congress appropriates money for the fulfilment of its stipulations, it is not yet in a proper form for publication. This note is added for the purpose of making the references from the Public Laws complete, and as an explanation why the Treaty is not published.

