

TREATIES.

Treaty between the United States and the Dwámish, Suquámish, and other allied and subordinate Tribes of Indians in Washington Territory. Concluded at Point Elliott, Washington Territory, January 22, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Jan. 22, 1855.

WHEREAS a treaty was made and concluded at Múckl-te-óh, or Point Elliott, in the Territory of Washington, the twenty-second day of January, one thousand eight hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the hereinafter-named chiefs, headmen, and delegates of the Dwámish, Suquámish, Sk-táhl-mish, Sam-áhmish, Smalh-kahmish, Skope-áhmish, St-káh-mish, Snoquálmoo, Skai-wha-mish, N'Quentl-má-mish, Sk-táh-le-jum, Stoluck-whá-mish, Sno-ho-mish, Skágit, Kik-i-állus, Swin-á-mish, Squin-áh-mish, Sah-ku-méhu, Noo-whá-há, Nook-wa-cháh-mish, Mee-see-qua-guilch, Cho-bah-áh-bish, and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes and duly authorized by them; which treaty is in the words and figures following to wit :

Preamble.

Articles of agreement and convention made and concluded at Múckl-te-óh, or Point Elliott, in the Territory of Washington, this twenty-second day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen and delegates of the Dwámish, Suquámish, Sk-táhl-mish, Sam-áhmish, Smalh-kamish, Skope-áhmish, St-káh-mish, Snoquálmoo, Skai-wha-mish, N'Quentl-má-mish, Sk-táh-le-jum, Stoluck-whá-mish, Sno-ho-mish, Skágit, Kik-i-állus, Swin-á-mish, Squin-áh-mish, Sah-ku-méhu, Noo-whá-ha, Nook-wa-cháh-mish, Me-sée-qua-guilch, Cho-bah-áh-bish, and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes, and duly authorized by them.

Contracting parties.

ARTICLE I. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows: Commencing at a point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott Bays; thence eastwardly, running along the north line of lands heretofore ceded to the United States by the Nisqually, Puyallup, and other Indians, to the summit of the Cascade range of mountains; thence northwardly, following the summit of said range to the 49th parallel of north latitude; thence west, along said parallel to the middle of the Gulf of Georgia; thence through the middle of said gulf and the main channel through the Canal de Arro to the Straits of Fuca, and crossing the

Cession of lands to the United States.

Boundaries.

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same through the middle of Admiralty Inlet to Suquamish Head; thence southwesterly, through the peninsula, and following the divide between Hood's Canal and Admiralty Inlet to the portage known as Wilkes' Portage; thence northeastwardly, and following the line of lands heretofore ceded as aforesaid to Point Southworth, on the western side of Admiralty Inlet, and thence round the foot of Vashon's Island eastwardly and south-eastwardly to the place of beginning, including all the islands comprised within said boundaries, and all the right, title, and interest of the said tribes and bands to any lands within the territory of the United States.

Reservation.

ARTICLE II. There is, however, reserved for the present use and occupation of the said tribes and bands the following tracts of land, viz: the amount of two sections, or twelve hundred and eighty acres, surrounding the small bight at the head of Port Madison, called by the Indians Noo-sohk-um; the amount of two sections, or twelve hundred and eighty acres, on the north side Hwhomish Bay and the creek emptying into the same called Kwilt-seh-da, the peninsula at the southeastern end of Perry's Island called Sháis-quihl, and the island called Chah-choo-sen, situated in the Lummi River at the point of separation of the mouths emptying respectively into Bellingham Bay and the Gulf of Georgia. All which tracts shall be set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes or bands, and of the superintendent or agent, but, if necessary for the public convenience, roads may be run through the said reserves, the Indians being compensated for any damage thereby done them.

Whites not to
reside thereon
unless, &c.

Further res-
ervation for
school.

ARTICLE III. There is also reserved from out the lands hereby ceded the amount of thirty-six sections, or one township of land, on the north-eastern shore of Port Gardner, and north of the mouth of Snohomish River, including Tulalip Bay and the before-mentioned Kwilt-seh-da Creek, for the purpose of establishing thereon an agricultural and industrial school, as hereinafter mentioned and agreed, and with a view of ultimately drawing thereto and settling thereon all the Indians living west of the Cascade Mountains in said Territory. Provided, however, that the President may establish the central agency and general reservation at such other point as he may deem for the benefit of the Indians.

Tribes to settle
on reservation
within one year.

ARTICLE IV. The said tribes and bands agree to remove to and settle upon the said first above mentioned reservations within one year after the ratification of this treaty, or sooner, if the means are furnished them. In the mean time it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

Rights and
privileges se-
cured to Indians.

ARTICLE V. The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided, however, that they shall not take shell-fish from any beds staked or cultivated by citizens.

Payment by the
United States.

ARTICLE VI. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of one hundred and fifty thousand dollars, in the following manner—that is to say: For the first year after the ratification hereof, fifteen thousand dollars; for the next two years, twelve thousand dollars each year; for the next three years, ten thousand dollars each year; for the next four years, seven thousand five hundred dollars each year; for the next five years, six thousand dollars each year; and for the last five years, four thousand two hundred and fifty dollars each year. All which said sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time

How to be
applied.

determine at his discretion upon what beneficial objects to expend the same; and the Superintendent of Indian Affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ARTICLE VII. The President may hereafter, when in his opinion the interests of the Territory shall require and the welfare of the said Indians be promoted, remove them from either or all of the special reservations hereinafore made to the said general reservation, or such other suitable place within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of such removal, or may consolidate them with other friendly tribes or bands; and he may further at his discretion cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made accordingly therefor.

Indians may be removed to reservation, etc.

Lots may be assigned to individuals.

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ARTICLE VIII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ARTICLE IX. The said tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens. 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 the other Indians to the government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on other Indians within the Territory the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

Tribes to preserve friendly relations.

to pay for depredations. not to make war except, &c.

to surrender offenders.

ARTICLE X. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Annuities to be withheld from those who drink etc., ardent spirits.

ARTICLE XI. The said tribes and bands agree to free all slaves now held by them and not to purchase or acquire others hereafter.

Tribes to free all slaves and not to acquire others. not to trade out of the United States.

ARTICLE XII. The said tribes and bands further agree not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ARTICLE XIII. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of fifteen thousand dollars to be laid out and expended under the direction of the President and in such manner as he shall approve.

\$15,000 appropriated for expenses of removal and settlement.

ARTICLE XIV. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for a period of twenty years, an

United States to establish school and provide instructors,

furnish mechanics, shops, physicians, &c

agricultural and industrial school, to be free to children of the said tribes and bands in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer for the like term of twenty years to instruct the Indians in their respective occupations. And the United States finally agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of said school, shops, persons employed, and medical attendance to be defrayed by the United States, and not deducted from the annuities.

Treaty when to take effect.

ARTICLE XV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Signatures,
Jan. 22, 1855.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent, [L. s.]

SEATTLE, Chief of the Dwamish and Suquamish tribes. his x mark. [L. s.]

PAT-KA-NAM, Chief of the Snoqualmoo, Snohomish and other tribes. his x mark. [L. s.]

CHOW-ITS-HOOT, Chief of the Lummi and other tribes. his x mark. [L. s.]

GOLIAH, Chief of the Skagits and other allied tribes. his x mark. [L. s.]

KWALLATTUM, or General Pierce, Sub-chief of the Skagit tribe. his x mark. [L. s.]

S'HOOTST-HOOT, Sub-chief of Snohomish. his x mark. [L. s.]

SNAH-TALC, or Bonaparte, Sub-chief of Snohomish. his x mark. [L. s.]

SQUUSH-UM, or The Smoke, Sub-chief of the Snoqualmoo. his x mark. [L. s.]

SEE-ALLA-PA-HAN, or The Priest, Sub-chief of Sk-tah-le-jum. his x mark. [L. s.]

HE-UCH-KA-NAM, or George Bonaparte, Sub-chief of Snohomish. his x mark. [L. s.]

TSE-NAH-TALC, or Joseph Bonaparte, Sub-chief of Snohomish. his x mark. [L. s.]

NS'SKI-OOS, or Jackson, Sub-chief of Snohomish. his x mark. [L. s.]

WATS-KA-LAH-TCHIE, or John Hobst-hoot, Sub-chief of Snohomish. his x mark. [L. s.]

SMEH-MAI-HU, Sub-chief of Skai-wha-mish. his x mark. [L. s.]

SLAT-EAH-KA-NAM, Sub-chief of Snoqualmoo. his x mark. [L. s.]

ST'HAU-AI, Sub-chief of Snoqualmoo. his x mark. [L. s.]

LUGS-KEN, Sub-chief of Skai-wha-mish. his x mark. [L. s.]

S'HEHT-SOOLT, or Peter, Sub-chief of Snohomish. his x mark. [L. s.]

DO-QUEH-OO-SATL, Snoqualmoo tribe. his x mark. [L. s.]

JOHN KANAM, Snoqualmoo sub-chief. his x mark. [L. s.]

KLEMSH-KA-NAM, Snoqualmoo. his x mark. [L. s.]

TS'HUAHNTL, Dwa-mish sub-chief. his x mark. [L. s.]

KWUSS-KA-NAM, or George Snatelum, Sen., Skagit tribe. his x mark. [L. s.]

HEL-MITS, or George Snatelum, Skagit sub-chief. his x mark. [L. s.]

S'KWAI-KWI, <i>Skagit tribe, sub-chief.</i>	his x mark.	[L. s.]
SEH-LEK-QU, <i>Sub-chief Lummi tribe.</i>	his x mark.	[L. s.]
S'H'-CHEH-OOS, or General Washington, <i>Sub-chief of Lummi tribe.</i>	his x mark.	[L. s.]
WHAI-LAN-HU, or Davy Crockett, <i>Sub-chief of Lummi tribe.</i>	his x mark.	[L. s.]
SHE-AH-DELT-HU, <i>Sub-chief of Lummi tribe.</i>	his x mark.	[L. s.]
KWULT-SEH, <i>Sub-chief of Lummi tribe.</i>	his x mark.	[L. s.]
KWULL-ET-HU, <i>Lummi tribe.</i>	his x mark.	[L. s.]
KLEH-KENT-SOOT, <i>Skagit tribe.</i>	his x mark.	[L. s.]
SOHN-HEH-OVS, <i>Skagit tribe.</i>	his x mark.	[L. s.]
S'DEH-AP-KAN, or General Warren, <i>Skagit tribe.</i>	his x mark.	[L. s.]
CHUL-WHIL-TAN, <i>Sub-chief of Suquamish tribe.</i>	his x mark.	[L. s.]
SKE-EH-TUM, <i>Skagit tribe.</i>	his x mark.	[L. s.]
PATCHKANAM, or Dome, <i>Skagit tribe.</i>	his x mark.	[L. s.]
SATS-KANAM, <i>Squin-ah-nush tribe.</i>	his x mark.	[L. s.]
SD-ZO-MAHTL, <i>Kik-ial-lus band.</i>	his x mark.	[L. s.]
DAHTL-DE-MIN, <i>Sub-chief of Sah-ku-meh-hu.</i>	his x mark.	[L. s.]
SD'ZEK-DU-NUM, <i>Me-sek-wi-guilse sub-chief.</i>	his x mark.	[L. s.]
NOW-A-CHAI, <i>Sub-chief of Dwamish.</i>	his x mark.	[L. s.]
MIS-LO-TCHE, or Wah-hehl-tchoo, <i>Sub-chief of Suquamish.</i>	his x mark.	[L. s.]
SLOO-NOKSH-TAN, or Jim, <i>Suquamish tribe.</i>	his x mark.	[L. s.]
MOO-WHAH-LAD-HU, or Jack, <i>Suquamish tribe.</i>	his x mark.	[L. s.]
TOO-LEH-PLAN, <i>Suquamish tribe.</i>	his x mark.	[L. s.]
HA-SEH-DOO-AN, or Keo-kuck, <i>Dwamish tribe.</i>	his x mark.	[L. s.]
HOOVILT-MEH-TUM, <i>Sub-chief of Suquamish.</i>	his x mark.	[L. s.]
WE-AI-PAH, <i>Skaivhamish tribe.</i>	his x mark.	[L. s.]
S'AH-AN-HU, or Hallam, <i>Snohomish tribe.</i>	his x mark.	[L. s.]
SHE-HOPE, or General Pierce, <i>Skagit tribe.</i>	his x mark.	[L. s.]
HWN-LAH-LAKQ, or Thomas Jefferson, <i>Lummi tribe.</i>	his x mark.	[L. s.]
CHT-SIMPT, <i>Lummi tribe.</i>	his x mark.	[L. s.]
TSE-SUM-TEN, <i>Lummi tribe.</i>	his x mark.	[L. s.]
KLT-HAHL-TEN, <i>Lummi tribe.</i>	his x mark.	[L. s.]
KUT-TA-KANAM, or John, <i>Lummi tribe.</i>	his x mark.	[L. s.]
CH-LAH-BEN, <i>Noo-qua-cha-mish band.</i>	his x mark.	[L. s.]
NOO-HEH-OOS, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
HWEH-UK, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
PEH-NUS, <i>Skaivhamish tribe.</i>	his x mark.	[L. s.]
YIM-KA-NAM, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
TWOOL-AS-KUT, <i>Skaivhamish tribe.</i>	his x mark.	[L. s.]
LUCH-AL-KANAM, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
S'HOOT-KANAM, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
SME-A-KANAM, <i>Snoqualmoo tribe.</i>	his x mark.	[L. s.]
SAD-ZIS-KEH, <i>Snoqualmoo.</i>	his x mark.	[L. s.]
HEH-MAHL, <i>Skaivhamish band.</i>	his x mark.	[L. s.]
CHARLEY, <i>Skagit tribe.</i>	his x mark.	[L. s.]
SAMPSON, <i>Skagit tribe.</i>	his x mark.	[L. s.]
JOHN TAYLOR, <i>Snohomish tribe.</i>	his x mark.	[L. s.]
HATCH-KWENTUM, <i>Skagit tribe.</i>	his x mark.	[L. s.]
YO-I-KUM, <i>Skagit tribe.</i>	his x mark.	[L. s.]
T'KWA-MA-HAN, <i>Skagit tribe.</i>	his x mark.	[L. s.]
STO-DUM-KAN, <i>Swinamish band.</i>	his x mark.	[L. s.]

BE-LOLE, <i>Swinamish band.</i>	his x mark.	[L. S.]
D'ZO-LOLE-GWAM-HU, <i>Skagit tribe.</i>	his x mark.	[L. S.]
STEH-SHAIL, William, <i>Skaiwhamish band.</i>	his x mark.	[L. S.]
KEL-KAHL-TSOOT, <i>Swinamish tribe.</i>	his x mark.	[L. S.]
PAT-SEN, <i>Skagit tribe.</i>	his x mark.	[L. S.]
PAT-TEH-US, <i>Noo-wha-ah sub-chief.</i>	his x mark.	[L. S.]
S'HOOLK-KA-NAM, <i>Lummi sub-chief.</i>	his x mark.	[L. S.]
CH-LOK-SUTS, <i>Lummi sub-chief.</i>	his x mark.	[L. S.]

Executed in the presence of us —

M. T. SIMMONS, *Indian Agent.*
 C. H. MASON, *Secretary of Washington Territory.*
 BENJ. F. SHAW, *Interpreter.*
 CHAS. M. HITCHCOCK.
 H. A. GOLDSBOROUGH.
 GEORGE GIBBS.
 JOHN H. SCRANTON.
 HENRY D. COCK.
 S. S. FORD, Jr.
 ORRINGTON CUSHMAN.
 ELLIS BARNES.
 R. S. BAILEY.
 S. M. COLLINS.
 LAFAYETTE BALCH.
 E. S. FOWLER.
 J. H. HALL.
 ROB'T DAVIS.

Consent of
Senate,
March 8, 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 eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION,

"SENATE OF THE UNITED STATES, March 8, 1859.

"*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the chiefs, headmen and delegates of the Dwámish, Suquámish and other allied and subordinate tribes of Indians occupying certain lands situated in Washington Territory, signed the 22d day of January, 1855.

"Attest:

"ASBURY DICKINS, *Secretary.*"

Proclamation,
April 11, 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 the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this eleventh day of April, in
 [SEAL.] 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.*

*Treaty between the United States of America and the S'Klallams Indians.
Concluded at Point no Point, Washington Territory, January 26, 1855;
Ratified by the Senate, March 8, 1859; Proclaimed by the President of
the United States, April 29, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: January 26, 1855.

WHEREAS a Treaty was made and concluded at Hahd Skus, or Point no Point, in Washington Territory, on the twenty-sixth day of January, eighteen hundred and fifty-five, between Isaac I. Stevens, Governor and Superintendent of Indian Affairs for the said Territory, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Delegates of the different villages of the S'Klallams Indians, viz.: the Kah-tai, Squah-quaihtl, Teh-queen, Ste-tehtlum, Tsohkw, Yennis, El-hwa, Pishtst, Hunnint, Klat-la-wash, and Oke-no, and also of the Sko-ko-mish, Too-an-hooch, and Chem-a-kum tribes occupying certain lands on the straits of Fuca and Hood's Canal, in the Territory of Washington, on behalf of said tribes, and duly authorized by them; which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention, made and concluded at Hahd-skus, or Point no Point, Suquamish Head, in the Territory of Washington, this twenty-sixth day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the different villages of the S'Klallams, viz.: Kah-tai, Squah-quaihtl, Teh-queen, Ste-tehtlum, Tsohkw, Yennis, El-hwa, Pishtst, Hun-nint, Klat-la-wash, and Oke-ho, and also of the Sko-ko-mish, To-an-hooch and Chem-a-kum tribes, occupying certain lands on the straits of Fuca and Hood's Canal in the Territory of Washington, on behalf of said tribes, and duly authorized by them.

Contracting parties.

ARTICLE I. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, viz.: commencing at the mouth of the Okeho River, on the Straits of Fuca, thence southeastwardly along the westerly line of Territory claimed by the Makah tribe of Indians to the summit of the Cascade range; thence still southeastwardly and southerly along said summit to the head of the west branch of the Satsop River, down that branch to the main fork; thence eastwardly and following the line of lands heretofore ceded to the the United States by the Nisqually and other tribes and bands of Indians, to the summit of the Black Hills, and northeastwardly to the portage known as Wilkes' portage; thence northeastwardly, and following the line of lands heretofore ceded to the United States by the Dwamish, Suquamish, and other tribes and bands of Indians to Suquamish Head; thence northerly through Admiralty Inlet to the Straits of Fuca; thence westwardly through said straits to the place of beginning; including all the right, title, and interest of the said tribes and bands to any land in the Territory of Washington.

Cession of lands to the United States.

Boundaries.

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ARTICLE II. There is, however, reserved for the present use and occupation of the said tribes and bands the following tract of land, viz.: the

Reservation.

Whites not to reside thereon.

amount of six sections, or three thousand eight hundred and forty acres, situated at the head of Hood's Canal, to be hereafter set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes and bands, and of the superintendent or agent; but, if necessary for the public convenience, roads may be run through the said reservation, the Indians being compensated for any damage thereby done them. It is, however, understood that should the President of the United States hereafter see fit to place upon the said reservation any other friendly tribe or band, to occupy the same in common with those above mentioned, he shall be at liberty to do so.

Tribes to settle on reservation.

ARTICLE III. The said tribes and bands agree to remove to and settle upon the said reservation within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any lands not in the actual claim or occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

Privileges to the Indians.

ARTICLE IV. The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians, in common with all citizens of the United States; and of erecting temporary houses for the purpose of curing; together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens.

Payments by the United States.

ARTICLE V. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of sixty thousand dollars, in the following manner, that is to say: during the first year after the ratification hereof, six thousand dollars; for the next two years, five thousand dollars each year; for the next three years, four thousand dollars each year; for the next four years, three thousand dollars each year; for the next five years, two thousand four hundred dollars each year; and for the next five years, one thousand six hundred dollars each year. All which said sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

How to be applied.

Appropriation for removal, &c.

ARTICLE VI. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of six thousand dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

Indians may be removed to other reservation.

ARTICLE VII. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of said Indians be promoted, remove them from said reservation to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal; or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate thereon as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment made therefor accordingly.

Lands may be surveyed and assigned, &c.

Vol. x. p. 1044.

Annuities not to be taken for debts of individuals.

ARTICLE VIII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ARTICLE IX. The said tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof; and they pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe, except in self defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the United States, but to deliver them up for trial by the authorities.

Tribes to preserve friendly relations,

to pay for depredations.

not to make war but in self defence.

To surrender offenders.

ARTICLE X. The above tribes and bands are desirous to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging thereto who shall be guilty of bringing liquor into said reservation, 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.

Annuities may be withheld from those drinking ardent spirits.

ARTICLE XI. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for the period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands in common with those of the other tribes of said district, and to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to the sick, and shall vaccinate them; the expenses of the said school, shops, persons employed, and medical attendance to be defrayed by the United States, and not deducted from the annuities.

United States to establish school.

Mechanics' shop.

To employ a physician.

ARTICLE XII. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

Tribes to free slaves and not to acquire others.

ARTICLE XIII. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

Not to trade out of the United States.

ARTICLE XIV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States.

When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Signatures, January 26, 1855.

ISAAC I. STEVENS, Governor and Superintendent. [L. s.]

CHITS-A-MAH-HAN, the Duke of York, his x mark. [L. s.]

Chief of the S'klallams.

DAH-WHIL-LUK, Chief of the Sko-ko-mush. his x mark. [L. s.]

KUL-KAH-HAN, or General Pierce, his x mark. [L. s.]

Chief of the Chem-a-kum.

HOOL-HOLE-TAN, or Jim, Sko-ko-mish sub-chief. his x mark. [L. s.]

SAI-A-KADE, or Frank, Sko-ko-mish sub-chief. his x mark. [L. s.]

LOO-GWEH-OOS, or George, his x mark. [L. s.]

Sko-ko-mish sub-chief.

E-DAGH-TAN, or Tom, <i>Sko-ko-mish sub-chief.</i>	his x mark.	[L. s.]
KAI-A-HAN, or Daniel Webster, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. s.]
ETS-SAH-QUAT, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. s.]
KLEH-A-KUNST, <i>Chem-a-kum sub-chief.</i>	his x mark.	[L. s.]
HE-ATL, Duke of Clarence, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
LACH-KA-NAM, or Lord Nelson, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TCHOTEST, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
HOOT-OTE ST, or General Lane, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TO-TOTESH, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
HAH-KWIA-MIHL, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
SKAI-SE-EE, or Mr. Newman, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
KAHS-SAHS-A-MATL, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
S'HOTE-CH-STAN, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
LAH-ST, or Tom, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TULS-MET-TUM, Lord Jim, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
YAHT-LE-MIN, or General Taylor, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
KLA-KOISHT, or Captain, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
SNA-TALC, or General Scott, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TSEH-A-TAKE, or Tom Benton, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
YAH-KWI-E-NOOK, or General Gaines, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
KAI-AT-LAH, or General Lane, Jr., <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
CAPTAIN JACK, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
HE-ACH-KATE, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TSOH-AS-HAU, or General Harrison, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
KWAH-NALT-SOTE, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
S'HOKE-TAN, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
PAITL, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
WEN-A-HAP, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
KLEW-SUM-AH, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
SE-ATT-HOME-TAU, <i>S'klallam sub-chief.</i>	his x mark.	[L. s.]
TSAT-SAT-HOOT, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
PE-AN-HO, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
YI-AH-HUM, or John Adams, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
TI-ITCH-STAN, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
SOO-YAHNTCH, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
TTSEH-A-TAKE, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HE-ATS-AT-SOOT, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
TOW-OUTS-HOOT, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
TSHEH-HAM, or General Pierce, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
KWIN-NAS-SUM, or George, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HAI-AHTS, John, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HAI-OTEST, John, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
SEH-WIN-NUM, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
YAI-TST, or George, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HE-PAIT, or John, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
SLIMM, or John, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
T'KLALT-SOOT, or Jack, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
S'TAI-TAN, or Sam, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HUT-TETS-OOT, <i>S'klallam tribe.</i>	his x mark.	[L. s.]
HOW-A-OWL, <i>S'klallam tribe.</i>	his x mark.	[L. s.]

Executed in the presence of us—

M. T. SIMMONS,
C. H. MASON, *Secretary Washington Territory*,
BENJ. F. SHAW, *Interpreter*,
JOHN H. SCRANTON,
JOSIAH P. KELLER,
C. M. HITCHCOCK, M. D.,
A. B. GOVE,
H. A. GOLDSBOROUGH,
B. J. MADISON,
F. A. ROWE,
JAS. M. HUNT,
GEORGE GIBBS, *Secretary*,
JOHN J. REILLY,
ROBT. DAVIS,
S. S. FORD, Jr.,
H. D. COCK,
ORRINGTON CUSHMAN,
J. CONKLIN.

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

Ratification,
March 8, 1859.

“IN EXECUTIVE SESSION,
“SENATE OF THE UNITED STATES, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the S'Klallams Indians occupying lands in the Straits of Fuca and Hood's Island, in Washington Territory, signed 26th January, 1855.

“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 eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation
April 29, 1859.

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

Done at the city of Washington, this twenty-ninth day of April, 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*.

Treaty between the United States of America and the Makah Tribe of Indians. Concluded at Neah Bay, Washington Territory, January 31, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: January 31, 1855

WHEREAS a treaty was made and concluded at Neah Bay, in the Territory of Washington, on the thirty-first day of January, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for said Territory, on the part of the United States, and the hereinafter-named chiefs, headmen, and delegates of the several villages of the Makah tribe of Indians, viz.: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classett or Flattery, on behalf of the said tribe and duly authorized by the same; which treaty is in the words and figures following, to wit:

Articles of agreement and convention, made and concluded at Neah Bay, in the Territory of Washington, this thirty-first day of January, in the year eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the several villages of the Makah tribe of Indians, viz.: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classett or Flattery, on behalf of the said tribe and duly authorized by the same.

Contracting Parties.

ARTICLE I. The said tribe hereby cedes, relinquishes, and conveys to the United States all their right, title, and interest in and to the lands and country occupied by it, bounded and described as follows, viz: Commencing at the mouth of the Oke-ho River, on the Straits of Fuca; thence running westwardly with said straits to Cape Classett or Flattery; thence southwardly along the coast to Osett, or the lower Cape Flattery; thence eastwardly along the line of lands occupied by the Kwe-déh-tut or Kwill-eh-yute tribe of Indians, to the summit of the coast range of mountains, and thence northwardly along the line of lands lately ceded to the United States by the S'Klallam tribe to the place of beginning, including all the islands lying off the same on the straits and coast.

Surrender of lands to the United States.
Boundaries.

ARTICLE II. There is, however, reserved for the present use and occupation of the said tribe the following tract of land, viz.: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore round Cape Classett or Flattery, to the mouth of another small stream running into the bay on the south side of said cape, a little above the Waatch village; thence following said brook to its source; thence in a straight line to the source of the first-mentioned brook, and thence following the same down to the place of beginning; which said tract shall be set apart, and so far as necessary surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribe and of the superintendent or agent; but if necessary for the public convenience, roads may be run through the said reservation, the Indians being compensated for any damage thereby done them. It is, however, understood that should the President of the United States here-

Treaties, ante, p. 7.

Reservation.
Boundaries.

Whites not to reside thereon, unless, &c.
Roads may be made.

Other friendly bands may be placed thereon. after see fit to place upon the said reservation any other friendly tribe or band to occupy the same in common with those above mentioned, he shall be at liberty to do so.

Indians to settle on reservation within a year.

ARTICLE III. The said tribe agrees to remove to and settle upon the said reservation, if required so to do, within one year after the ratification of this treaty, or sooner, if the means are furnished them. In the mean time it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

Rights and privileges secured to Indians.

ARTICLE IV. The right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands: *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens.

Proviso.

Payments by the United States.

ARTICLE V. In consideration of the above cession the United States agree to pay to the said tribe the sum of thirty thousand dollars, in the following manner, that is to say: During the first year after the ratification hereof, three thousand dollars; for the next two years, twenty-five hundred dollars each year; for the next three years, two thousand dollars each year; for the next four years, one thousand five hundred dollars each year; and for the next ten years, one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

How to be applied.

Appropriation for removal and for clearing and fencing land, &c.

ARTICLE VI. To enable the said Indians to remove to and settle upon their aforesaid reservation, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of three thousand dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve. And any substantial improvements heretofore made by any individual Indian, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made therefor accordingly.

Indians may be removed from the reservation.

ARTICLE VII. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of said Indians be promoted thereby, remove them from said reservation to such suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands; and he may further, at his discretion, cause the whole, or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate thereon as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be practicable.

Tribes may be consolidated.

Vol. x. p. 1044.

Annuities of tribes not to pay debts of individuals.

ARTICLE VIII. The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

The Indians to preserve friendly relations, &c.

ARTICLE IX. The said Indians acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or

To pay for depredations.

destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent for decision and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribe agrees not to shelter or conceal offenders against the United States, but to deliver up the same for trial by the authorities.

Not to make war except, &c.

To surrender offenders.

ARTICLE X. The above tribe is desirous to exclude from its reservation the use of ardent spirits, and to prevent its people from drinking the same, and therefore it is provided that any Indian belonging thereto who shall be guilty of bringing liquor into said reservation, 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.

Annuities to be withheld from those drinking ardent spirits.

ARTICLE XI. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for the period of twenty years, an agricultural and industrial school, to be free to children of the said tribe in common with those of the other tribes of said district and to provide a smithy and carpenter's shop, and furnish them with the necessary tools and employ a blacksmith, carpenter and farmer for the like term to instruct the Indians in their respective occupations. *Provided however*, That should it be deemed expedient a separate school may be established for the benefit of said tribe and such others as may be associated with it, and the like persons employed for the same purposes at some other suitable place. And the United States further agree to employ a physician to reside at the said central agency, or at such other school should one be established, who shall furnish medicine and advice to the sick, and shall vaccinate them; the expenses of the said school, shops, persons employed and medical attendance to be defrayed by the United States and not deducted from the annuities.

The United States to establish an agricultural &c. school for the Indians.

to provide tools and employ mechanics, &c.

a physician, &c.

ARTICLE XII. The said tribe agrees to free all slaves now held by its people and not to purchase or acquire others hereafter.

The tribe is to free all slaves and not to acquire others.

ARTICLE XIII. The said tribe finally agrees not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in its reservation without consent of the superintendent or agent.

not to trade out of the United States.

Foreign Indians not to reside on reservations.

ARTICLE XIV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States.

When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned, chiefs, headmen and delegates of the tribe aforesaid have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Signatures, January 31, 1855.

ISAAC I. STEVENS, *Governor and Superintendent.* [L. S.]

TSE-KAUWTL, <i>Head Chief of the Makah Tribe.</i>	his x mark.	[L. S.]
KAL-CHOTE, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
TAH-A-HOWTL, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
KAH-BACH-SAT, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
KETS-KUS-SUM, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
HAATSE, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
KEH-CHOOK, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
IT-AN-DA-HA, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
KLAH-PE-AN-HIE, or Andrew Jackson, <i>Sub-chief of the Makahs.</i>	his x mark.	[L. S.]
TSAL-AB-OOS, or Peter, <i>Neah Village.</i>	his x mark.	[L. S.]

TAHOLA, <i>Neah Village.</i>	his x mark.	[L. S.]
KLEHT-LI-QUAT-STL, <i>Waatch Village.</i>	his x mark.	[L. S.]
TOO-WHAII-TAN, <i>Waatch Village.</i>	his x mark.	[L. S.]
TAHTS-KIN, <i>Neah Village.</i>	his x mark.	[L. S.]
NENCHOOP, <i>Neah Village.</i>	his x mark.	[L. S.]
AH-DE-AK-TOO-AH, <i>Osett Village.</i>	his x mark.	[L. S.]
WILLIAM, <i>Neah Village.</i>	his x mark.	[L. S.]
WAK-KEP-TUP, <i>Waatch Village.</i>	his x mark.	[L. S.]
KLAHT-TE-DI-YUKE, <i>Waatch Village.</i>	his x mark.	[L. S.]
OOBICK, <i>Waatch Village.</i>	his x mark.	[L. S.]
BICH-TOOK, <i>Waatch Village.</i>	his x mark.	[L. S.]
BAHT-SE-DITL, <i>Neah Village.</i>	his x mark.	[L. S.]
WACK-SHIE, <i>Neah Village.</i>	his x mark.	[L. S.]
HAH-YO-HWA, <i>Waatch Village.</i>	his x mark.	[L. S.]
DAHT-LEEK, or Mines, <i>Osett Village.</i>	his x mark.	[L. S.]
PAH-HAT, <i>Neah Village.</i>	his x mark.	[L. S.]
PAI-YEH, <i>Osett Village.</i>	his x mark.	[L. S.]
TSAH-WEH-SUP, <i>Neah Village.</i>	his x mark.	[L. S.]
AL-IS-KAH, <i>Osett Village.</i>	his x mark.	[L. S.]
KWE-TOW'TL, <i>Neah Village.</i>	his x mark.	[L. S.]
KAHT-SAHT-WHA, <i>Neah Village.</i>	his x mark.	[L. S.]
TCHOO-QUUT-LAH, or Yes Sir, <i>Neah Village.</i>	his x mark.	[L. S.]
KLATTS-OW-SEHP, <i>Neah Village.</i>	his x mark.	[L. S.]
KAI-KL-CHIS-SUM, <i>Neah Village.</i>	his x mark.	[L. S.]
KAH-KWT-LIT-HA, <i>Waatch Village.</i>	his x mark.	[L. S.]
HE-DAH-TITL, <i>Neah Village.</i>	his x mark.	[L. S.]
SAH-DIT-LE-UAD, <i>Waatch Village.</i>	his x mark.	[L. S.]
KLAH-KU-PIHL, <i>Tsoo-yess Village.</i>	his x mark.	[L. S.]
BILLUK-WHTL, <i>Tsoo-yess Village.</i>	his x mark.	[L. S.]
KWAH-TOO-QUALH, <i>Tsoo-yess Village.</i>	his x mark.	[L. S.]
YOOCH-BOOTT, <i>Tsoo-yess Village.</i>	his x mark.	[L. S.]
SWELL, or Jeff. Davis, <i>Neah Village.</i>	his x mark.	[L. S.]

Executed in the presence of us. The words "five hundred" being first interlined in the 5th article, and erasures made in the 8th and 9th articles.

M. T. SIMMONS, *Indian Agent.*

GEORGE GIBBS, *Secretary.*

B. F. SHAW, *Interpreter.*

C. M. HITCHCOCK, M. D.

E. S. FOWLER.

ORRINGTON CUSHMAN.

ROBT. DAVIS.

Consent of
Senate, March 8,
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 eighth day of March, one thousand eight hundred and fifty-nine, 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, March 8, 1859.

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the chiefs, headmen, and delegates of the Makah tribes of Indians occupying the country around Cape Classet or Flattery, in Washington Territory, signed 31st January, 1855.

"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 March eighth, eighteen hundred and fifty-nine, hereby accept, ratify, and confirm the said treaty. Proclamation,
April 18, 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 eighteenth day of April,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Treaty between the United States and the Walla-Walla, Cayuses, and Umatilla Tribes and Bands of Indians in Washington and Oregon Territories. Concluded at Camp Stevens, in the Walla-Walla Valley, Washington Territory, June 9, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 9, 1855.

WHEREAS a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley on the ninth day of June, one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter named chiefs, headmen and delegates of the Walla-Walla, Cayuses and Umatilla tribes and bands of Indians, occupying lands partly in Washington and partly in Oregon Territory, they being duly authorized thereto by said tribes and bands; which treaty is in the following words and figures, to wit:

Preamble.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Walla-Wallas, Cayuses, and Umatilla tribes, and bands of Indians, occupying lands partly in Washington and partly in Oregon Territories, and who, for the purposes of this treaty, are to be regarded as one nation acting for and in behalf of their respective bands and tribes, they being duly authorized thereto; it being understood that Superintendent I. I. Stevens assumes to treat with that portion of the above named bands and tribes residing within the Territory of Washington, and Superintendent Palmer with those residing within Oregon.

Contracting parties.

ARTICLE I. The above named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit: Commencing at the mouth of the Tocannon River, in Washington Territory, running thence up said river to its source; thence easterly along the summit of the Blue Mountains, and on the southern boundaries of the purchase made of the Nez Percés Indians, and easterly along that boundary to the western limits of the country claimed by the Shoshonees or Snake Indians; thence southerly along that boundary (being the waters of Powder River) to the source of Powder River, thence to the head waters of Willow Creek, thence down Willow Creek to the Columbia River, thence up the channel of the Columbia River to the lower end of a large island below the mouth of Umatilla River, thence northerly to a point on the Yakama River, called Tohmah-luke, thence to Le Lac, thence to the White banks on the Columbia below Priest's Rapids, thence down the Columbia River to the junction of the Columbia and Snake Rivers, thence up the Snake River to the place of beginning: *Provided, however,* That so much

Cession of lands to the United States.
Boundaries.

Boundaries.

Reservation.

Whites not to reside thereon, unless, &c.

Tribes to settle thereon in a year.

Rights and privileges secured to the Indians.

Proviso in case any tribe does not accede to this treaty.

Allowance for improvements, if, &c.

Payments by the United States.

How to be expended.

of the country described above as is contained in the following boundaries shall be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation; to wit: Commencing in the middle of the channel of Umatilla River opposite the mouth of Wild Horse Creek, thence up the middle of the channel of said creek to its source, thence southerly to a point in the Blue Mountains, known as Lee's Encampment, thence in a line to the headwaters of Howtome Creek, thence west to the divide between Howtome and Birch Creeks, thence northerly along said divide to a point due west of the southwest corner of William C. McKay's land claim, thence east along his line to his southeast corner, thence in a line to the place of beginning; all of which tract shall be set apart and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without permission of the agent and superintendent. The said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the government other than is provided by this treaty, and until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all citizen[s] of the United States, the right to enter upon and occupy as settlers any lands not actually enclosed by said Indians: *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them. *And provided, also*, That if any band or bands of Indians, residing in and claiming any portion or portions of the country described in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to reserve such part of the several and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also*, That when substantial improvements have been made by any member of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, [they] shall be valued under the direction of the President of the United States, and payment made therefor.

ARTICLE II. In consideration of and payment for the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, and who remove to and reside upon said reservation, the several sums of money following, to wit: eight thousand dollars per annum for the term of five years, commencing on the first day of September, 1856; six thousand dollars per annum for the term of five years next succeeding the first five; four thousand dollars per annum for the term of five years next succeeding the second five, and two thousand dollars per annum for the term of five years next succeeding the third five; all of which several sums of money shall be expended for the use and benefit of the confederated bands herein named, under the direction of the President of the United States, who may from time to time at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, purchasing teams, wagons, agricultural implements and seeds, for clothing, provision and tools, for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE III. In addition to the articles advanced the Indians at the time of signing this treaty, the United States agree to expend the sum of fifty thousand dollars during the first and second years after its ratification, for the erection of buildings on the reservation, fencing and opening farms, for the purchase of teams, farming implements, clothing, and provisions, for medicines and tools, for the payment of employes, and for subsisting the Indians the first year after their removal.

United States
to expend
\$50,000 for
buildings, &c.

ARTICLE IV. In addition to the consideration above specified, the United States agree to erect at suitable points on the reservation, one saw-mill, and one flouring-mill, a building suitable for a hospital, two school-houses, one blacksmith shop, one building for wagon and ploughmaker and one carpenter and joiner shop, one dwelling for each, two millers, one farmer, one superintendent of farming operations, two school teachers, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, to each of which the necessary out buildings. To purchase and keep in repair for the term of twenty years all necessary mill fixtures and mechanical tools, medicines and hospital stores, books and stationery for schools, and furniture for employes.

to erect saw-
mills, schools,
mechanics'
shops, &c.

The United States further engage to secure and pay for the services and subsistence, for the term of twenty years, [of] one superintendent of farming operations, one farmer, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, one physician, and two school teachers.

to employ me-
chanics, teach-
ers, &c.

ARTICLE V. The United States further engage to build for the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands each one dwelling-house, and to plough and fence ten acres of land for each, and to pay to each five hundred dollars per annum in cash for the term of twenty years. The first payment to the Walla-Walla chief to commence upon the signing of this treaty. To give to the Walla-Walla chief three yoke of oxen, three yokes and four chains, one wagon, two ploughs, twelve hoes, twelve axes, two shovels, and one saddle and bridle, one set of wagon harness, and one set of plough harness, within three months after the signing of this treaty.

to build dwell-
ing-houses, &c.
for head chiefs.

To build for the son of Pio-pio-mox-mox one dwelling-house, and plough and fence five acres of land, and to give him a salary for twenty years, one hundred dollars in cash per annum, commencing September first, eighteen hundred and fifty-six.

Pio-pio-mox-
mox.

The improvement named in this section to be completed as soon after the ratification of this treaty as possible.

It is further stipulated that Pio-pio-mox-mox is secured for the term of five years, the right to build and occupy a house at or near the mouth of Yakama River, to be used as a trading post in the sale of his bands of wild cattle ranging in that district. *And provided, also,* That in consequence of the immigrant wagon road from Grand Round to Umatilla, passing through the reservation herein specified, thus leading to turmoils and disputes between Indians and immigrants, and as it is known that a more desirable and practicable route may be had to the south of the present road, that a sum not exceeding ten thousand dollars shall be expended in locating and opening a wagon road from Powder River or Grand Round, so as to reach the plain at the western base of the Blue Mountains, south of the southern limits of said reservation.

\$10,000 to be
expended for
opening wagon
road from Pow-
der River.

ARTICLE VI. The President may, from time to time at his discretion cause the whole or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for those Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently, to a single person over twenty-one years of age, forty acres, to a family of two persons, sixty acres, to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty

Allotments of
land may be
made to individ-
ual Indians.

Patents may
issue therefor.
Conditions.

Restriction not
to be removed,
unless, &c.

Assignment of
patent may be
cancelled, &c.

Certain head
chiefs to have
160 acres.

Annuities of
Indians not to
pay debts of in-
dividuals.

Bands to pre-
serve friendly re-
lations, &c.

to pay &c. for
depredations.

not to make
war, except, &c.

to submit to
regulations.

Annuities with-
held from those
drinking liquor.

Right of way
reserved for roads
through reserva-
tion.

When treaty to
take effect.

Signatures,
June 9, 1855.

acres to each additional three members; and the President may provide for such rules and regulations as will secure to the family in case of the death of the head thereof, the possession and enjoyment of such permanent home and improvement thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution, embracing such land within its limits, shall have been formed and the legislature of the State shall remove the restriction: *Provided, however*, That no State legislature shall remove the restriction herein provided for without the consent of Congress: *And provided, also*, That if any person or family, shall at any time, neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place, indicating a desire to abandon his home, the President may if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their portion of the annuities or other money due them, until they shall have returned to such permanent home, and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation: *And provided, also*, That the head chiefs of the three principal bands, to wit, Pio-pio-mox-mox, Weyatenatemany, and Wenap-shoot, shall be secured in a tract of at least one hundred and sixty acres of land.

ARTICLE VII. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The confederated bands acknowledge their dependence on the government of the United States and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of such citizens, and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matter of difference between them and other Indians, to the government of the United States or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE IX. In order to prevent the evils of intemperance among said Indians, it is hereby provided that if any one of them shall drink liquor, or procure it for others to drink, [such one] may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The said confederated bands agree that, whenever in the opinion of the President of the United States the public interest may require it, *that* all roads highways and railroads shall have the right of way through the reservation herein designated or which may at any time hereafter be set apart as a reservation for said Indians.

ARTICLE XI. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said I. I. Stevens and Joel Palmer, on the part of the United States, and the undersigned chiefs, headmen, and dele-

gates of the said confederated bands, have hereunto set their hands and seals, this ninth day of June, eighteen hundred and fifty-five.

ISAAC I. STEVENS, [L. S.]
Governor and Superintendent Washington Territory.

JOEL PALMER, [L. S.]
Superintendent Indian Affairs, O. T.

PIO-PIO-MOX-MOX, his x mark. [L. S.]

Head Chief of Walla-Wallas.

MEANI-TEAT or Pierre, his x mark. [L. S.]

WEYATENATEMANY, his x mark. [L. S.]

Head Chief of Cayuses.

WENAP-SNOOT, his x mark. [L. S.]

Head Chief of Umatilla.

KAMASPELLO, his x mark. [L. S.]

STEACHUS, his x mark. [L. S.]

HOWLISH-WAMPO, his x mark. [L. S.]

FIVE CROWS, his x mark. [L. S.]

STOCHEANIA, his x mark. [L. S.]

MU-HOWLISH, his x mark. [L. S.]

LIN-TIN-MET-CHEANIA, his x mark. [L. S.]

PETAMYO-MOX-MOX, his x mark. [L. S.]

WATASH-TE-WATY, his x mark. [L. S.]

SHE-YAM-NA-KON, his x mark. [L. S.]

QUA-CHIM, his x mark. [L. S.]

TE-WALCA-TEMANY, his x mark. [L. S.]

KEANTOAN, his x mark. [L. S.]

U-WAIT-QUAICK, his x mark. [L. S.]

TILCH-A-WAIX, his x mark. [L. S.]

LA-TA-CHIN, his x mark. [L. S.]

KACHO-ROLICH, his x mark. [L. S.]

KANOCEY, his x mark. [L. S.]

SOM-NA-HOWLISH, his x mark. [L. S.]

TA-WE-WAY, his x mark. [L. S.]

HA-HATS-ME-CHEAT-PUS, his x mark. [L. S.]

PE-NA-CHEANIT, his x mark. [L. S.]

HA-YO-MA-KIN, his x mark. [L. S.]

YA-CA-LOX, his x mark. [L. S.]

NA-KAS, his x mark. [L. S.]

STOP-CHA-YEOU, his x mark. [L. S.]

HE-YEAU-SHE-KEAUT, his x mark. [L. S.]

SHA-WA-WAY, his x mark. [L. S.]

TAM-CHA-KEY, his x mark. [L. S.]

TE-NA-WE-NA-CHA, his x mark. [L. S.]

JOHNSON, his x mark. [L. S.]

WHE-LA-CHEY, his x mark. [L. S.]

Signed in the presence of—

JAMES DOTY, *Secretary Treaties.*

WM. C. MCKAY, *Secretary Treaties.*

C. CHIROUSE, *O. M. I.*

A. D. PAMBURN, *Interpreter.*

JOHN WHITFORD, his x mark, *Interpreter.*

MATHEW DOFA, his x mark, *Interpreter.*

WILLIAM CRAIG, *Interpreter.*

JAMES COXEY, his x mark, *Interpreter.*

PATRICK MCKENZIE, *Interpreter.*

ARCH. GRACIE, JR., *Brevet Second Lieutenant 4th Infantry.*

R. R. THOMPSON, *Indian Agent.*

R. B. METCALFE, *Indian Sub-Agent.*

Consent of Senate, March 8, 1859.

And whereas the said treaty was submitted to the Senate of the United States for its constitutional action thereon, and the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, 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, March 8, 1859.

“*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 chiefs, headmen and delegates of the Walla-Wallas, Cayuses and Umatilla tribes of Indians occupying lands partly in Washington and partly in Oregon Territories, and signed the 9th day of June, 1855.

“Attest :

“ASBURY DICKINS, *Secretary*.”

Proclamation, April 11, 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 March the eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty.

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

Done at the City of Washington, this eleventh day of April,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.

Treaty between the United States and the Yakama Nation of Indians. Concluded at Camp Stevens, Walla-Walla Valley, June 9, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 9, 1855.

WHEREAS a treaty was made and concluded at the Treaty Ground, Camp Stevens, Walla-Walla Valley, on the ninth day of June, in the year one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor, and superintendent of Indian affairs, for the Territory of Washington, on the part of the United States, and the hereinafter named head chief, chiefs, headmen and delegates of the Yakama, Palouse, Pisuouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat, confederate tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its Head Chief, on behalf of and acting for said bands and tribes, and duly authorized thereto by them; which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned head chief, chiefs, headmen and delegates of the Yakama, Palouse, Pisuouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat, confederated tribes and bands of Indians, occupying lands hereinafter bounded and described and lying in Washington Territory, who for the purposes of this treaty are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.

Contracting parties.

ARTICLE I. The aforesaid confederated tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied and claimed by them, and bounded and described as follows, to wit:

Cession of lands to the United States.

Commencing at Mount Ranier, thence northerly along the main ridge of the Cascade Mountains to the point where the northern tributaries of Lake Che-lan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Che-lan and the Methow River to the Columbia River; thence, crossing the Columbia on a true east course, to a point whose longitude is one hundred and nineteen degrees and ten minutes (119° 10') which two latter lines separate the above confederated tribes and bands from the Oakinakane tribe of Indians; thence in a true south course to the

Boundaries.

forty-seventh (47°) parallel of latitude; thence east on said parallel to the main Palouse River, which two latter lines of boundary separate the above confederated tribes and bands from the Spokanes; thence down the Palouse River to its junction with the Moh-hah-ne-she, or southern tributary of the same; thence, in a southeasterly direction, to the Snake River, at the mouth of the Tucannon River, separating the above confederated tribes from the Nez Percé tribe of Indians; thence down the Snake River to its junction with the Columbia River; thence up the Columbia River to the "White banks," below the Priest's rapids; thence westerly to a lake called "La Lac;" thence southerly to a point on the Yakama River called Toh-mah-luke; thence, in a southwesterly direction, to the Columbia River, at the western extremity of the "Big Island," between the mouths of the Umatilla River and Butler Creek; all which latter boundaries separate the above confederated tribes and bands from the Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians; thence down the Columbia River to midway between the mouths of White Salmon and Wind Rivers; thence along the divide between said rivers to the main ridge of the Cascade Mountains; and thence along said ridge to the place of beginning.

Reservation.

ARTICLE II. There is, however, reserved, from the lands above ceded for the use and occupation of the aforesaid confederated tribes and bands of Indians, the tract of land included within the following boundaries, to wit:

Boundaries.

Commencing on the Yakama River, at the mouth of the Attah-nam River; thence westerly along said Attah-nam River to the forks; thence along the southern tributary to the Cascade Mountains; thence southerly along the main ridge of said mountains, passing south and east of Mount Adams, to the spur whence flows the waters of the Klickitat and Pisco rivers; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Satass River from those flowing into the Columbia River; thence along said divide to the main Yakama, eight miles below the mouth of the Satass River; and thence up the Yakama River to the place of beginning.

Reservation to be set apart, &c. and Indians to settle thereon;

whites not to reside thereon.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent. And the said confederated tribes and bands agree to remove to, and settle upon, the same, within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States; and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing, however, the right to all citizens of the United States, to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named.

Improvements to be paid for by the United States.

And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued, under the direction of the President of the United States, and payment made therefor in money; or improvements of an equal value made for said Indian upon the reservation. And no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money, or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That, if necessary for the public con-

venience, roads may be run through the said reservation; and on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them; as also the right, in common with citizens of the United States, to travel upon all public highways.

Roads may be made.

The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Privileges secured to Indians.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes and bands of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say: sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of the treaty, ten thousand dollars each year, commencing September first, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand dollars per year; and for the next five years, four thousand per year.

Payments by the United States;

All which sums of money shall be applied to the use and benefit of said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

how to be applied.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping them in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of the said confederated tribes and bands of Indians, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tin shop, and to the other a gunsmith's shop; one carpenter's shop, one wagon and ploughmaker's shop, and to keep the same in repair and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and ploughmaker, for the instruction of the Indians in trades and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures; to erect a hospital, keeping the same in repair and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provided with the necessary furniture, the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

United States to establish schools,

mechanics' shops,

saw-mill and flouring-mill, hospital.

And in view of the fact that the head chief of the said confederated tribes and bands of Indians is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agree to pay to the said confederated tribes and bands of Indians five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such person as the said

Salary to head chief; house, &c

confederated tribes and bands of Indians may select to be their head chief; to build for him at a suitable point on the reservation a comfortable house and properly furnish the same, and to plough and fence ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may continue to hold that office.

Kamaiakun is
the head chief.

And it is distinctly understood and agreed that at the time of the conclusion of this treaty Kamaiakun is the duly elected and authorized head chief of the confederated tribes and bands aforesaid, styled the Yakama nation, and is recognized as such by them and by the commissioners on the part of the United States holding this treaty; and all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said confederated tribes and bands of Indians. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

Reservation
may be surveyed
into lots, and as-
signed to individ-
uals or families.

ARTICLE VI. The President may, from time to time, at his discretion, cause the whole or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes and bands of Indians as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

Vol. x. p. 1044.

Annuities not
to pay debts of
individuals.

ARTICLE VII. The annuities of the aforesaid confederated tribes and bands of Indians shall not be taken to pay the debts of individuals.

Tribes to pre-
serve friendly re-
lations;

ARTICLE VIII. The aforesaid confederated tribes and bands of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.

to pay for
depredations;

And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities.

not to make
war but in self-
defence;

Nor will they make war upon any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on any other Indians within the Territory of Washington or Oregon, the same rule shall prevail as that provided in this article in case of depredations against citizens. And the said confederated tribes and bands of Indians agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

to surrender
offenders.

Annuities may
be withheld from
those who drink
ardent spirits.

ARTICLE IX. The said confederated tribes and bands of Indians desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and, therefore, it is provided that any Indian belonging to said confederated tribes and bands of Indians, who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her annuities withheld from him or her for such time as the President may determine.

Wenatshapam
fishery reserved.

ARTICLE X. *And provided*, That there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisuouse or Wenatshapam River, and known as the "Wenatshapam fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations.

When treaty
to take effect.

ARTICLE XI. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chief, chiefs, headmen, and delegates of the aforesaid confederated tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS,
Governor and Superintendent. [L. S.]

KAMAIKUN,	his x mark.	[L. S.]
SKLOOM,	his x mark.	[L. S.]
OWHI,	his x mark.	[L. S.]
TE-COLE-KUN,	his x mark.	[L. S.]
LA-HOOM,	his x mark.	[L. S.]
ME-NI-NOCK,	his x mark.	[L. S.]
ELIT PALMER,	his x mark.	[L. S.]
WISH-OCH-KMPITS,	his x mark.	[L. S.]
KOO-LAT-TOOSE,	his x mark.	[L. S.]
SHEE-AH-COTTE,	his x mark.	[L. S.]
TUCK-QUILLE,	his x mark.	[L. S.]
KA-LOO-AS,	his x mark.	[L. S.]
SCHA-NOO-A,	his x mark.	[L. S.]
SLA-KISH,	his x mark.	[L. S.]

Signed and sealed in presence of—

JAMES DOTY, *Secretary of Treaties*,
MIE. CLES. PANDOSY, *O. M. T.*,
WM. C. MCKAY,
W. H. TAPPAN, *Sub Indian Agent, W. T.*,
C. CHIROUSE, *O. M. T.*,
PATRICK MCKENZIE, *Interpreter*,
A. D. PAMBURN, *Interpreter*,
JOEL PALMER, *Superintendent Indian Affairs, O. T.*,
W. D. BIGLOW,
A. D. PAMBURN, *Interpreter*.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

Ratification,
March 8, 1859.

“IN EXECUTIVE SESSION,
“SENATE OF THE UNITED STATES, March 8, 1859.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the head chief, chiefs, headmen, and delegates of the Yakama, Palouse, and other confederated tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of “Yakama,” with Kamaiakun as its head chief, signed 9th June, 1855.

“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 March eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation,
April 18, 1859.

TREATY WITH THE YAKAMAS. JUNE 9, 1855.

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

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

*Treaty between the United States of America and the Nez Percé Indians.
Concluded at Camp Stevens, in the Walla-Walla Valley, June 11, 1855.
Ratified by the Senate, March 8, 1859. Proclaimed by the President
of the United States, April 29, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 11, 1855.

WHEREAS a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, on the eleventh day of June, one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territory, between the Cascade and the Bitter Root Mountains, on behalf of and duly authorized by said tribe, which said treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this eleventh day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territories, between the Cascade and Bitter Root Mountains, on behalf of, and acting for said tribe, and being duly authorized thereto by them, it being understood that Superintendent Isaac I. Stevens assumes to treat only with those of the above-named tribe of Indians residing within the Territory of Washington, and Superintendent Palmer with those residing exclusively in Oregon Territory.

Contracting parties.

ARTICLE I. The said Nez Percé tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Commencing at the source of the Wo-na-ne-she or southern tributary of the Palouse River; thence down that river to the main Palouse; thence in a southerly direction to the Snake River, at the mouth of the Tucanon River; thence up the Tucanon to its source in the Blue Mountains; thence southerly along the ridge of the Blue Mountains; thence to a point on Grand Ronde River, midway between Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder River; thence to the crossing of Snake River, at the mouth of Powder River; thence to the Salmon River, fifty miles above the place known [as] the "crossing of the Salmon River;" thence due north to the summit of the Bitter Root Mountains; thence along the crest of the Bitter Root Mountains to the place of beginning.

Cession of lands to the United States.

Boundaries.

ARTICLE II. There is, however, reserved from the lands above ceded for the use and occupation of the said tribe, and as a general reservation

Reservation.

Boundaries.

for other friendly tribes and bands of Indians in Washington Territory, not to exceed the present numbers of the Spokane, Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians, the tract of land included within the following boundaries, to wit: commencing where the Moh-ha-nashe or southern tributary of the Palouse River flows from the spurs of the Bitter Root Mountains; thence down said tributary to the mouth of the Ti-nat-pan-up Creek, thence southerly to the crossing of the Snake River ten miles below the mouth of the Al-po-wa-wi River; thence to the source of the Al-po-wa-wi River in the Blue Mountains; thence along the crest of the Blue Mountains; thence to the crossing of the Grand Ronde River, midway between the Grand Ronde and the mouth of the Woll-low-how River; thence along the divide between the waters of the Woll-low-how and Powder Rivers; thence to the crossing of the Snake River fifteen miles below the mouth of the Powder River; thence to the Salmon River above the crossing; thence by the spurs of the Bitter Root Mountains to the place of beginning.

Reservation to be set apart, &c., and Indians to settle thereon.

Whites not to reside thereon without, &c.

Improvements to be paid for by the United States.

Roads may be made.

Privileges secured to Indians.

Payments by the United States.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and settle upon the same within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant, guarantying, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named.

And provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of equal value shall be furnished him as aforesaid.

ARTICLE III. And provided that, if necessary for the public convenience, roads may be run through the said reservation, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them, as also the right, in common with citizens of the United States, to travel upon all public highways. The use of the Clear Water and other streams flowing through the reservation is also secured to citizens of the United States for rafting purposes, and as public highways.

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said tribe in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say, sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this

treaty, in providing for their removal to the reserve, breaking up and fencing farms, building houses, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand dollars each year, and for the next five years, four thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmith's shops, to one of which shall be attached a tin shop and to the other a gunsmith's shop; one carpenter's shop, one wagon and ploughmaker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths; one tinner, one gunsmith, one carpenter, one wagon and ploughmaker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chief of the tribe is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agrees to pay to the Nez Percé tribe five hundred dollars per year for the term of twenty years, after the ratification hereof, as a salary for such person as the tribe may select to be its head chief. To build for him, at a suitable point on the reservation, a comfortable house, and properly furnish the same, and to plough and fence for his use ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may be elected to that position by his tribe, and no longer.

And all the expenditures and expenses contemplated in this fifth article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribe, nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said tribe as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas in the year 1854, so far as the same may be applicable.

Payments how
to be applied

United States
to establish
schools, &c.

to build me-
chanics' shops,
&c.

saw-mill.

hospital.

Salary to head-
chief, house, &c.

Reservation
may be surveyed
into lots and as-
signed to individ-
uals or families.

Annuities not
to pay debts of
individuals.

Tribe to pre-
serve friendly
relations.

to pay for
depredations.

not to make
war except in
self-defence.

to surrender
offenders.

Annuities may
be withheld from
those who drink
ardent spirits.

Land of Wil-
liam Craig.

When treaty to
take effect.

Signatures,
June 11, 1855.

ARTICLE VII. The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid tribe acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens; and should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and the other Indians to the government of the United States, or its agent, for decision, and abide thereby; and if any of the said Indians commit any depredations on any other Indians within the Territory of Washington, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribe agrees not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The Nez Percés desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservation, 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.

ARTICLE X. The Nez Percé Indians having expressed in council a desire that William Craig should continue to live with them, he having uniformly shown himself their friend, it is further agreed that the tract of land now occupied by him, and described in his notice to the register and receiver of the land office of the Territory of Washington, on the fourth day of June last, shall not be considered a part of the reservation provided for in this treaty, except that it shall be subject in common with the lands of the reservation to the operations of the intercourse act.

ARTICLE XI. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, and the chiefs, headmen, and delegates of the aforesaid Nez Percé tribe of Indians, have hereunto set their hands and seals, at the place, and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]
Governor and Sup't Washington Territory.
JOEL PALMER, [L. s.]
Superintendent Indian Affairs.

ALEIYA, or Lawyer, Head-chief of the Nez Percés,	[L. s.]
APPUSHWA-HITE, or Looking-glass, his x mark.	[L. s.]
JOSEPH,	his x mark. [L. s.]
JAMES,	his x mark. [L. s.]
RED WOLF,	his x mark. [L. s.]
TIMOTHY,	his x mark. [L. s.]
U-UTE-SIN-MALE-CUN,	his x mark. [L. s.]
SPOTTED EAGE,	his x mark. [L. s.]
STOOP-TOOP-NIN, or Cut-Hair,	his x mark. [L. s.]
TAH-MOH-MOH-KIN,	his x mark. [L. s.]
TIPPELANECBUPOOH,	his x mark. [L. s.]
HAH-HAH-STILPILP,	his x mark. [L. s.]
COOL-COOL-SHUA-NIN,	his x mark. [L. s.]

SILISH,	his x mark.	[L. S.]
TOH-TOH-MOLEWIT,	his x mark.	[L. S.]
TUKY-IN-LIK-IT,	his x mark.	[L. S.]
TE-HOLE-HOLE-SOOT,	his x mark.	[L. S.]
ISH-COH-TIM,	his x mark.	[L. S.]
WEE-AS-CUS,	his x mark.	[L. S.]
HAH-HAH-STOORE-TEE,	his x mark.	[L. S.]
EEE-MAHT-SIN-POOH,	his x mark.	[L. S.]
TOW-WISH-AU-IL-PILP,	his x mark.	[L. S.]
KAY-KAY-MASS,	his x mark.	[L. S.]
SPEAKING EAGLE,	his x mark.	[L. S.]
WAT-TI-WAT-TI-WAH-HI,	his x mark.	[L. S.]
HOWH-NO-TAH-KUN,	his x mark.	[L. S.]
TOW-WISH-WANE,	his x mark.	[L. S.]
WAHPT-TAH-SHOOSHE,	his x mark.	[L. S.]
BEAD NECKLACE,	his x mark.	[L. S.]
KOOS-KOOS-TAS-KUT,	his x mark.	[L. S.]
LEVI,	his x mark.	[L. S.]
PEE-OO-PE-WHI-HI,	his x mark.	[L. S.]
PEE-OO-PEE-IECTEIM,	his x mark.	[L. S.]
PEE-POOME-KAH,	his x mark.	[L. S.]
HAH-HAH-STLIL-AT-ME,	his x mark.	[L. S.]
WEE-YOKE-SIN-ATE,	his x mark.	[L. S.]
WEE-AH-KI,	his x mark.	[L. S.]
NECALAHTSIN,	his x mark.	[L. S.]
SUCK-ON-TIE,	his x mark.	[L. S.]
IP-NAT-TAM-MOOSE,	his x mark.	[L. S.]
JASON,	his x mark.	[L. S.]
KOLE-KOLE-TIL-KY,	his x mark.	[L. S.]
IN-MAT-TUTE-KAH-KY,	his x mark.	[L. S.]
MOH-SEE-CHEE,	his x mark.	[L. S.]
GEORGE,	his x mark.	[L. S.]
NICKE-EL-IT-MAY-HO,	his x mark.	[L. S.]
SAY-IEE-OUSE,	his x mark.	[L. S.]
WIS-TASSE-CUT,	his x mark.	[L. S.]
KY-KY-SOO-TE-LUM,	his x mark.	[L. S.]
KO-KO-WHAY-NEE,	his x mark.	[L. S.]
KWIN-TO-KOW,	his x mark.	[L. S.]
PEE-WEE-AU-AP-TAH,	his x mark.	[L. S.]
WEE-AT-TENAT-IL-PILP,	his x mark.	[L. S.]
PEE-OO-PEE-U-IL-PILP,	his x mark.	[L. S.]
WAH-TASS-TUM-MANNEE,	his x mark.	[L. S.]
TU-WEE-SI-CE,	his x mark.	[L. S.]
LU-EE-SIN-KAH-KOOSE-SIN,	his x mark.	[L. S.]
HAH-TAL-EE-KIN,	his x mark.	[L. S.]

Signed and sealed in presence of us—

JAMES DOTY, *Secretary of Treaties, W. T.*
 WM. C. MCKAY, *Secretary of Treaties, O. T.*
 W. H. TAPPAN, *Sub-Indian Agent,*
 WILLIAM CRAIG, *Interpreter,*
 A. D. PAMBURN, *Interpreter,*
 WM. McBEAN,
 GEO. C. BOMFORD,
 C. CHIROUSE, *O. M. T.*
 MIE. CLES. PANDOSY,
 LAWRENCE KIP,
 W. H. PEARSON.

Ratification,
March 8, 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 eighth day of March, eighteen hundred and fifty-nine, 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, March 8, 1859.

"*Resolved*, (two thirds of the senators present concurring.) That the Senate advise and consent to the ratification of treaty between the United States and the chiefs, headmen and delegates of the Nez Percé tribe of Indians, occupying lands lying partly in Washington and partly in Oregon Territories, between the Cascade and Bitter Root Mountains, signed 11th day June, 1855.

"Attest :

"ASBURY DICKINS, *Secretary*."

Proclamation,
April 29, 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 the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this twenty-ninth day of April,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.

Treaty between the United States and the confederated tribes and bands of Indians in Middle Oregon. Concluded at Wasco, in Oregon Territory, June 25, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 25, 1855.

WHEREAS a treaty was made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, on the twenty-fifth day of June, eighteen hundred and fifty-five, between Joel Palmer, superintendent of Indian affairs for the said Territory, on the part of the United States, and the following-named chiefs and headmen of the confederated tribes and bands of Indians residing in Middle Oregon, they being authorized thereto by their respective bands, to wit: Symtustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Ta-ih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of the Wascoes, and Wal-la-chin, chief of the Dog River band of the Wascoes; which treaty is in the words and figures following, to wit:

Preamble.*

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and headmen of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Symtustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes.

Contracting parties.

ARTICLE I. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit:

Cession of lands to the United States.

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head waters of Willow Creek; thence west to the head waters of said creek; thence down said stream to its junction with the Columbia River; and thence down the channel of the Columbia River to the place of beginning. Pro-

Boundaries.

Reservation.

vided, however, that so much of the country described above as is contained in the following boundaries, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation, to wit :

Boundaries.

Commencing in the middle of the channel of the De Chutes River opposite the eastern termination of a range of high lands usually known as the Mutton Mountains ; thence westerly to the summit of said range, along the divide to its connection with the Cascade Mountains ; thence to the summit of said mountains ; thence southerly to Mount Jefferson ; thence down the main branch of De Chutes River ; heading in this peak, to its junction with De Chutes River ; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use ; nor shall any white persons be permitted to reside upon the same without the concurrent permission of the agent and superintendent.

Whites not to reside thereon unless, &c.

Bands to settle thereon within a year.

Another reservation may be selected in lieu of this, if, &c.

Rights and privileges secured to Indians.

Proviso in case any band does not accede to this treaty.

Allowance for improvements if, &c.

The said bands and tribes agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the United States other than is provided for by this treaty ; and, until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually enclosed by said Indians. *Provided, however*, That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this treaty shall have been commenced, that if the three principal bands, to wit : the Wascopum, Tiah, or Upper De Chutes, and the Lower De Chutes bands of Walla-Wallas shall express in council, a desire that some other reservation may be selected for them, that the three bands named may select each three persons of their respective bands, who with the superintendent of Indian affairs or agent as may by him be directed, shall proceed to examine, and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this treaty. *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians ; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same ; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them. *And provided, also*, That if any band or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country described as aforesaid as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also*, That where substantial improvements have been made by any members of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefor ; or, in lieu of said payment, improvements of equal extent and value at their option shall be made for them on the tracts assigned to each respectively.

ARTICLE II. In consideration of, and payment for, the country hereby

ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit: Payments by the United States.

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and

Two thousand dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization; for their moral improvement and education; for building, opening and fencing farms, breaking land, providing teams, stock, agricultural implements, seeds, &c.; for clothing, provisions, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition. How to be expended.

ARTICLE III. The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this treaty, and in providing, after the ratification thereof, and prior to their removal, such articles as may be deemed by the President essential to their want; for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees; and for subsisting the Indians the first year after their removal. \$50,000 additional to be expended for buildings, &c.

ARTICLE IV. In addition to the considerations specified, the United States agree to erect, at suitable points on the reservation, one saw-mill and one flouring-mill; suitable hospital buildings; one school house; one blacksmith shop with a tin and a gunsmith shop thereto attached; one wagon and ploughmaker shop; and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a school teacher, a blacksmith, and a wagon and ploughmaker, a dwelling house and the requisite outbuildings for each; and to purchase and keep in repair for the time specified for furnishing employees, all necessary mill fixtures, mechanics' tools, medicines and hospital stores, books and stationery for schools, and furniture for employees. United States to erect saw-mills, school-house, &c.

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith, and one wagon and ploughmaker; and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher. to furnish farmer, mechanics, physician, &c.

The United States also engage to erect four dwelling houses; one for the head chief of the confederated bands, and one each for the Upper and Lower De Chutes bands of Walla-Wallas, and for the Wascopum band of Wascoes, and to fence and plough for each of the said chiefs ten acres of land; also to pay the head chief of the confederated bands a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have removed to the reservation, or as soon thereafter as a head chief should be elected: *And provided, also,* That at any time, when by the death, resignation, or removal of the chief selected, there shall be a vacancy, and a successor appointed or selected, the salary, the dwelling and improvements shall be possessed by said successor, so long as he shall occupy the position as head chief; so also with reference to the dwellings and improvements to erect dwelling houses, &c. for head chiefs.

Successor of head chief to take them.

provided for by this treaty for the head chiefs of the three principal bands named.

Lands may be allotted to individual Indians for permanent home.

ARTICLE V. The President may from time to time at his discretion cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons, and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years and shall be exempt from levy, sale or forfeiture, which condition shall continue in force until a State constitution embracing such lands within its limits shall have been formed, and the legislature of the State shall remove the restrictions. *Provided, however,* That no State legislature shall remove the restrictions herein provided for without the consent of Congress. *And provided, also,* That if any person or family shall at any time neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon his home, the President may, if the patent shall have been issued, revoke the same, and if not issued, cancel the assignment, and may also withhold from such person, or family, their portion of the annuities or other money due them, until they shall have returned to such permanent home, and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation.

Patent to issue therefor; conditions thereof.

Restrictions not to be removed without, &c.

Patent may be cancelled.

Annuities of Indians not to pay debts of individuals.

Bands to preserve friendly relations.

to pay for depredations.

not to make war, except, &c.

ARTICLE VI. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE VII. The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of said citizens; and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matters of difference between them and other Indians to the government of the United States, or its agents, for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the case of depredations against citizens; said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

Annuities to be withheld from those drinking liquor to excess.

ARTICLE VIII. In order to prevent the evils of intemperance among said Indians, it is hereby provided, that if any one of them shall drink liquor to excess, or procure it for others to drink, his or her proportion of the annuities may be withheld from him or her for such time as the President may determine.

ARTICLE IX. The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may

require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians. Roads, &c, may be made through reservation.

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States. When treaty to take effect.

In testimony whereof, the said Joel Palmer, on the part of the United States, and the undersigned, chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this twenty-fifth day of June, eighteen hundred fifty-five. Signatures. June 25, 1855.

JOEL PALMER, [L. S.]
Superintendent of Indian Affairs, O. T.

Wasco.

MARK,	his x mark.	[L. S.]
WILLIAM CHENOOK,	his x mark.	[L. S.]
CUSH KELLA,	his x mark.	[L. S.]

Lower De Chutes.

STOCK-ETLEY,	his x mark.	[L. S.]
ISO,	his x mark.	[L. S.]

Upper De Chutes.

SIMTUSTUS,	his x mark.	[L. S.]
LOCKSQUISSA,	his x mark.	[L. S.]
SHICK-AME,	his x mark.	[L. S.]
KUCK-UP,	his x mark.	[L. S.]

Tenino.

ALEXSEE,	his x mark.	[L. S.]
TALEKISH,	his x mark.	[L. S.]

Dog River Wasco.

WALACHIN,	his x mark.	[L. S.]
TAH SYMPH,	his x mark.	[L. S.]
ASH-NA-CHAT,	his x mark.	[L. S.]
CHE-WOT-NLETH,	his x mark.	[L. S.]
TE-CHO,	his x mark.	[L. S.]
SHA-QUALLY,	his x mark.	[L. S.]
LOUIS,	his x mark.	[L. S.]
YISE,	his x mark.	[L. S.]
STAMITE,	his x mark.	[L. S.]
TA-CHO,	his x mark.	[L. S.]
PENOP-TEYOT,	his x mark.	[L. S.]
ELOSH-KISH-KIE,	his x mark.	[L. S.]
AM. ZELIC,	his x mark.	[L. S.]
KE-CHAC,	his x mark.	[L. S.]
TANES SALMON,	his x mark.	[L. S.]
TA-KOS,	his x mark.	[L. S.]
DAVID,	his x mark.	[L. S.]
SOWAL-WE,	his x mark.	[L. S.]
POSTIE,	his x mark.	[L. S.]
YAWAN-SHEWIT,	his x mark.	[L. S.]
OWN-APS,	his x mark.	[L. S.]
KOSSA,	his x mark.	[L. S.]
PA-WASH-TI-MANE,	his x mark.	[L. S.]
MA-WE-NIT,	his x mark.	[L. S.]
TIPSO,	his x mark.	[L. S.]
JIM,	his x mark.	[L. S.]

PETER,	his x mark.	[L. S.]
NA-YOCT,	his x mark.	[L. S.]
WAL-TACOM,	his x mark.	[L. S.]
CHO-KALTH,	his x mark.	[L. S.]
PAL-STA,	his x mark.	[L. S.]
MISSION JOHN,	his x mark.	[L. S.]
LE KA-YA,	his x mark.	[L. S.]
LA-WIT-CHIN,	his x mark.	[L. S.]
LOW-LAS,	his x mark.	[L. S.]
THOMSON,	his x mark.	[L. S.]
CHARLEY,	his x mark.	[L. S.]
COPEFORNIA,	his x mark.	[L. S.]
WA-TOI-METTLA,	his x mark.	[L. S.]
KE-LA,	his x mark.	[L. S.]
PA-OW-NE,	his x mark.	[L. S.]
KUCK-UP,	his x mark.	[L. S.]
POYET,	his x mark.	[L. S.]
YA-WA-CLAX,	his x mark.	[L. S.]
TAM-CHA-WIT,	his x mark.	[L. S.]
TAM-MO-YO-CAM,	his x mark.	[L. S.]
WAS-CA-CAN,	his x mark.	[L. S.]
TALLE KISH,	his x mark.	[L. S.]
WALEME TOACH,	his x mark.	[L. S.]
SITE-WE-LOCH,	his x mark.	[L. S.]
MA-NI-NECT,	his x mark.	[L. S.]
PICH-KAN,	his x mark.	[L. S.]
POUH-QUE,	his x mark.	[L. S.]
EYE-EYA,	his x mark.	[L. S.]
KAM-KUS,	his x mark.	[L. S.]
SIM-YO,	his x mark.	[L. S.]
KAS-LA-CHIN,	his x mark.	[L. S.]
PIO-SHO-SHE,	his x mark.	[L. S.]
MOP-PA-MAN,	his x mark.	[L. S.]
SHO-ES,	his x mark.	[L. S.]
TA-MO-LITS,	his x mark.	[L. S.]
KA-LIM,	his x mark.	[L. S.]
TA-YES,	his x mark.	[L. S.]
WAS-EN-WAS,	his x mark.	[L. S.]
E-YATH KLOPPY,	his x mark.	[L. S.]
PADDY,	his x mark.	[L. S.]
STO-QUIN,	his x mark.	[L. S.]
CHARLEY-MAN,	his x mark.	[L. S.]
ILE-CHO,	his x mark.	[L. S.]
PATE-CHAM,	his x mark.	[L. S.]
YAN-CHE-WOC,	his x mark.	[L. S.]
YA-TOCH-LA-LE,	his x mark.	[L. S.]
ALPY,	his x mark.	[L. S.]
PICH,	his x mark.	[L. S.]
WILLIAM,	his x mark.	[L. S.]
PETER,	his x mark.	[L. S.]
ISCHA YA,	his x mark.	[L. S.]
GEORGE,	his x mark.	[L. S.]
JIM,	his x mark.	[L. S.]
SE-YA-LAS-KA,	his x mark.	[L. S.]
HA-LAI-KOLA,	his x mark.	[L. S.]
PIERRO,	his x mark.	[L. S.]
ASH-LO-WASH,	his x mark.	[L. S.]
PAYA-TILCH,	his x mark.	[L. S.]
SAE-PA-WALTCHA,	his x mark.	[L. S.]

SHALQUILKEY,	his x mark.	[L. S.]
WA-QUAL-LOL,	his x mark.	[L. S.]
SIM-KUI-KUI,	his x mark.	[L. S.]
WACHA-CHILEY,	his x mark.	[L. S.]
CHI-KAL-KIN,	his x mark.	[L. S.]
SQUA-YASH,	his x mark.	[L. S.]
SHA KA,	his x mark.	[L. S.]
KEAUI-SENE,	his x mark.	[L. S.]
CHE-CHIS,	his x mark.	[L. S.]
SCHE-NOWAY,	his x mark.	[L. S.]
SCHO-LEY,	his x mark.	[L. S.]
WE-YA-THLEY,	his x mark.	[L. S.]
PA-LEYATHLEY,	his x mark.	[L. S.]
KEYATH,	his x mark.	[L. S.]
I-POTH-PAL,	his x mark.	[L. S.]
S. KOLPS,	his x mark.	[L. S.]
WALIMTALIN,	his x mark.	[L. S.]
TASH WICK,	his x mark.	[L. S.]
HAWATCH-CAN,	his x mark.	[L. S.]
TA-WAIT-CLA,	his x mark.	[L. S.]
PATOCH SNORT,	his x mark.	[L. S.]
TACHINS,	his x mark.	[L. S.]
COMOCHAL,	his x mark.	[L. S.]
PASSAYEI,	his x mark.	[L. S.]
WATAN-CHA,	his x mark.	[L. S.]
TA-WASH,	his x mark.	[L. S.]
A-NOUTH-SHOT,	his x mark.	[L. S.]
HANWAKE,	his x mark.	[L. S.]
PATA-LA-SET,	his x mark.	[L. S.]
TASH-WEICT,	his x mark.	[L. S.]
WESCHA-MATOLLA,	his x mark.	[L. S.]
CHLE-MOCHLE-MO,	his x mark.	[L. S.]
QUAE-TUS,	his x mark.	[L. S.]
SKUILTS,	his x mark.	[L. S.]
PANOSPAM,	his x mark.	[L. S.]
STOLAMETA,	his x mark.	[L. S.]
TAMAYECHOTOTE,	his x mark.	[L. S.]
QUA-LOSH-KIN,	his x mark.	[L. S.]
WISKA KA,	his x mark.	[L. S.]
CHE-LO-THA,	his x mark.	[L. S.]
WETONE-YATH,	his x mark.	[L. S.]
WE-YA-LO-CHO-WIT,	his x mark.	[L. S.]
YOKA-NOLTH,	his x mark.	[L. S.]
WACHA-KA-POLLE,	his x mark.	[L. S.]
KON-NE,	his x mark.	[L. S.]
ASH-KA-WISH,	his x mark.	[L. S.]
PASQUAI,	his x mark.	[L. S.]
WASSO-KUI,	his x mark.	[L. S.]
QUAINO-SATH,	his x mark.	[L. S.]
CHA-YA-TEMA,	his x mark.	[L. S.]
WA-YA-LO-CHOL-WIT,	his x mark.	[L. S.]
FLITCH KUI KUI,	his x mark.	[L. S.]
WALCHA KAS,	his x mark.	[L. S.]
WATCH-TLA,	his x mark.	[L. S.]
ENIAS,	his x mark.	[L. S.]

Signed in presence of—

WM. C. MCKAY, *Secretary of Treaty, O. T.*
R. R. THOMPSON, *Indian Agent.*

R. B. METCALFE, *Indian Sub-Agent.*

C. MESPOITIE.

JOHN FLETT, *Interpreter.*

DOMINICK JONDRON, his x mark, *Interpreter.*

MATHEW DOFA, his x mark, *Interpreter.*

Consent of
Senate, March 8,
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 eighth day of March, eighteen hundred and fifty-nine, 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, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the Chiefs and Headmen of the confederated tribes and bands of Indians, residing in Middle Oregon, signed the 25th day of June, 1855.

“Attest :

“ASBURY DICKINS, *Secretary.*”

Proclamation,
April 18, 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 the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

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

Done at the City of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

[SEAL.]

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*

Treaty between the United States and the Qui-nai-elt and Quil-leh-ute Indians. Concluded on the Qui-nai-elt River, in the Territory of Washington, July 1, 1855, and at the city of Olympia, January 25, 1856. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: July 1, 1855.
January 25, 1856.

Preamble.

WHEREAS a treaty was made and concluded on the Qui-nai-elt River, in the Territory of Washington, on the first day of July, one thousand eight hundred and fifty-five, and at the city of Olympia also in said Territory, on the twenty-fifth day of January, one thousand eight hundred and fifty-six, between Isaac I. Stevens, governor and superintendent of Indian affairs in the Territory aforesaid, on the part of the United States, and the hereinafter-named chiefs, headmen, and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians, on the part of said tribes and bands, and duly authorized thereto by them; which treaty is in the words and figures following, to wit:—

Articles of agreement and convention made and concluded by and between Isaac I. Stevens, governor and superintendent of Indian affairs, of the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians, on the part of said tribes and bands, and duly authorized thereto by them. Contracting parties.

ARTICLE I. The said tribes and bands hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows: Commencing at a point on the Pacific coast, which is the southwest corner of the lands lately ceded by the Makah tribe of Indians to the United States, and running easterly with and along the southern boundary of the said Makah tribe to the middle of the coast range of mountains; thence southerly with said range of mountains to their intersection with the dividing ridge between the Chehalis and Quinialt Rivers; thence westerly with said ridge to the Pacific coast; thence northerly along said coast to the place of beginning. Surrender of lands to the United States.
Boundaries.

ARTICLE II. There shall, however, be reserved, for the use and occupation of the tribes and bands aforesaid, a tract or tracts of land sufficient for their wants within the Territory of Washington, to be selected by the President of the United States, and hereafter surveyed or located and set apart for their exclusive use, and no white man shall be permitted to reside thereon without permission of the tribe and of the superintendent of Indian affairs or Indian agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time it shall be lawful for them to reside upon any lands not in the actual claim and occupation of citizens of the United States, and upon any lands claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through said reservation, on compensation being made for any damage sustained thereby. Reservation within the Territory of Washington.
Whites not to reside thereon, unless, &c.
Indians to remove and settle there.
Roads may be made.

Rights and
privileges se-
cured to the
Indians.

ARTICLE III. The right of taking fish at all usual and accustomed grounds and stations is secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing the same; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands. *Provided, however,* That they shall not take shell-fish from any beds staked or cultivated by citizens; and provided, also, that they shall alter all stallions not intended for breeding, and shall keep up and confine the stallions themselves.

Payments by
the United
States.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of twenty-five thousand dollars, in the following manner, that is to say: For the first year after the ratification hereof, two thousand five hundred dollars; for the next two years, two thousand dollars each year; for the next three years, one thousand six hundred dollars each year; for the next four years, one thousand three hundred dollars each year; for the next five years, one thousand dollars each year; and for the next five years, seven hundred dollars each year. All of which sums of money shall be applied to the use and benefit of the said Indians under the directions of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same; and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

How to be
applied.

Appropriation
for removal, for
clearing and
fencing land, &c.

ARTICLE V. To enable the said Indians to remove to and settle upon such reservation as may be selected for them by the President, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of two thousand five hundred dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

Indians may
be removed from
the reservation,
&c.

ARTICLE VI. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of the said Indians be promoted by it, remove them from said reservation or reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands, in which latter case the annuities, payable to the consolidated tribes respectively, shall also be consolidated; and he may further, at his discretion, cause the whole or any portion of the lands to be reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indians, and which they shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment made accordingly therefor.

Tribes and an-
nuities may be
consolidated.

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Annuities of
tribes not to pay
debts of individ-
uals.

ARTICLE VII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

The tribes to
preserve friendly
relations, &c.

ARTICLE VIII. The said tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens; and should any one or more of them violate this pledge, and the fact be satisfactorily 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,

to pay for
depredations.

not to make
war, except, &c.

and abide thereby; and if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as is prescribed in this article in cases of depredations against citizens. And the said tribes and bands agree not to shelter or conceal offenders against the laws of the United States, but to deliver them to the authorities for trial. To surrender offenders.

ARTICLE IX. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine. Annuities to be withheld from those drinking &c. ardent spirits.

ARTICLE X. The United States further agree to establish at the general agency for the district of Puget Sound, within one year from the ratification hereof, and to support for a period of twenty years, an agricultural and industrial school, to be free to the children of the said tribes and bands in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and to employ a blacksmith, carpenter, and farmer for the term of twenty years, to instruct the Indians in their respective occupations. The United States to establish an agricultural &c. school for the Indians. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employees, and medical attendance to be defrayed by the United States, and not deducted from their annuities. to employ mechanics, &c. a physician, &c.

ARTICLE XI. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter. The tribes are to free all slaves and not acquire others.

ARTICLE XII. The said tribes and bands finally agree not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside on their reservations without consent of the superintendent or agent. not to trade out of the United States. Foreign Indians not to reside on reservations.

ARTICLE XIII. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States. When treaty to take effect.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians, have hereunto set their hands and seals, at Olympia, January 25, 1856, and on the Qui-nai-elt River, July 1, 1855. Signatures. July 1, 1855. January 25, 1856.

ISAAC I. STEVENS, Governor and Sup't of Indian Affairs.

TAH-HO-LAH, <i>Head Chief Qui-mite'l tribe,</i>	his x mark.	[L. S.]
HOW-YAT'L, <i>Head Chief Quil-ley-yute tribe,</i>	his x mark.	[L. S.]
KAL-LAPE, <i>Sub-chief Quil-ley-hutes,</i>	his x mark.	[L. S.]
TAH-AH-HA-WHT'L, <i>Sub-chief Quil-ley-hutes,</i>	his x mark.	[L. S.]
LAY-LE-WHASH-ER,	his x mark.	[L. S.]
E-MAH-LAH-CUP,	his x mark.	[L. S.]
ASH-CHAK-A-WICK,	his x mark.	[L. S.]
AY-A-QUAN,	his x mark.	[L. S.]
YATS-SEE-O-KOP,	his x mark.	[L. S.]
KARTS-SO-PE-AH,	his x mark.	[L. S.]
QUAT-A-DE-TOT'L,	his x mark.	[L. S.]
NOW-AH-ISM,	his x mark.	[L. S.]
CLA-KISH-KA,	his x mark.	[L. S.]
KLER-WAY-SR-HUN,	his x mark.	[L. S.]
QUAR-TER-HEIT'L,	his x mark.	[L. S.]
HAY-NEE-SI-OOS,	his x mark.	[L. S.]

HOO-E-YAS'LSEE,	his x mark.	[L. S.]
QUILT-LE-SE-MAH,	his x mark.	[L. S.]
QUA-LATS-KAIM,	his x mark.	[L. S.]
YAH-LE-HUM,	his x mark.	[L. S.]
JE-TAH-LET-SHIN,	his x mark.	[L. S.]
MA-TA-A-HA,	his x mark.	[L. S.]
WAH-KEE-NAH, <i>Sub-chief Qui-nite'l tribe,</i>	his x mark.	[L. S.]
YER-AY-LET'L, <i>Sub-chief,</i>	his x mark.	[L. S.]
SILLEY-MARK'L,	his x mark.	[L. S.]
CHER-LARK-TIN,	his x mark.	[L. S.]
HOW-YAT'L,	his x mark.	[L. S.]
KNE-SHE-GUARTSH, <i>Sub-chief,</i>	his x mark.	[L. S.]
KLAY-SUMETZ,	his x mark.	[L. S.]
KAPE,	his x mark.	[L. S.]
HAY-ET-LITE'L, or John,	his x mark.	[L. S.]

Executed in the presence of us; the words "or tracts," in the II. article, and "next," in the IV. article, being interlined prior to execution.

M. T. SIMMONS, *Special Indian Agent.*

H. A. GOLDSBOROUGH, *Commissary, &c.*

B. F. SHAW, *Interpreter.*

JAMES TILTON, *Surveyor-General Washington Territory.*

F. KENNEDY.

J. Y. MILLER.

H. D. COCK.

Consent of
Senate, March 8,
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 eighth day of March, one thousand eight hundred and fifty-nine, 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, March 8, 1859.

"*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the chiefs, headmen, and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians in Washington Territory, signed 1st day of July, 1855, and 25th day of January, 1856.

"Attest:

"ASBURY DICKINS, *Secretary.*"

Proclamation,
April 11, 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 March the eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this eleventh day of April, 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.*

Treaty between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians. Concluded at Hell Gate in the Bitter Root Valley, July 16, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : July 16, 1855.

WHEREAS a treaty was made and concluded at the treaty ground, at Hell Gate, in the Bitter Root Valley, on the sixteenth day of July, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the hereinafter named chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes and duly authorized thereto, by them, which treaty is in the words and figures following, to wit :

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognise Victor as said head chief. Contracting parties.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit : Cession of lands to the United States.

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork ; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115°,) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Cœur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning. Boundaries.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes Reservation.

and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Boundaries.

Commencing at the source of the main branch of the Jocko River; thence along the divide separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camash and Horse prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

Whites not to reside thereon unless, &c.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied if with the permission of the owner or claimant.

Indians to be allowed for improvements on lands ceded.

Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. *And provided,* That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

Roads may be made through reservation.

ARTICLE III. *And provided,* That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them; as also the right in common with citizens of the United States to travel upon all public highways.

Rights and privileges of Indians.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Payments by the United States.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner—that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for

the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books, and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnished with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should

How to be applied.

United States to establish schools.

mechanic's shops.

saw and grist mills.

a hospital.

to pay salary to head chiefs.

Certain expenses to be borne by the United States and not charged on annuities.

Lots may be assigned to individuals.

Vol. x. p. 1044.

Annuities not to pay individual debts of Indians.

Indians to preserve friendly relations.

Indians to pay for depredations.

not to make war except, &c

to surrender offenders.

Annuities to be reserved from those who drink, &c., ardent spirits.

Guaranty of reservation against certain claims of Hudson Bay Company.

Vol. ix. p. 870.

Bitter Root Valley to be surveyed, and portions may be set apart for reservation.

meanwhile not to be opened for settlement.

When treaty to take effect.

Signatures, July 16, 1855.

any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the 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.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, 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.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-in River by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]
Governor and Superintendent Indian Affairs W. T.

VICTOR, Head chief of the Flathead Nation, his x mark. [L. s.]
ALEXANDER, Chief of the Upper Pend

d'Oreilles,

MICHELLE, Chief of the Kootenays, his x mark. [L. s.]

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

PAH-SOH, his x mark. [L. s.]

BEAR TRACK, his x mark. [L. s.]

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

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

BIG CANOE, his x mark. [L. s.]

KOOTEL CHAH, his x mark. [L. s.]

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

ANDREW,
MICHELLE,
BATTISTE,

his x mark. [L. S.]
his x mark. [L. S.]
his x mark. [L. S.]

Kootenays.

GUN FLINT,
LITTLE MICHELLE,
PAUL SEE,
MOSES,

his x mark. [L. S.]
his x mark. [L. S.]
his x mark. [L. S.]
his x mark. [L. S.]

JAMES DOTY, *Secretary.*
R. H. LANSDALE, *Indian Agent.*
W. H. TAPPAN, *Sub Indian Agent.*
HENRY R. CROSIRE,
GUSTAVUS SOHON, *Flathead Interpreter.*
A. J. HOECKEN, *Sp. Mis.*
WILLIAM CRAIG.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

Consent of
Senate, March 8,
1859.

“IN EXECUTIVE SESSION,
“SENATE OF THE UNITED STATES, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and Chiefs, Headmen and Delegates of the confederate tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, who are constituted a nation under the name of the Flathead Nation, signed 16th day of July, 1855.

“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 eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation,
April 18, 1859.

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

Done at the city of Washington, this eighteenth day of April,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the Independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Treaty between the United States of America and the Molel Indians. Concluded at Dayton, Oregon, December 21, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 27, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Dec. 21, 1855.

WHEREAS a treaty was made and concluded at Dayton, in Oregon, on the twenty-first day of December, one thousand eight hundred and fifty-five, between Joel Palmer, superintendent of Indian affairs for the Territory of Oregon, on the part of the United States, and the hereinafter-named chiefs and headmen of the Mo-lal-la-las, or Molel tribe of Indians, on behalf of and duly authorized by the said tribe, which treaty is in the words and figures following, to wit:

Preamble.

Articles of convention and agreement entered into this 21st day of December, 1855, between Joel Palmer, superintendent of Indian affairs, acting for and in behalf of the United States, and the chiefs and headmen of the Mo-lal-la-las, or Molel tribe of Indians, they being authorized by their respective bands in council assembled.

Contracting parties.

ARTICLE I. The above named tribe of Indians hereby cede to the United States all their right, title, interest and claim to all that part of Oregon Territory situated and bounded as hereinafter described, the same being claimed by them. To wit: Beginning at Scott's Peak, being the northeastern termination of the purchase made of the Umpaquah, and Calapooias of Umpaquah Valley on the 29th day of November, 1854; thence running southerly on the eastern boundary line of that purchase and the purchase of the Cow Creeks, on the 19th day of September, 1853, and the tract purchased of the Scotens, Chestas and Grave Creeks, on the nineteenth [eighteenth] day of November, 1854, to the boundary of the Rogue River purchase made on the tenth day of September, 1853; thence along the northern boundary of that purchase to the summit of the Cascade Mountains; thence northerly along the summit of said mountains to a point due east of Scott's Peak; thence west to the place of beginning.

Cession of lands to the United States.

Boundaries.

Vol. x. p. 1125.

Vol. x. p. 1027.

Vol. x. p. 1122.

Vol. x. p. 1018.

ARTICLE II. In consideration of the cession and relinquishment herein made, the United States agree to make the following provisions for said Indians and pay the sums of money as follows:

Payments, &c. by the United States.

1st. To secure to the members of said tribe all the rights and privileges guaranteed by treaty to the Umpaquah and Calapooias, of the Umpaquah Valley, jointly with said tribes, they hereby agreeing to confederate with those bands.

Privileges of former treaty secured.

2nd. To erect and keep in repair and furnish suitable persons to attend the same for the term of ten years, the benefits of which to be shared alike by all the bands confederated, one flouring-mill and one saw-mill.

Flouring and saw mill.

3d. To furnish iron, steel, and other materials for supplying the smith's shop and tin shop stipulated in the treaty of 29th November, 1854, and pay for the services of the necessary mechanics for that service for five years in addition to the time specified by that treaty.

Smith's and tin shop, &c. Vol. x. p. 1126.

4th. To establish a manual labor school, employ and pay teachers, furnish all necessary materials and subsistence for pupils, of sufficient

Manual labor school.

capacity to accommodate all the children belonging to said confederate bands, of suitable age and condition to attend said school.

Carpenter and joiner. 5th. To employ and pay for the services of a carpenter and joiner for the term of ten years to aid in erecting buildings and making furniture for said Indians, and to furnish tools for use in said service.

Additional farmer. 6th. To employ and pay for the services of an additional farmer for the term of five years.

Indians to remove to reservation. ARTICLE III. In consequence of the existence of hostilities between the whites and a portion of the Indian tribes in southern Oregon and northern California, and the proximity of the Umpaquah reservation to the mining district, and the consequent fluctuating and transient population, and the frequent commission by whites and Indians of petty offences, calculated to disturb the peace and harmony of the settlement, it is hereby agreed, the Umpaquahs and Calapooias agreeing, that the bands thus confederated shall immediately remove to a tract of land selected on the headwaters of the Yamhill River adjoining the coast reservation, thereon to remain until the proper improvements are made upon that reservation, for the accommodation of said confederate bands, in accordance with the provisions of this and the treaty of 29th November, 1854, and when so made, to remove to said coast reservation, or such other point as may, by direction of the President of the United States, be designated for the permanent residence of said Indians.

Vol. x. p. 1125.

Expense of removal to be borne by the United States. ARTICLE IV. For the purpose of carrying out in good faith the objects expressed in the preceding article, it is hereby agreed on the part of the United States, that the entire expense attending the removal of the bands named, including transportation and subsistence, and the erection of temporary buildings at the encampment designated, as well as medical attendance on the sick, shall be paid by the United States.

Rations to be furnished the Indians. ARTICLE V. It is further agreed that rations, according to the army regulations, shall be furnished the members of the said confederated bands, and distributed to the heads of families, from the time of their arrival at the encampment on the headwaters of Yamhill River until six months after their arrival at the point selected as their permanent residence.

Appropriation to extinguish title, &c. of white settlers to lands in Grand Round Valley. ARTICLE VI. For the purpose of insuring the means of subsistence for said Indians, the United States engage to appropriate the sum of twelve thousand dollars for the extinguishment of title and the payment of improvements made thereon by white settlers to lands in the Grand Round Valley, the point of encampment referred to, to be used as wheat farms, or other purposes, for the benefit of said Indians, and for the erection of buildings upon the reservation, opening farms, purchasing of teams, tools and stock; the expenditure of which amounts, and the direction of all the provisions of this convention, shall be in accordance with the spirit and meaning of the treaty of 29th November, 1854, with the Umpaquah and Calapooia tribes aforesaid.

Signature. In witness whereof, we, the several parties, hereto set our hands and seals, the day and date before written.

JOEL PALMER, [L. S.]
Superintendent Indian Affairs.

STEENCOGGY,	his x mark.	[L. S.]
LATTCHIE,	his x mark.	[L. S.]
DUGINGS,	his x mark.	[L. S.]
COUNISNASE,	his x mark.	[L. S.]

Done in presence of the undersigned witnesses—
C. M. WALKER,
T. R. MAGRUDER,
JOHN FLETT, *Interpreter.*

We the chiefs and headmen of the Umpaquah and Calapooia tribes, treated with in the Umpaquah Valley, on the 29th day of November, 1854, referred to in the foregoing treaty, to the provisions of this treaty, this day in convention, accede to all the terms therein expressed.

In witness whereof, we do severally hereto set our names and seals, the day and date written in the foregoing treaty.

LOUIS LA PE CINQUE,	his x mark.	[L. s.]
PETER,	his x mark.	[L. s.]
TOM,	his x mark.	[L. s.]
BILLY,	his x mark.	[L. s.]
NESSICK,	his x mark.	[L. s.]
GEORGE,	his x mark.	[L. s.]
BOGUS,	his x mark.	[L. s.]
CARS,	his x mark.	[L. s.]

Done in the presence of the undersigned witnesses —

C. M. WALKER,
T. R. MAGRUDER,
JOHN FLETT, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:—

Ratification,
March 8, 1859.

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the Chiefs and Headmen of the Mo-lal-la-las or Molel tribe of Indians, signed 21st December, 1855.

“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 eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation,
April 27, 1859.

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

Done at the city of Washington, this twenty-seventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

[SEAL.]

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

TREATIES.

Claims Convention with New Granada. Concluded at Washington, September 10, 1857. Ratifications exchanged at Washington, November 5, 1860. Proclaimed by the President of the United States, November 8, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Sept. 10, 1857.
Ante, pp. 145, 615.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the Republic of New Granada was signed in the city of Washington on the tenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven, which convention, as amended by the high contracting parties, is, word for word, as follows:

Preamble.

The United States of America and the Republic of New Granada, desiring to adjust the claims of citizens of said States against New Granada and to cement the good understanding which happily subsists between the two Republics, have, for that purpose, appointed and conferred full powers, respectively, to wit: The President of the United States upon Lewis Cass, Secretary of State of the United States, and the President of New Granada upon General Pedro A. Herran, Envoy Extraordinary and Minister Plenipotentiary of that republic in the United States, who, after exchanging their full powers, which were found in good and proper form, have agreed to the following articles:

ARTICLE I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the government of New Granada, which shall have been presented prior to the first day of September, one thousand eight hundred and fifty-nine, either to the Department of State at Washington, or to the minister of the United States at Bogota, and especially those for

Los Estados Unidos de América y la República de la Nueva Granada, deseando arreglar las reclamaciones de ciudadanos de dichos Estados contra la Nueva Granada y estrechar la buena inteligencia que felizmente subsiste entre las dos Repúblicas, han nombrado con tal objeto y conferido plenos poderes, respectivamente: El Presidente de los Estados Unidos á Lewis Cass, Secretario de Estado de los Estados Unidos, y el Presidente de la Nueva Granada al General Pedro A. Herran, Enviado Extraordinario y Ministro Plenipotenciario de la República, en los Estados Unidos, quienes despues de haberse cambiado sus plenos poderes y de hallarlos en buena y debida forma, han convenido en los artículos siguientes:

Contracting parties.

ARTICULO 1º.

Todas las reclamaciones de parte de ciudadanos de los Estados Unidos, corporaciones, compañías, ó particulares, contra el gobierno de la Nueva Granada, que habrán sido presentadas ántes del primer día de Setiembre de mil ochocientos cincuenta y nueve, al Departamento de Estado en Washington ó al Ministro de los Estados Unidos en Bogotá, especialmente las provenientes de

Certain claims to be referred to commissioners.

damages which were caused by the riot at Panama on the fifteenth of April, eighteen hundred and fifty-six, for which the said government of New Granada acknowledges its liability, arising out of its privilege and obligation to preserve peace and good order along the transit route, shall be referred to a board of commissioners, consisting of two members, one of whom shall be appointed by the government of the United States and one by the government of New Granada. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act, the government of the United States or that of New Granada, respectively, or the minister of the latter in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

Appointment
of commissioners.

Provision for
vacancies.

Meeting of
commissioners.

Oath.

Umpire.

The commissioners so named shall meet in the city of Washington within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make and subscribe a solemn oath that they will carefully examine and impartially decide, according to justice and equity, upon all the claims laid before them, under the provisions of this convention, by the government of the United States. And such oath shall be entered on the record of their proceedings.

The commissioners shall then proceed to name an arbitrator or umpire to decide upon any case or cases on which they may differ in opinion. And if they cannot agree in the selection, the umpire shall be appointed by the minister of Prussia to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

ARTICLE II.

Determination
of claims.

The arbitrator being appointed, the commissioners shall proceed to examine and determine the claims which may be presented to them, under the provisions of this conven-

daños causados en el motin que ocurrió en Panamá el 15 de Abril de 1856, por los cuales dicho gobierno de la Nueva Granada reconoce su responsabilidad, derivada del atributo y la obligacion que tiene de conservar paz y buen orden en aquella vía interoceánica, serán sometidas á una comision compuesta de dos individuos, uno de los cuales será nombrado por el gobierno de los Estados Unidos, y el otro por el gobierno de la Nueva Granada. En caso de muerte, ausencia, ó incapacidad de uno de los comisionados, ó de que por cualquiera otro motivo deje ó cese de obrar, el gobierno de los Estados Unidos ó el de la Nueva Granada, respectivamente, ó el ministro del último en los Estados Unidos bajo la direccion de su gobierno, procederá inmediatamente á llenar la vacante ocasionada.

Los comisionados, nombrados segun se ha expresado, se reunirán en la ciudad de Washington dentro del término de noventa dias contados desde el cange de las ratificaciones de esta convencion, y ántes de proceder á sus trabajos harán y suscribirán un solemne juramento de examinar cuidadosamente y fallar con imparcialidad, y en equidad y justicia, sobre todas las reclamaciones que les sean presentadas, con arreglo á las disposiciones de esta convencion, por el gobierno de los Estados Unidos; y dicho juramento se hará constar en el registro de sus trabajos.

Los comisionados procederán en seguida á nombrar un árbitro para que decida en el caso ó en los casos en que no puedan ponerse de acuerdo; y si no se convienen en esta eleccion, dicho árbitro será nombrado por el ministro de Prusia en los Estados Unidos, al cual las dos altas partes contratantes invitarán á hacer este nombramiento, y cuya eleccion será para ambas conclusiva.

ARTICULO 2º.

Nombrado el árbitro, los comisionados procederán á examinar y calificar las reclamaciones que conforme á las disposiciones de esta convencion les sean presentadas por

tion, by the Government of the United States, together with the evidence submitted in support of them, and shall hear, if required, one person in behalf of each government on every separate claim. Each government shall furnish, upon request of either of the commissioners, such papers in its possession as the commissioners may deem important to the just determination of any claims presented to them. In cases where they agree to award an indemnity, they shall determine the amount to be paid, having due regard, in claims which have grown out of the riot at Panama of April 15, 1856, to damages suffered through death, wounds, robberies, or destruction of property. In cases where they cannot agree the subjects of difference shall be referred to the umpire, before whom each of the commissioners may be heard, and whose decision shall be final.

ARTICLE III.

The commissioners shall issue certificates of the sums to be paid, by virtue of their awards, to the claimants, and the aggregate amount of said sums shall be paid to the Government of the United States, at Washington, in equal semi-annual payments, the first payment to be made six months from the termination of the commission, and the whole payment to be completed within eight years from the same date; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum from the day on which the awards, respectively, shall have been decreed. To meet these payments the government of New Granada hereby specially appropriates one half of the compensation which may accrue to it from the Panama Railroad Company, in lieu of postages, by virtue of the thirtieth article of the contract between the Republic of New Granada and said company, made April 15, 1850, and approved June 4, 1850, and

el gobierno de los Estados Unidos, juntamente con las pruebas que se les pasen en apoyo de dichas reclamaciones, y oirán, si fuere necesario, á una persona de parte de cada gobierno en el exámen de cada reclamacion. Cada gobierno suministrará, á petición de cualquiera de los comisionados, los documentos que esten en su poder y que los comisionados crean importantes para la justa calificación de alguna ó algunas de las reclamaciones presentadas. En los casos en que la comision determine conceder indemnizacion, fijará la cantidad que se haya de pagar, tomando en consideracion, respecto de las reclamaciones provenientes del motin de Panamá del 15 de Abril de 1856, los daños sufridos por muertes, heridas robos ó destruccion de propiedades. En los casos en que los dos comisionados no puedan ponerse de acuerdo, los puntos de discordancia serán sometidos al árbitro, ante el cual cada uno de ellos podrá ser oido, y cuya decision será final.

ARTICULO 3º.

Los comisionados expedirán certificados de las sumas que deban pagarse, en virtud de sus fallos, á los reclamantes, y el total monto de dichas sumas será pagado al gobierno de los Estados Unidos, en Washington, en cantidades iguales semi-anales, debiendo hacerse el primer pago á los seis meses del término de la comision, y completarse todo el pago dentro de ocho años contados desde la misma fecha. Cada una de las cantidades decretadas ganará interes de seis por ciento (pagadero tambien por semestres) desde el dia en que se pronuncie el fallo respectivo. Para hacer estos pagos, el gobierno de la Nueva Granada destina especialmente la mitad de la cantidad que debe recibir de la Compañía del Ferrocarril de Panamá por cuenta de correos interoceánicos, en virtud del artículo trigésimo del contrato entre la República de la Nueva Granada y dicha compañía, celebrado en 15 de Abril de 1850 y aprobado el 4 de Junio del mismo año, y la mitad de

Commissioners to give certificates to claimants of sums due under their award.

New Granada to pay the aggregate to the United States.

Appropriation to meet such payments.

also one half of the dividends which it may receive from the net profits of said road, as provided in the fifty-fifth article of the same contract; but if these funds should prove insufficient to make the payments as above stipulated, New Granada will provide other means for that purpose.

ARTICLE IV.

Commission to conclude its labors in nine months.

Secretary.
Records.

The commission herein provided shall terminate its labors in nine months from and including the day of its organization; shall keep an accurate record of its proceedings, and may appoint a secretary to assist in the transaction of its business.

ARTICLE V.

Decision of commission to be final.

The proceedings of this commission shall be final and conclusive with respect to all the claims before it, and its awards shall be a full discharge to New Granada of all claims of citizens of the United States against that republic which may have accrued prior to the signature of this convention.

ARTICLE VI.

Pay of commissioner and umpire.

Each government shall pay its own commissioner, but the umpire, as well as the incidental expenses of the commission, shall be paid, one half by the United States and the other half by New Granada.

ARTICLE VII.

Exchange of ratifications.

The present convention shall be ratified, and the ratifications exchanged in Washington.

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

Signature,
Sept. 10, 1857.

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

LEW. CASS. [SEAL.]
P. A. HERRAN. [SEAL.]

los dividendos que le han de corresponder de las utilidades netas de dicho camino, con arreglo á lo dispuesto en el artículo quincuagésimo quinto del mismo contrato; pero si estos fondos resultaren insuficientes para hacer los pagos segun queda estipulado, la Nueva Granada proveerá otros medios para aquel objeto.

ARTICULO 4°.

La comision creada por esta convencion terminará sus funciones á los nueve meses contados desde el dia de su instalacion, inclusive, llevará un registro exacto de sus trabajos, y podrá nombrar un secretario que le ayude en el curso de ellos.

ARTICULO 5°.

Los trabajos de esta comision serán finales y conclusivos respecto de todas las reclamaciones que le sean presentadas, y sus fallos serán un completo descargo para la Nueva Granada por todas las reclamaciones de ciudadanos de los Estados Unidos contra aquella república que hayan podido tener origen ántes de la fecha de esta convencion.

ARTICULO 6°.

Cada gobierno costeará su respectivo comisionado; pero el árbitro y los gastos accidentales de la comision serán pagados por mitad por ambas repúblicas.

ARTICULO 7°.

La presente convencion será ratificada y las ratificaciones serán cangeadas en Washington.

En fé de lo cual nosotros los respectivos plenipotenciarios hemos firmado esta convencion, y sellado con nuestros sellos particulares.

Dado en Washington el dia diez de Setiembre del año de nuestro Señor mil ochocientos cincuenta y siete.

P. A. HERRAN. [SEAL.]
LEW. CASS. [SEAL.]

And whereas the said convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the fifth instant, by Lewis Cass, Secretary of State of the United States, and Señor Rafael Pombo, Chargé d'Affaires *ad interim* of the Granadian Confederacy, on the part of their respective governments.

Ratifications
exchanged.

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.

Proclamation,
Nov. 8, 1860.

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 eighth day of November,
in the year of our Lord one thousand eight hundred and sixty,
[L. s.] and of the Independence of the United States of America
the eighty-fifth.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

Treaty between the United States and the Tonawanda Band of Seneca Indians, Concluded at the meeting-house on the Tonawanda Reservation, November 5, 1857. Supplementary Articles, Concluded at the same time and place. Ratified by the Senate, June 4, 1858. Proclaimed by the President of the United States, March 31, 1859.

See Vol. xi. p. 735, note.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Nov. 5, 1857.

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 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 :

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

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 \$15,018.³⁰/₁₀₀, 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, of 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. 66.

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 council 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 \$15,018.³⁰/₁₀₀ "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 anew.

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.

Signatures,
Nov. 5, 1857.

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 BITTINGER,
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,
 SMALL x PETER,
 JOHN x BEAVER,
 JOHN x FARMER,
 TOMMY x WHITE,
 JOHN x GRIFFIN,
 GEO. x MOSES,
 HENRY x MOSES,
 SAM'L x BLUE SKY,
 JAMES x SCROGGS,
 MONROE x JONAS,
 WM. x JOHNSON,
 JACKSON x GROUND,
 HARRISON x SCROGG,

WM. x ALICK,
 WM. x STEWART,
 ANDREW x BLACKCHIEF,
 JOHN x INFANT,
 WM. x TAYLOR,
 JAMES x BILLY,
 DANL. x PETER,
 JOHN x HILL,
 JOHN x JONES,
 JOHN x SHANKS,
 LEVI x PARKER,
 JOHN x JEMISON,
 CHAUNCEY x ABRAM.

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.

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."

Ante, p. 64.

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.

Signatures.

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 BITTINGER,
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 ratification of the same.

Consent of
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*.”

Proclamation,
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 said treaty and articles.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my own 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-
[SEAL.] nine, and of the Independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS.

Treaty between the United States and the Ponca Tribe of Indians. Concluded at Washington, March 12, 1858. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: March 12, 1858.

WHEREAS a treaty was made and concluded, at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and Wa-gah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-moni; A-shno-ni-kah-gah-hi, or Lone Chief; Shu-kah-bi, or Heavy Clouds; Tah-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians, they being duly authorized and empowered thereto by said tribe; which treaty is in the words and figures following, to wit:—

Articles of agreement and convention made and concluded, at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and Wa-gah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-moni; A-shno-ni-kah-gah-hi, or Lone Chief; Shu-kah-bi, or Heavy Clouds; Tah-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians; they being thereto duly authorized and empowered by said tribe. Contracting Parties.

ARTICLE I. The Ponca tribe of Indians hereby cede and relinquish to the United States all the lands now owned or claimed by them, wherever situate, except the tract bounded as follows, viz.: Beginning at a point on the Neobrara River and running due north, so as to intersect the Ponca River twenty-five miles from its mouth; thence from said point of intersection, up and along the Ponca River, twenty — miles; thence due south to the Neobrara River; and thence down and along said river to the place of beginning; which tract is hereby reserved for the future homes of said Indians; and to which they agree and bind themselves to remove within one year from the date of the ratification of this agreement by the Senate and President of the United States. Cession of all lands to the United States. Reservation. Boundaries.

ARTICLE II. In consideration of the foregoing cession and relinquishment, the United States agree and stipulate as follows, viz.:— Stipulations on the part of the United States.

First. To protect the Poncas in the possession of the tract of land reserved for their future homes, and their persons and property thereon, during good behavior on their part. to protect the Poncas.

Second. To pay to them, or expend for their benefit, the sum of twelve thousand dollars (\$12,000) per annum for five years; commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes; ten thousand dollars (\$10,000) per annum for ten years, from and after the expiration of the said five years; and thereafter eight thousand dollars (\$8,000) per annum, for fifteen years; of which sums the President of the United States shall from time to time determine what proportion shall be paid to the Poncas in cash, and what proportion shall be expended for their benefit; and also in what manner or for what objects such expenditure shall be made. He shall likewise exercise the power to make such provision out of the same, as he may to pay them annuities for thirty years.

how to be paid.

deem to be necessary and proper, for the support and comfort of the aged and infirm members of the tribe.

In case of any material decrease of the Poncas in number, the said amounts shall be reduced and diminished in proportion thereto, or they may, at the discretion of the President, be discontinued altogether should said Indians fail to make 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.

United States
to expend
\$20,000 for sub-
sistence, building
houses, &c.

Third. To expend the sum of twenty thousand dollars (\$20,000) in maintaining and subsisting the Poncas during the first year after their removal to their new homes, purchasing stock and agricultural implements, breaking up and fencing land, building houses, and in making such other improvements as may be necessary for their comfort and welfare.

to maintain
schools. Children
to be kept at
school, or pay-
ment discontin-
ued.

Fourth. To establish, and to maintain for ten years, at an annual expense not to exceed five thousand dollars, (\$5,000,) one or more manual labor schools for the education and training of the Ponca youth in letters, agriculture, the mechanic arts, and housewifery; which school or schools shall be managed and conducted in such manner as the President of the United States shall direct; the Poncas hereby stipulating to constantly keep thereat, during at least nine months in every year, all their children between the ages of seven and eighteen years; and that, if this be not done, there shall be deducted from the shares of the annuities due to the parents, guardians, or other persons having control of the children, such amounts as may be proportioned to the deficiency in their time of attendance, compared with the said nine months, and the cost of maintaining and educating the children during that period. It is further agreed that such other measures may be adopted, to compel the attendance of the children at the school or schools as the President may think proper and direct; and whenever he shall be satisfied of a failure to fulfil the afore-said stipulation on the part of the Poncas, he may, at his discretion, diminish or wholly discontinue the allowance and expenditure of the sum herein set apart for the support and maintenance of said school or schools.

to provide saw-
and grist-mills,
mechanics'
shops, &c.

Fifth. To provide the Poncas 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, farmer, and the mechanics that may be employed for their benefit, the whole not to exceed in cost the sum of ten thousand five hundred dollars, (\$10,500;) and also to expend annually, for ten years, or during the pleasure of the President, an amount not exceeding seven thousand five hundred dollars, (\$7,500,) for the purpose of furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of said mill, as the Secretary of the Interior may consider advantageous and necessary for them; the Poncas hereby stipulating to furnish from their tribe the number of young men that may be required as apprentices and assistants in the mill and mechanic shops, and at least three persons to work constantly with each laborer employed for them in agricultural pursuits, it being understood that such laborers are to be employed more for the instruction of the Indians than merely to work for their benefit. The persons so to be furnished by the tribe shall be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior.

Poncas to fur-
nish apprentices,
&c.

to prevent
injury to mills,
&c.

The Poncas further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mill, machinery, stock, farming utensils, or any other thing furnished them by the government; and in case of any such destruction or injury, or of any of the things so furnished being carried off by any member or members of their tribe, the value of the same shall be deducted from the tribal annuities. And whenever the President shall be satisfied that the Poncas have become sufficiently confirmed in habits of industry, and advanced in

acquiring a practical knowledge of agriculture and the mechanic arts, he may, at his discretion, cause to be turned over to the tribe all of the said houses and other property furnished them by the United States, and dispense with the services of any or all of the persons hereinbefore stipulated to be employed for their benefit and assistance.

Poncas to have houses &c. given them, when, &c.

Sixth. To provide and set apart the sum of twenty thousand dollars, (\$20,000,) to enable the Poncas to adjust and settle their existing obligations and engagements, including depredations committed by them on property of citizens of the United States prior to the date of the ratification of this agreement, so far as the same may be found and decided by their agent to be valid and just, subject to the approval of the Secretary of the Interior; and in consideration of the long continued friendship and kindness of Joseph Hollman and William G. Crawford towards the Poncas, of their furnishing them, when in distress, with large quantities of goods and provisions, and of their good counsel and advice, in consequence of which peace has often been preserved between the Poncas and other Indians and the whites, it is agreed that out of the above-mentioned amount they shall be paid the sum of three thousand five hundred dollars, (\$3,500;) and the sum of one thousand dollars (\$1,000) shall in like manner be paid to Jesse Williams, of Iowa, in full for his claim, as such has been admitted by the Poncas for depredations committed by them on his property.

United States to pay \$20,000 to settle existing obligations of the Poncas.

Payments to Joseph Hollman and to Wm. G. Crawford.

to Jesse Williams.

ARTICLE III. The Poncas being desirous of making provision for their half-breed relatives, it is agreed that those who prefer and elect to reside among them shall be permitted to do so, and be entitled to and enjoy all the rights and privileges of members of the tribe; but to those who have chosen and left the tribe to reside among the whites and follow the pursuits of civilized life, viz.: Charles Leclaire, Fort Piere, N. T.; Cillaste Leclaire, Pottowattomie, K. T.; Ciprian Leclaire, St. Louis, Missouri; Julia Harvey, Omaha, N. T.; Jenny Ruleau, Sioux City, Iowa; David Leclaire, Amelia Deloge, and Laura Deloge, at the Omaha mission, there shall be issued scrip for one hundred and sixty acres of land each, which shall be receivable at the United States land-offices in the same manner, and be subject to the same rules and regulations, as military bounty land-warrants. And in consideration of the faithful services rendered to the Poncas by Francis Roy, their interpreter, it is agreed that scrip shall, in the like manner and amount, be issued to his wife and to each of his six children now living, without their being required to leave the nation. *Provided*, That application for the said scrip shall be made to the Commissioner of Indian Affairs within five years from and after the date of the ratification of this agreement.

Provision for half-breeds.

Scrip for 160 acres of land to issue to each.

and to Francis Roy.

Scrip to be applied for in five years.

ARTICLE IV. 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 hereby reserved for the Poncas, 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 Ponca shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. And all roads or highways authorized by competent authority, other than the United States, the lines of which shall lie through said tract, shall have the right of way through the same; the fair and just value of such right being paid to the Poncas therefor by the party or parties authorizing the same or interested therein; to be assessed and determined in such manner as the President of the United States shall direct.

United States may maintain military posts, roads, &c.

ARTICLE V. No white person, unless in the employment of the United States, or duly licensed to trade with the Poncas, or members of the family of such persons, shall be permitted to reside, or to make any settlement, upon any part of the tract herein reserved for said Indians, nor

Whites not to reside on reservation, unless, &c.

Poncas not to alienate their lands, except to the United States, but may divide them among themselves.

Lawful residents on lands hereby ceded may enter 160 acres, at \$1.25 per acre.
Poncas to maintain friendly relations.

to pay for depredations.

not to make war, except, &c.

to surrender offenders.

Annuities to be withheld from those drinking &c. intoxicating liquor.

Annuities of Indians not to pay individual debts.

All demands against the United States released.

Expenses of negotiation, how borne.

Signatures, March 12, 1858.

shall the latter alienate, sell, or in manner dispose of any portion thereof, except to the United States; but, whenever they may think proper, they may divide said tract among themselves, giving to each head of a family or single person a farm, with such rights of possession, transfer to any other member of the tribe, or of descent to their heirs and representatives, as may be in accordance with the laws, customs, and regulations of the tribe.

ARTICLE VI. Such persons as are now lawfully residing on the lands herein ceded by the Poncas shall each have the privilege of entering one hundred and sixty acres thereof, to include any improvements they may have, at one dollar and twenty-five cents per acre.

ARTICLE VII. The Poncas 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; but, in case of any such injury or depredation, full compensation shall, as far as practicable, 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, 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, whenever called upon by the proper officer, to deliver up all offenders against the treaties, laws, or regulations of the United States, who may be within the limits of their reservation, and to assist in discovering, pursuing, and capturing all such offenders, whenever required to do so by such officer.

ARTICLE VIII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Poncas 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 Poncas, 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.

ARTICLE IX. No part of the annuities of the Poncas shall be taken to pay any claims or demands against them, except such as may arise under this agreement, or under the trade and intercourse-laws of the United States; and the said Indians do hereby fully relinquish and release the United States from all demands against them on the part of the tribe or any individuals thereof, except such as are herein stipulated and provided for.

ARTICLE X. The expenses connected with the negotiation of this agreement shall be paid by the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned delegates and representatives of the Ponca tribes of Indians, have hereunto set their names and seals, at the place and on the day hereinbefore written.

CHARLES E. MIX, *Commissioner.* [L. s.]

WAH-GAH-SAH-PI, or Whip,	his x mark.	[L. s.]
GISH-TAH-WAH-GU, or Strong Walker,	his x mark.	[L. s.]
MITCHELL P. CERA, or Wash-kom-mo-ni,	his x mark.	[L. s.]
A-SHNO-NI-KAH-GAH-HI, or Lone Chief,	his x mark.	[L. s.]
SHU-KAH-BI, or Heavy Clouds,	his x mark.	[L. s.]
TAH-TUNGAH-NUSHI, or Standing Buffalo,	his x mark.	[L. s.]

Executed in the presence of —
EDWARD HANRICK,
E. B. GRAYSON,

JAMES R. ROCHE,
 MOSES KELLY,
 JOSEPH HOLLMAN,
 JNO. WM. WELLS,
 J. B. ROBERTSON, *U. S. Indian Agent*,
 HENRY FONTENELLE, *U. S. Interpreter*,
 FRANCIS ROY, his x mark.

And whereas, the said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles, by a resolution, in the words and figures following, to wit:—

Consent of
 Senate, March 8,
 1859.

“IN EXECUTIVE SESSION,
 “SENATE OF THE UNITED STATES, March 8, 1859.

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty made and concluded at the city of Washington, the 12th day of March, 1858, between the United States and the Ponca tribe of Indians.

“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 eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation,
 April 11, 1859.

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

Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-
 [SEAL.] nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

TREATIES.

Treaty with Bolivia. Peace, Friendship, Commerce, and Navigation. Signed at La Paz, May 13, 1858. Ratified by the President of the United States, February 17, 1862. Exchanged at La Paz, November 9, 1862. Proclaimed by the President of the United States, January 8, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 13, 1858.

A PROCLAMATION.

WHEREAS a Treaty of Peace, Friendship, Commerce, and Navigation between the United States and the Republic of Bolivia, was concluded and signed by their respective Plenipotentiaries, at La Paz, on the thirteenth day of May, one thousand eight hundred and fifty-eight, which Treaty, after having been amended and ratified by the contracting parties, is word for word as follows :

Preamble.

Treaty of Peace, Friendship, Commerce, and Navigation, between the United States of America and the Republic of Bolivia.

Tratado de Paz, Amistad, Navegacion i Comercio entre la República de Bolivia i los Estados Unidos de América.

Contracting parties.

The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles :

La República de Bolivia i los Estados Unidos de América, deseando hacer estables i permanentes las relaciones de amistad i buena inteligencia, que felizmente existen entre ambas Naciones, han resuelto fijar de una manera clara, distinta i positiva, las reglas que en lo sucesivo, deben observarse religiosamente entre ambas naciones, por medio de un tratado de amistad, comercio i navegacion.

Contan interesante objeto, el Presidente de la República de Bolivia ha conferido plenos poderes al Ciudadano Lucas Mendoza de la Tapia, Secretario de Estado en el Departamento de Relaciones Exteriores é Instruccion Pública, i el Presidente de los Estados Unidos al Ciudadano Juan Winchester Dana, Ministro Residente de dichos Estados Unidos cerca del Gobierno de Bolivia, quienes despues de haberse comunicado sus mencionados plenos poderes i habiendoles hallado en debida forma, han convenido en los articulos siguientes :

ARTICLE I.

Peace and
friendship.

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

ARTICLE II.

Rights of most
favored nation.

If either party shall hereafter grant to any other nation, its citizens, or subjects, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

EXPLANATION.

Explanations.

As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian Government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to overcome, such as the clearing out of rapids, &c., &c.

ARTICLE III.

Reciprocal
liberty of com-
merce and navi-
gation.

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation

ARTICULO I.

Habrá perfecta, firme é inviolable paz i sincera amistad entre la República de Bolivia i los Estados Unidos de América, en toda la estension de sus posesiones i territorios, i entre sus pueblos i ciudadanos respectivos, sin distincion de personas ni de lugares.

ARTICULO II.

Si una de las partes concediere, en lo futuro á cualquiera otra nacion, sus ciudadanos ó súbditos algun favor particular, en navegacion i comercio, se estenderá i hará comun inmediatamente á la otra parte, gratuitamente, si la concesion hubiese sido gratuita ó con compensacion, si la concesion hubiese sido condicional.

ESPLICACION.

Como en dicho articulo se estipula que cualquier favor particular en navegacion i comercio concedido por una de las partes contratantes á cualquiera otra nacion, se estienda i haga comun á la otra parte inmediatamente—se declara que, en lo tocante á la navegacion de los rios, esta convencion solo será aplicable á las concesiones que el Gobierno de Bolivia otorgare para navegar los cursos fluviales que no presentasen obstaculos, es decir, de aquellos cuya navegacion estuviese naturalmente allanada i corriente sin que hubiera sido preciso procurarla empleando trabajo i capitales; que por consiguiente queda á salvo el derecho del Gobierno de Bolivia para conceder privilegios á cualquiera Sociedad ó Compañia tanto estranjera como nacional que emprendiese la navegacion en aquellos rios donde para conseguirla hai que superar dificultades, tales como el allanamiento de cachuelas, &c.

ARTICULO III.

La República de Bolivia i los Estados Unidos de América convienen mutuamente en que haya libertad reciproca de navegacion i

between their respective territories and citizens. The citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes on imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territory of either of the contracting parties — the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce, in the territories of either of the high contracting parties, paying only the custom-house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory, open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

The citizens of either country

comercio entre sus respectivos territorios i ciudadanos. Los ciudadanos de cualquiera de las dos Repúblicas podrán frecuentar con sus buques todas las costas, puertos i lugares de la otra en que se permite el comercio extranjero, residir en cualquier punto de los territorios de la otra i ocupar las casas i almacenes que necesiten: i todo lo que les pertenezca será respetado i esento de toda visita ó pesquisa arbitraria. Dichos ciudadanos gozarán de entera libertad, para comerciar en todos los puntos del territorio de la otra, segun las reglas establecidas por las respectivas leyes de comercio, en todo jenero de efectos, mercaderias, manufacturas i productos de lícito tráfico, i abrir almacenes i tiendas por menor, sometién dose á las mismas leyes, i á los decretos i usos establecidos para los ciudadanos del país; i no estarán sujetos á mayores impuestos i contribuciones que los que estos mismos pagan ó deben pagar. No se ecsaminarán ni inspeccionarán los libros, papeles i cuentas que les pertenezcan sin mandato de juez ó tribunal competente.

Las estipulaciones del presente tratado no se considerarán aplicables á la navegacion i comercio de cabotaje entre un puerto i otro, situado en el territorio de cualquiera de las dos partes contratantes; pues la regulacion de este comercio, está reservada respectivamente á las leyes particulares de cada una de ellas. Sin embargo, los buques de cualquiera de los dos países podrán descargar parte de sus cargamentos en un puerto habilitado para el comercio extranjero, perteneciente al territorio del otro, pagando solamente los derechos de aduana correspondientes á los efectos descargados, i continuar con el resto de su carga á cualquier otro puerto ó puertos del mismo país, abiertos al comercio extranjero, sin pagar otros ó mayores derechos de tonelaje ó de puerto que los que pagan en iguales casos los buques nacionales. En igual forma se les permitirá cargar en diferentes puertos en un mismo viaje para otros países.

Los ciudadanos de cualquiera de

Taxes.

Examination of books and papers.

Treaty not to the navigation and coasting trade.

Right to travel.

Forced loans,
&c.

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

ARTICLE IV.

Merchandise which may be imported or exported in the vessels of one nation, may be imported in vessels of the other nation

All kinds of produce, manufactures, or merchandise, of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures, and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be al-

las dos partes tendrán tambien el derecho ilimitado de viajar por cualquiera parte de las posesiones de la ótra, i gozarán en todo caso, de la misma seguridad i proteccion que los naturales del pais donde residen, sometiénndose á las leyes, decretos i ordenanzas que en el se observen; no se les exijirá ningun impuesto forzoso, ni ninguna contribucion accidental, ni estarán sujetos á ningun embargo, ni á ser detenidos con sus buques, cargamentos, mercaderias ó efectos, para ninguna expedicion militar ó para cualquier otro objeto público, sin que por ello se les conceda una cumplida i suficiente indemnizacion, que en todo caso se convenga i pague adelantado.

ARTICULO IV.

Toda clase de productos, manufacturas ó mercaderias de cualquiera nacion extranjera, que puedan, de tiempo en tiempo, ser legalmente importados en los Estados Unidos en sus propios buques, pueden serlo tambien en buques de la República de Bolivia, sin que se les pueda ec-sijir ni cobrar otros ó mas altos derechos de tonelaje del buque i su cargamento, sea que la importacion se haga en buques del uno ó del otro pais; i del mismo modo toda clase de productos, manufacturas ó mercaderias de una nacion estraña, que de tiempo en tiempo, pueden ser importados en la República de Bolivia, en sus propios buques, sea por sus puertos del Pacífico, ó por los que tenga sobre los tributarios del Amazonas ó del Plata, puedan tambien ser importados en los buques de los Estados Unidos; sin que se pueda ec-sijir ni cobrar otros ó mas altos derechos por el tonelaje del buque i su carga, sea que la importacion se haga en buques del uno ó del otro pais. Y convienen en que todo lo que legalmente pueda ser esportado ó re-exportado de un pais, en sus propios buques, un pais estraño, pueda del mismo modo ser exportado i re-exportado en buques del otro pais. Y los mismos premios, derechos ó re-embolso de derechos, serán concedidos i cobra-

lowed and collected, whether such exportation or reexportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects, the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favored nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Republic

dos, sea que la exportacion ó re-exportacion se haga en buques de los Estados Unidos ó de la República de Bolivia.

En todos estos casos, los buques de cualquiera de los dos países i sus respectivos cargamentos se pondrán en los puertos del otro en un pié de igualdad con los de la nacion mas favorecida; debiendo observarse estos principios, sea que los buques fueren despachados directamente de los puertos de la nacion á que pertenece ó sea que lo fueren de los puertos de cualquiera otra nacion.

ARTICULO V.

Para la mejor inteligencia del artículo precedente, í tomando en consideracion el estado actual de la marina comercial de la República de Bolivia, se estipula i conviene, en que todos los buques pertenecientes esclusivamente á un ciudadano ó ciudadanos de dicha República, i cuyo capitan sea tambien ciudadano de la misma, aunque la construccion ó la tripulacion sean ó puedan ser extranjeras, serán considerados, para el objeto de este tratado, como buques Bolivianos.

What to be considered Bolivian vessels.

ARTICULO VI.

No se impondrá otros ni mas altos derechos á las importaciones en los Estados Unidos de cualesquiera artículos, productos ó manufacturas de la República de Bolivia; asi como no se impondrá otros ni mas altos derechos á las importaciones en la República de Bolivia de cualesquiera artículos, productos ó manufacturas de los Estados Unidos, que los que se cobran por iguales artículos á los productos ó manufacturas de otro país; tampoco se impondrá otros ni mas altos derechos ó gravámenes, en ninguno de los dos países, á la exportacion de cualesquiera artículos de la República de Bolivia á los Estados Unidos, ó *vice versa* que los que se pagan por la exportacion de iguales artículos á otro país extranjero; ni se impondrá prohibicion alguna á la importacion ó exportacion de los artículos productos ó manufacturas de la República de Bolivia, ó de los Estados

Duties on imports and exports to be the same as on like articles from or to other countries.

of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

ARTICLE VII.

Citizens of one country, in the other country to be treated in the same manner, &c.

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

ARTICLE VIII.

Steam-vessels navigating between ports of Bolivia.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports by means of steam navigation, engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever, of the same character. It is furthermore understood between the two high contracting parties that the steam-vessels of either shall not be subject, in the ports of the other party, to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

Unidos, al ó del territorio de Bolivia, al ó del territorio de los Estados Unidos, que igualmente no se estienda á otras naciones.

ARTICULO VII.

Se conviene igualmente en que será enteramente libre á todo comerciante, comandante de buque, ú otros ciudadanos de cualquiera de los dos paises, manejar por si mismos sus propios negocios, en todos los puertos ó lugares sujetos á la jurisdiccion del otro, asi como respecto á la consignacion i venta de efectos i mercancias, por mayor ó por menor, como tambien respecto á la carga, descarga i despacho de sus buques, debiendo ser, en todos esos casos, tratados como ciudadanos del pais en que residen ó, á lo menos, ser colocados en un mismo pié con los súbditos ó ciudadanos de la nacion mas favorecida.

ARTICULO VIII.

Deseando la República de Bolivia ampliar la comunicacion entre los puertos del Pacifico, por medio de la navegacion por vapor, se compromete á conceder á cualquiera ciudadano ó ciudadanos de los Estados Unidos que concurran á este efecto, estableciendo una linea de vapores entre los puertos ó bahias de las costas del territorio Boliviano, los mismos privilegios para el embarco, desembarco de carga ó flete, recepcion i desembarco de pasajeros, sus equipages i dinero; para el transporte de las balijas de correos, formacion de depósitos para el combustible, establecimiento de talleres i máquinas para reparar i carenar los vapores, i las demás inmunidades de que goza cualquiera otra sociedad ó compañía del mismo jenero. Conviene además las altas partes contratantes en que los vapores pertenecientes á cualquiera de ellas no estarán sujetos, en los lugares de desembarco de la otra, al pago de ninguna clase de derechos, como los de tonelaje, puerto, ni otros semejantes, á no ser los que paguen ó pagaren otras sociedades ó compañías favorecidas.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships and placing themselves in a situation to continue their voyage, without obstacles or hindrance of any kind. And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE X.

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

ARTICLE XI.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well under-

ARTICULO IX.

Cuando los ciudadanos de una de las partes contratantes se vean obligados á refugiarse ó asilarse en los rios, puertos ó dominios de la otra, con sus buques sean mercantes ó de guerra, á causa del mal tiempo, ó de la persecucion de enemigos ó piratas, serán recibidos i tratados con consideracion, prestándoseles, todo auxilio i proteccion, para reparar sus buques i ponerse en estado de continuar su viaje sin obstáculo ni riesgo de ningun jénero.

Citizens of either nation seeking refuge, &c., to be treated with humanity.

Las estipulaciones contenidas en este artículo se aplican á los corsarios ó buques privados de guerra, como á los públicos, hasta que las dos altas partes contratantes hayan abandonado la guerra de corso, en consideracion á que generalmente se abandone por las naciones del derecho de apresar propiedades privadas en el mar.

ARTICULO X.

Cuando un buque perteneciente á un ciudadano de una de las naciones contratantes, haya naufragado ó sufrido algun daño en los mares, rios ó canales pertenecientes á la otra, se prestará socorro i proteccion en la misma forma que á los buques de la nacion en que acontece el daño, permitiéndole, si fuese necesario, descargar dicho buque de sus mercancías i efectos, sin exigir por ello derecho ni impuesto ni contribucion alguna.

Vessels wrecked or damaged.

ARTICULO XI.

Todos los buques, mercaderías i efectos pertenecientes á los ciudadanos de una de las partes contratantes, que fueren apresados por piratas dentro de los límites de su jurisdiccion, ó que, siéndolo en altamar, fuesen llevados á los rios, radas, ó bahías, ó encontrados en los puertos ó dominios de la otra, serán entregados á sus dueños, probando estos en debida forma sus derechos ante los tribunales competentes;

Captures by pirates.

stood that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective governments.

ARTICLE XII.

Power of disposing of personal property, and right of succession thereto.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ARTICLE XIII.

Citizens of each nation to be protected.

Tribunals of justice to be open.

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

bien entendido que el reclamo será hecho por los mismos interesados, sus apoderados, ó los agentes de sus respectivos gobiernos, dentro del término de un año.

ARTICULO XII.

Los ciudadanos de cada una de las partes contratantes tendrán facultad para disponer de los efectos de su pertenencia, dentro de la jurisdiccion del otro, por venta, donacion, testamento ó de cualquier otra manera, i sus herederos ó representantes, siendo naturales de la otra parte, sucederán en dichos efectos, sea por testamento ó *ab intestato*, i podrán tomar posesion i disponer de ellos á su voluntad, por sí ó por otros que obren á nombre suyo, pagando solamente los derechos á que en semejantes casos están sujetos los habitantes del pais donde ecsisten dichos efectos. Y si en el caso de ser los bienes raices, estuviese prohibido á los mencionados herederos, entrar en posesion de la herencia, á causa de su caracter de extranjeros, se les concederá el plazo mas largo que fuese permitido por las leyes, para disponer de ellos como les parezca i esportar su producto, sin otros gravámenes ni derechos que los establecidos por las leyes del pais.

ARTICULO XIII.

Las dos partes contratantes prometen i se obligan formalmente á prestar su proteccion especial á las personas i propiedades de los ciudadanos de la otra, de todas ocupaciones, que esten en los territorios de su respectiva jurisdiccion, sean transeuntes ó domiciliados; dándoles libre acceso á los tribunales de justicia para sus recursos judiciales en los mismos términos que son de uso i costumbre con los naturales; para cuyo efecto podrán emplear en defensa de sus derechos, los abogados, procuradores, notarios, agentes, i factores que les parezca, en todas sus contiendas judiciales; dichos ciudadanos i agentes podrán presentarse libremente á las decisiones i

present at the accusations and sentences of the tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

ARTICLE XIV.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging

sentencias de los tribunales, en todos los casos que les conciernan, i podrán pedir testimonios de todas las informaciones ó documentos que se produjeren en dichos tribunales en la forma establecida por las leyes del país. Los ciudadanos de una de las partes contratantes que hallándose en territorio de la otra, se injeriesen en las cuestiones políticas internas, estarán sujetos á las mismas medidas de represion ó de precaucion á que lo estuvieren los del país.

Those engaging in internal political questions.

ARTICULO XIV.

Los ciudadanos de las dos partes contratantes gozarán de completa libertad de conciencia, en los países sujetos á la jurisdiccion de la una ó de la otra, sin ser inquietados ni molestados por razon de sus opiniones religiosas, con tal de que respeten las leyes i costumbres establecidas en el país. Además los cuerpos de los ciudadanos de una de las partes contratantes, que fallecieren en el territorio de la otra, serán enterrados en los cementerios públicos ú otros enterratorios decentes, que serán protegidos contra toda violacion ó insulto, por las autoridades locales.

Religious freedom.

Rights of burial.

ARTICULO XV.

Será lícito á los ciudadanos de la República de Bolivia i de la Union Americana navegar con sus buques, con entera libertad i seguridad, sin hacer distincion de dueños de las mercaderias que se encuentren á su bordo, de cualesquiera puerto con direccion á los puertos ó lugares de desembarco de una nacion ó naciones que estén en guerra con una ú otra de las partes contratantes. Será lícito, asi mismo, á dichos ciudadanos navegar i comerciar con sus buques i mercaderias, con entera libertad i seguridad, no solamente de los lugares i puertos de los enemigos de una ó de ambas partes, á los puertos del otro i á los lugares neutrales, sino tambien de un lugar perteneciente á un enemigo, á otro lugar perteneciente á un enemigo,

Freedom of navigation.

to an enemy, whether they be under the jurisdiction of one power or of several.

ARTICLE XVI.

Free ships
make free goods.

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 or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

Neutral property, &c., not subject to confiscation, unless, &c.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship with this effect, that although they may be enemies to both or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them as permanent and immutable.

ARTICLE XVII.

Contraband
of war.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war, and under this name shall be comprehended —

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

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

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

4th. And, generally, all kinds of

sea que esten bajo la jurisdiccion de una potencia ó de varias.

ARTICULO XVI.

Las dos altas partes contratantes reconocerán como permanentes é inmutables los principios siguientes:

1º. Que el buque neutral proteje la carga, es decir, que los efectos, ó mercaderías pertenecientes á los súbditos ó ciudadanos de una nacion enemiga, son neutrales á bordo de un buque neutral, con escepcion de los artículos de contrabando de guerra.

2º. Que la carga neutral á bordo de un buque enemigo, no está sujeta á confiscacion; permanece neutral, á menos que sea contrabando de guerra.

La misma neutralidad se estenderá á las personas que se hallen á bordo de un buque neutral, de manera que, aunque sean enemigas de ambas ó de una de las partes, no pueden ser estraídas del buque, á no ser que sean oficiales ó soldados que se hallan en actual servicio del enemigo. Las partes contratantes se obligan á aplicar estos principios al comercio i navegacion de todas las potencias ó estados que consientan en adoptarlos como permanentes é inmutables.

ARTICULO XVII.

La libertad de comercio i navegacion se estenderá á todo jénero de mercaderías, esceptuando solamente aquellas que se distinguen con el nombre de contrabando de guerra bajo cuya denominacion se comprenden.

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

2º. Broqueles, escudos, yelmos, casquetes, corazas, cotas de malla, fornituras i vestidos hechos en forma i para uso militar.

3º. Bandoleras i caballos con sus arreos.

arms, offensive and defensive, and instruments of iron, steel, brass, and copper, or any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XVIII.

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

ARTICLE XIX.

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

4º. Y jeneralmente todo jenaro de armas ofensivas ó defensivas, ó instrumentos de hierro, acero, bronce i cobre, ó de otras materias, manufacturados, preparados, i formados espresamente para hacer la guerra por mar ó por tierra.

ARTICULO XVIII.

Cualesquiera otras mercaderias i cosas no comprendidas en los artículos de contrabando, esplicitamente numerados i clasificados arriba, se tendrán, i considerarán como libres i materia de libre i legitimo comercio, de manera que puedan ser llevadas i trasportadas, en el modo mas libre, por los ciudadanos de las dos partes contratantes aun á lugares pertenecientes al enemigo; esceptuando unicamente aquellos lugares que en aquel tiempo esten sitiados ó bloqueados; i para evitar toda duda en este particular, se declara que unicamente se consideran sitiados ó bloqueados, aquellos lugares ó puertos que esten á la sazón atacados por una fuerza capaz de impedir la entrada del neutral.

ARTICULO XIX.

Los artículos de contrabando ya enumerados i clasificados, que se encuentren á bordo de un buque destinado á un puerto enemigo, estarán sujetos á detencion i confiscacion, quedando libre el resto de la carga i el buque, para que los dueños puedan hacer uso de ellos como les parezca conveniente. Ningun buque de ninguna de las partes contratantes podrá ser detenido en alta mar por tener á bordo artículos de contrabando si el maestre, capitan, ó sobrecargo de dicho buque quiere entregar los artículos de contrabando al aprehensor, á menos de que sea tan grande ó de tanto volúmen la cantidad de los tales artículos, que no puedan ser recibidos á bordo del buque aprehensor sin grande inconveniente; pero en este, como en cualquiera otro caso de justa detencion, el buque detenido será enviado al puerto mas inmediato, seguro i cómodo para ser juzgado con arreglo á las leyes.

Property not enumerated as contraband, to be free.

What property found in vessels liable to be confiscated.

ARTICLE XX.

Blockades.

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

ARTICLE XXI.

Visiting and examination of ships and cargoes.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they mutually agree that, whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for

ARTICULO XX.

Y como frecuentemente sucede que navegan buques para puertos ó lugares pertenecientes al enemigo, sin saber que se hallan sitiados, bloqueados, ó atacados, se conviene en que todo buque que se halle en este caso pueda ser rechazado de tal puerto ó lugar, mas no detenido, ni confiscado, parte alguna de su carga, sino es contrabando de guerra, á menos que despues de notificársele el bloqueo ó ataque por un oficial que mande un buque de las fuerzas bloqueadoras, insistiera en entrar; pero se le permitirá ir á cualquier otro puerto ó lugar que juzque á propósito. Ningun buque de una parte que hubiese entrado en un puerto, antes de que fuese sitiado, bloqueado, ó atacado por la otra, podrá ser impedido de salir del lugar con su carga; ni si se encontrase alli despues de la reduccion ó entrega, estará sujeto tal buque ó su carga á confiscacion, sino que se le restituirá á su dueño ó propietario.

ARTICULO XXI.

Para prevenir todo jénero de desorden en la visita i ecsamen de los buques i cargamentos de ambas partes contratantes en alta mar, convienen mutuamente que cuando un buque de guerra encontrare á un neutral de la otra parte contratante, el primero permanecerá á una conveniente distancia, i enviará sus botes con dos ó tres hombres solamente, con el objeto de ecsaminar los papeles concernientes á la propiedad i cargamento del buque, sin causar la menor estorsion, violencia, ó maltratamiento, respecto á lo cual, los comandantes de dichos buques armados, serán responsables con sus personas i propiedades; para cuyo fin los comandantes de buques privados armados, antes de recibir sus comisiones, darán suficiente seguridad para responder por todos los daños i perjuicios que cometieren. Se conviene espresamente en que la parte neutral, en ningun caso, será requerida á ir á bordo del buque

the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXII.

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

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and,

que hace la visita con el objeto de exhibir sus papeles, ni para ningun otro objeto.

ARTICULO XXII.

Para evitar todo jenero de abuso i vejacion, en el eesámen de los papeles relativos á la propiedad de los buques pertenecientes á los ciudadanos de las dos partes contratantes, convienen en que, en caso de que una de ellas estuviese empeñada en guerra, los buques pertenecientes á los ciudadanos de la otra, deben estar provistos de letras de mar ó pasaportes, en que se espresé el nombre, propiedad, i tamaño de los buques, como tambien el nombre i residencia del maestre i comandante de dicho buque, á fin de que aparezca por ellos que dicho buque pertenece verdaderamente á los ciudadanos de una de las partes. Convienen asi mismo en que los tales buques, estando cargados, fuera de dichas letras de mar ó pasaportes, deben tambien estar provistos de certificados, que contengan los diferentes pormenores del cargamento, i el lugar de la procedencia del buque, de manera que se pueda saber si lleva á su bordo efectos prohibidos ó de contrabando; los cuales certificados serán espedidos por los empleados del lugar de donde procede el buque, en la forma acostumbrada: faltando estos requisitos, dichos buques pueden ser detenidos para ser juzgados por el tribunal competente i declarados buena presa, á menos de que se pruebe que dicha falta proviene de accidente i sea suplida por un testimonio equivalente.

Sea-letters and passports.

Certificates.

ARTICULO XXIII.

Se conviene asi mismo en que las precedentes estipulaciones relativas á la visita i eesámen de los buques, se aplicarán solamente á aquellos que navegan sin convoi; i cuando dichos buques fueren convoyados, la declaracion verbal del comandante del convoi, bajo su palabra de honor, de que los buques que están bajo su proteccion, pertenecen á la nacion cuya bandera llevan, i cuando su

Vessels under convoy.

when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

What courts to take cognizance of prize causes.

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

ARTICLE XXV.

No letters of marque to act as privateers.

No citizen of the Republic of Bolivia shall take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any prince or state with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions or letters of marque he shall be punished according to their respective laws.

ARTICLE XXVI.

Free navigation In accordance with fixed princi-

destino es á un puerto enemigo, de que no tienen á bordo jéneros de contrabando, será suficiente.

ARTICULO XXIV.

Se conviene así mismo que en todo caso los tribunales establecidos para las causas de presas en el país á que las presas fueren conducidas, serán los unicos que tomen conocimiento de ellas; i siempre que tales tribunales de una ú otra parte pronunciaren sentencia contra un buque, ó jéneros ó propiedad, reclamados por los ciudadanos de la otra parte, la sentencia ó decision pronunciada hará mencion de las razones ó motivos en que se ha fundado, i se entregará, siempre que lo pidieren, al comandante ó agente de dicho buque, una copia autentica de la sentencia ó decision i de todos los procedimientos del caso sin retardo alguno, pagando por ello los derechos ó gastos legales.

ARTICULO XXV.

Ningun ciudadano de la República de Bolivia podrá aceptar comision ó letras de marca, para armar en corso uno ó mas buques i obrar como corsario contra los Estados Unidos, ó alguno de ellos, ó contra los ciudadanos, pueblo, ó habitantes de alguno de ellos, ó contra la propiedad de alguno de los habitantes de alguno de ellos, de ningun principe ó nacion con que dichos Estados Unidos estuvieren en guerra; tampoco podrá ningun ciudadano ó habitante de los Estados Unidos aceptar comision ó letras de marca, para armar uno ó mas buques i obra como corsario contra los ciudadanos de la República de Bolivia, ó alguno de ellos, ó la propiedad de alguno de ellos, de ningun principe ó estado con el cual dicha República de Bolivia estuviera en guerra; i si alguna persona de una ú otra nacion tomáre tales comisiones ó letras de marca, será castigado conforme á sus leyes respectivas.

ARTICULO XXVI.

Conforme á los principios fijos del

ples of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as highways or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit and invites commercial vessels of all descriptions of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned, or which may be sanctioned, by the national authorities of Bolivia not inconsistent with the stipulations thereof.

ARTICLE XXVII.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials which they may introduce for use in the construction of said vessels.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light-house, police, and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of article 3.

derecho internacional, Bolivia considera los rios Amazonas i Plata i sus respectivos afluentes, como vias ó canales abiertos por la naturaleza para el comercio de todas las naciones. En su virtud, i desearo promover un cambio de productos por medio de estos canales, permite i convida á los buques mercantes de todo clase de los Estados Unidos i de todas las naciones del mundo, á navegar libremente en toda la parte de los cursos que le pertenezcan, subiendo por dichos canales á puertos Bolivianos, ó bajando de estos al océano, con sujecion unicamente á las condiciones que establece este tratado, i á las leyes i reglamentos sancionados ó que en adelante se sancionaren por la autoridad nacional de Bolivia, i que no estén en contradiccion con sus estipulaciones.

ARTICULO XXVII.

Los armadores i comandantes de buques de los Estados Unidos, desde que hayan entrado en los tributarios Bolivianos del Amazonas i del Plata, tendrán derecho de armar i construir en todo ó en parte embarcaciones adaptables á rios de poca profundidad, i trasbordar sus cargamentos á los buques así contruidos, sin pagar por ello derechos adicionales. No pagarán derechos de ninguna clase por secciones ó piezas de buque, ni por las máquinas ó materias que introdujeran para facilitar la construccion de dichas embarcaciones.

Navigation of the tributaries of the Amazon or La Plata.

Todos los puntos accesibles á estas u otras embarcaciones de los Estados Unidos en los tributarios Bolivianos del Amazonas ó del Plata, serán considerados como puertos abiertos al comercio extranjero, i sujetos á las disposiciones de este tratado bajo el régimen que el Gobierno tenga á bien establecer para el cobro de derechos de aduana, puerto, fanal, policia, i pilotaje. Por consiguiente podrán descargar i recibir flete ó carga de efectos del pais ó extranjeros, en cualquiera de dichos puntos, sin perjuicio de lo estipulado en el artículo 3.

Ports open to foreign commerce.

ARTICLE XXVIII.

Privileges in
case of war.

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

ARTICLE XXIX.

Debts, &c., not
to be confiscated.

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

ARTICLE XXX.

Privileges of
most favored
nation to minis-
ters, &c.

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

ARTICULO XXVIII.

Si por una desgracia, que no es de esperar, i que Dios no permita, las dos partes contratantes se empuñasen en una guerra una con otra, convienen ahora para entónces en que se concederá el término de seis meses á los comerciantes i traficantes residentes en las costas i puertos de la otra, i el de un año á los que habiten en el interior, para arreglar sus negocios i trasportar sus efectos donde les convenga, dándoles el salvo-conducto necesario para el efecto, tal que les pueda servir de suficiente proteccion hasta que lleguen al puerto designado. Los ciudadanos de todas las otras ocupaciones que estén establecidos en el territorio de los Estados Unidos i de la República de Bolivia serán respetados i mantenidos en el pleno goce de su libertad personal i de sus propiedades, á no ser que su conducta particular les cause privarse de esta proteccion, que las partes contratantes les acuerdan por consideraciones de humanidad.

ARTICULO XXIX.

Ni las deudas particulares de los individuos de una de las dos partes contratantes á los individuos de la otra, ni las acciones ó dinero que ellos puedan tener en los fondos públicos, ó en los bancos públicos ó privados, podrán jamás en caso de guerra ó de diferencias nacionales, ser secuestrados ni confiscados.

ARTICULO XXX.

Deseando las dos partes contratantes evitar toda desigualdad relativa á sus comunicaciones públicas i á su correspondencia oficial, convienen en conceder á los enviados, ministros, i otros agentes públicos, los mismos favores, inmunidades i esenciones que hoi gozan i en adelante gozaren los de la nacion mas favorecida, entendiéndose que cualesquiera favores, inmunidades ó privilegios que la República de Bolivia i los Estados Unidos de América tuvieren por conveniente conce-

other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXXI.

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

ARTICLE XXXII.

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

ARTICLE XXXIII.

It is also agreed that the consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in every-

der á los ministros i otros agentes públicos de cualquiera otra potencia, serán por el mismo hecho entendidos á los de cada una de las partes contratantes.

ARTICULO XXXI.

Para hacer mas efectiva la proteccion que la República de Bolivia i los Estados Unidos prestarán en lo futuro á la navegacion i al comercio de sus ciudadanos respectivos, convienen en recibir i admitir consules i vice-consules en todos los puertos abiertos al comercio extranjero, quienes gozarán en ellos de todos los derechos, prerogativas, ó inmunidades de los consules ó vice-consules de la nacion mas favorecida, quedando sin embargo cada una de las partes contratantes libre para esceptuar aquellos puertos i lugares en que la admision i residencia de tales consules i vice-consules no le parezca conveniente.

Consuls and
vice-consuls.

ARTICULO XXXII.

Para que los consules i vice-consules de las dos partes contratantes puedan gozar de los derechos, prerogativas, ó inmunidades que les pertenecen por su caracter público, ecsibirán, ántes de entrar en el ejercicio de sus funciones, su comision ó patente en debida forma, al gobierno ante quien son acreditados, i habiendo obtenido el *exequatur*, serán tenidos i considerados como tales, por todas las autoridades, magistrados, i habitantes del distrito consular en que residen.

Credentials and
exequatur.

ARTICULO XXXIII.

Convienen igualmente en que los consúles, oficiales, i demas personas agregadas al consulado, no siendo ciudadanos del pais en que reside el consul, estarán esentos de todo jénero de impuestos i contribuciones, escepto aquellos que esten obligados á pagar por razon de comercio i de su propiedad, i á la que están sujetos los ciudadanos i otros habitantes del pais en que residen, estando ellos por lo demás sujetos

Exemptions of
consuls, &c.

thing besides, subject to the laws of the respective states. The archives and papers of the consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE XXXIV.

Deserters from
vessels.

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

ARTICLE XXXV.

Consular con-
vention.

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

ARTICLE XXXVI.

The United States of America and the Republic of Bolivia, desiring to make as durable as circum-

á las leyes de los respectivos estados. Los archivos i papeles de los consulados serán inviolablemente respetados, i bajo ningun pretexto se apoderará ni intervendrá en ellos ningun majistrado.

ARTICULO XXXIV.

Los dichos cónsules tendrán facultad para requerir el auxilio de las autoridades del país, para el arresto, detencion, i custodia de los desertores de los buques públicos i privados de su nacion; i para el efecto se dirigirán á los tribunales, jueces, i autoridades competentes, i pedirán por escrito dichos desertores, probando con la manifestacion de los registros ó roles de los buques, ó con otros documentos públicos, que aquellos hombres hacian parte de dicha tripulacion; i probada así la demanda, no podrá ser rehusada la entrega, (salvo, no obstante cuando haya prueba en contrario.) Tales desertores, una vez arrestados, serán puestos á disposicion de dichos cónsules, i podrán ponerse en las prisiones públicas, á instancia i costa de los que los reclamen, para ser enviados á los buques á que pertenecian ó á otros de la misma nacion. Pero, si no fueren enviados dentro de dos meses, que deben contarse desde el día de su arresto, serán puestos en libertad, i no volverán á ser arrestados por la misma causa.

ARTICULO XXXV.

Con el fin de proteger mas eficazmente su comercio i navegacion, las dos partes contratantes convienen por el presente, en formar, luego que las circunstancias lo permitan, una convencion consular que declare especialmente las facultades é inmunidades de los cónsules i vice-cónsules de las respectivas partes.

ARTICULO XXXVI.

La República de Bolivia i los Estados Unidos de América, deseando hacer tan duraderas como las

stances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, declare solemnly and agree to the following points: —

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

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

3d. If, (what indeed cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated, or infringed in any other mode whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

circunstancias lo permitan las relaciones que quedan establecidas entre las dos partes, por virtud de este tratado de paz, amistad, comercio, i navegacion, han declarado solemnemente i convenien en los siguientes puntos: —

1°. El presente tratado permanecerá en plena fuerza i valor por el termino de diez años, que se contarán desde el dia del canje de las ratificaciones, i en adelante, hasta el fin de un año despues que una de las partes haya notificado á la otra su intencion de hacerlo cesar; reservándose cada una de las partes contratantes el derecho de hacer semejante notificacion á la otra, al fin de dicho termino de diez años. Y se conviene además entre las partes, que á la espiracion de un año despues que la notificacion haya sido recibida por una de ellas, este tratado, en todas sus partes reativas al comercio i navegacion, cesará i terminará enteramente, i en todas aquellas partes que dicen relacion á la paz i amistad, será perpetuo i permanentemente obligatorio para ambas potencias.

Duration of this treaty.

2°. Si cualquiera ó cualesquiera ciudadanos de una ú otra parte quebrantaren alguno de los artículos del presente tratado, dicho ciudadano ó ciudadanos serán personalmente responsables, i la armonía i buena correspondencia entre las dos naciones no serán por eso interrumpidas, comprometiéndose cada parte á no proteger al ofensor ó sancionar tal violacion.

Infringement of treaty by citizens.

3°. Si, (lo que no es de esperar,) desgraciadamente alguno de los artículos contenidos en este tratado fué violado ó infringido de alguna otra manera, se estipula espresamente que ninguna de las partes contratantes ordenará ni autorizará ningun acto de represalia, ni declarará guerra contra la otra, por quejas de agravios ó perjuicios, hasta que la dicha parte que se considere ofendida haya presentado á la otra una representacion de tales injurias ó daños, verificada por pruebas competentes, i haya demandado justicia, i que esta le haya sido rehusada ó retardada sin razon.

Proceedings in case of violation of any article.

Treaty not to conflict with certain existing treaties.

How to be ratified.

Signature.

Exchange of ratifications, November 9, 1862.

Proclaimed January 3, 1863.

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

The present treaty of peace, amity, commerce, and navigation shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the National Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both governments.

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

Done in La Paz, on the thirteenth (13th) day of May, in the year of our Lord one thousand eight hundred and fifty-eight, (A. D. 1858.)

JOHN W. DANA, [L. s.]
LUCAS M. DE LA TAPIA, [L. s.]

4°. Nada de lo contenido en este tratado se entenderá, sin embargo, capaz de producir efectos contrarios á tratados anteriores con otros estados ó soberanos.

El presente tratado de paz, amistad, comercio, i navegacion será ratificado por el Presidente de la República de Bolivia con la aprobacion del Congreso Nacional, i por el Presidente de los Estados Unidos de América, con el dictamen i consentimiento del Senado de dichos Estados; i las ratificaciones serán canjeadas en la capital de la República de Bolivia dentro de ocho meses, que deberán contarse desde la data de dichas ratificaciones por ambos gobiernos.

En fé de lo cual, nos los plenipotenciarios de la República de Bolivia i de los Estados Unidos de América, hemos firmado i sellado el presente.

Hecho en La Paz, el trece de Mayo, del año del Señor de mil ocho cientos cincuenta i ocho.

LUCAS M. DE LA TAPIA, [L. s.]
JOHN W. DANA, [L. s.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at La Paz, on the 9th of November last, by David K. Cartter, Minister Resident of the United States, and Señor Don Manuel José Cortiz, Minister for Foreign Relations of Bolivia, on the part of their respective governments, the time specified for that purpose by the thirty-sixth article having been extended by the contracting parties.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 eighth day of January, [L. s.] in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty of Peace, Amity, and Commerce, between the United States of America and China. Concluded at Tientsin, June 18, 1858; Ratified by the United States, December 21, 1858, and Proclaimed by the President of the United States, January 26, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

June 18, 1858.

WHEREAS a treaty between the United States of America and the Ta-Tsing Empire was concluded and signed at Tientsin by their respective plenipotentiaries, on the eighteenth day of June, 1858, which treaty is, word for word, as follows:

The United States of America and the Ta-Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, 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 and the august sovereign of the Ta-Tsing Empire have named for their plenipotentiaries, to wit: the President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China; and his Majesty the Emperor of China, Kweiliang, a member of the Privy Council and Superintendent of the Board of Punishments; and Hwa-shana, President of the Board of Civil Office and Major General of the Bordered Blue Banner Division of the Chinese Banner-men, both of them being Imperial Commissioners and Plenipotentiaries; and the said ministers, in virtue of the respective full powers they have received from their governments, have agreed upon the following articles:

Contracting parties.

Negotiators.

ARTICLE I. There shall be, as there have always been, peace and friendship between the United States of America and the Ta-Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

Amity, &c.

ARTICLE II. In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by his Majesty the Emperor of China, this treaty shall be kept and sacredly guarded in this way, viz.: The original treaty, as ratified by the President of the United States, shall be deposited at Peking, the capital of his Majesty the Emperor of China, in charge of the Privy Council; and, as ratified by his Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

Original treaty, how and where to be kept.

ARTICLE III. In order that the people of the two countries may know and obey the provisions of this treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same and to publish it by proclamation in the gazettes where the laws of the United States of America are published by authority; and his Majesty the Emperor of China, on the exchange of ratifications, agrees immediately

To be published

to direct the publication of the same at the capital and by the governors of all the provinces.

Minister of the United States in China to have the right to correspond, &c., with certain officers, &c.

ARTICLE IV. In order further to perpetuate friendship, the minister or commissioner, or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the governors general of the Two Kwangs, the provinces of Fuhkien and Chehkiang or of the Two Kiangs; and whenever he desires to have such correspondence with the Privy Council at the capital he shall have the right to send it through either of the said governors general or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and governors general, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

to visit and sojourn at the capital, &c.

Regulations as to visits, &c.

ARTICLE V. The minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of his Majesty, the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships-of-war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital he shall communicate, in writing, his intention to the Board of Rites at the capital, and thereupon the said board shall give the necessary directions to facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

to have the same privileges as the representative of any other nation.

ARTICLE VI. If at any time his Majesty the Emperor of China shall, by treaty voluntarily made, or for any other reason, permit the representative of any friendly nation to reside at his capital for a long or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

Terms of correspondence and communication.

ARTICLE VII. The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form of mutual communication, (*chauhwui*.) The consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication, (*chauhwui*.) When inferior officers of the one government address superior officers of the other they shall do so in the style and form of memorial, (*shin chin*.) Private individuals, in addressing superior officers, shall employ the style of petition, (*pinching*.) In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

Presents not to be demanded.

Interviews, when to be had.

ARTICLE VIII. In all future personal intercourse between the representative of the United States of America and the governors general or governors, the interviews shall be had at the official residence of the said officers or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these

interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

Current matters how discussed.
Provisions as to national vessels of the United States.

ARTICLE IX. Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

as to captures, &c., of American vessels by pirates.

ARTICLE X. The United States of America shall have the right to appoint consuls and other commercial agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese government, (a consul or vice-consul in charge taking rank with an intendant of circuit or a prefect,) either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said consuls and agents shall carefully avoid all acts of offence to the officers and people of China. On the arrival of a consul duly accredited at any port in China, it shall be the duty of the minister of the United States to notify the same to the governor general of the province where such port is, who shall forthwith recognise the said consul and grant him authority to act.

Consuls, &c., may reside at certain places in China.

Rules of intercourse and correspondence.

ARTICLE XI. All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act towards citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

Citizens of the United States in China to be protected in person and property.

offences by or against how punished.

ARTICLE XII. Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, un-

may rent houses, &c., or hire sites and build thereon.

Regulations.

less there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen, or others can freely pass and repass in the immediate neighborhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

Provisions as to wrecked or stranded vessels of the United States.

as to merchant vessels plundered by pirates.

ARTICLE XIII. If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

Ports and cities where citizens of the United States may reside and trade.

Penalty for clandestine trade.

ARTICLE XIV. The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Cheh-kiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

trade at such ports.

Tariff of duties.

ARTICLE XV. At each of the ports open to commerce, citizens of the United States shall be permitted to import from abroad, and sell, purchase, and export all merchandise of which the importation or exportation is not prohibited by the laws of the Empire. The tariff of duties to be paid by citizens of the United States, on the export and import of goods from and into China, shall be the same as was agreed upon at the treaty of Wanghia, except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation.

ARTICLE XVI. Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register; which, with her other papers, shall, on her arrival, be lodged with the consul, who shall report the same to the commissioner of customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire, or fill up an incomplete, cargo, the consul shall report the same to the commissioner of customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of customs at the open ports shall consult with the consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

Rate of tonnage duties.
Regulations.

Beacons and light-houses.

ARTICLE XVII. Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, laborers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the consul.

Pilots, seamen, servants, &c.

ARTICLE XVIII. Whenever merchant vessels of the United States shall enter a port, the collector of customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, on being informed by the consul, and will deliver them up to the consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

Port regulations for merchant vessels.

Deserters, mutineers, and criminals.

ARTICLE XIX. Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the consul or person charged with his functions, who shall cause to be communicated to the superintendent of customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay ton-

Same subject.

Penalty for discharging cargo without permit.

Tonnage duties
when due.

nage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the consul of a friendly power, or, if he please, directly to the superintendent of customs, who shall do all that is required to conduct the ship's business.

Provisions as to
collection of duties.

ARTICLE XX. The superintendent of customs, in order to the collection of the proper duties, shall, on application made to him through the consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said consul to adjust with the superintendent of customs.

as to reexportation of merchandise.

ARTICLE XXI. Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to reexport the same in part or in whole to any other of the said ports, shall be entitled to make application, through their consul, to the superintendent of customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be reexported without hindrance.

of foreign grain
or rice.

Duties when
and how to be
paid.

ARTICLE XXII. The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

Responsibility
of consul.

Transshipment
of goods.

ARTICLE XXIII. When goods on board any merchant vessel of the United States in port require to be transhipped to another vessel, application shall be made to the consul, who shall certify what is the occasion therefor to the superintendent of customs, who may appoint officers to examine into the facts and permit the transshipment. And if any goods be transhipped without written permits they shall be subject to be forfeited to the Chinese government.

Debts, how
may be collected.

ARTICLE XXIV. Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on suitable representations being made to the local authorities, through the

consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the consul, or by suit in the consular court; but neither government will hold itself responsible for such debts.

ARTICLE XXV. It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the empire, and to assist in literary labors; and the persons so employed shall not for that cause be subject to any injury on the part either of the government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

Scholars may be employed and books purchased in China.

ARTICLE XXVI. Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers, full respect being paid to the neutrality of the flag of the United States: provided, that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese government.

Trade, with the United States not to be hindered by war between China and other powers.

ARTICLE XXVII. All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own government; and all controversies occurring in China between citizens of the United States and the subjects of any other government shall be regulated by the treaties existing between the United States and such governments, respectively, without interference on the part of China.

Jurisdiction of offences in China, &c.

ARTICLE XXVIII. If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

Communications between citizens of the United States and Chinese local officers.

Controversies between Chinese and citizens of the United States how to be settled.

ARTICLE XXIX. The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognised as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.

Toleration of Christians.

ARTICLE XXX. The contracting parties hereby agree that should at any time the Ta-Tsing Empire grant to any nation, or the merchants or

United States to have the privi-

leges of the most favored nation. citizens of any nation, any right, privilege, or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege, and favor shall at once freely enure to the benefit of the United States, its public officers, merchants, and citizens.

Provisions as to ratification.

The present treaty of peace, amity, and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the august Sovereign of the Ta-Tsing Empire forthwith; and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we, the respective plenipotentiaries of the United States of America and of the Ta-Tsing Empire, as aforesaid, have signed and sealed these presents.

Signatures,
June 18, 1858.

Done at Tientsin this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, and the independence of the United States of America the eighty-second, and in the eighth year of Hienfung, fifth month, and eighth day.

WILLIAM B. REED, [L. s.]
KWEILIANG, [L. s.]
HWASHANA. [L. s.]

Ratification.

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

Proclamation,
January 24 1863.

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 twenty-sixth day of January, in the year of our Lord one thousand eight hundred and [L. s.] sixty, and of the independence of the United States the eighty-fourth.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Treaty between the United States and the Mendawakanton and Wahpakoota Bands of Dakota or Sioux Tribe of Indians. Concluded at Washington, June 19, 1858. Ratified by the Senate March 9, 1859. Proclaimed by the President of the United States, March 31, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : June 19, 1858.

Preamble.

WHEREAS, a treaty was made and concluded at the city of Washington, on the nineteenth day of June, 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 headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz.: Wabashaw, Chetanakooamonee, Wasuhyahidan, Shakopee, Wamindeetonkee, Muzzaojanjan, Tachunrpeemuz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wamouisa, braves, on the part of the Mendawakantons, and Hushawshaw chiefs, and Papa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly authorized and empowered to act for said bands; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, 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 headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz.: Wabashaw, Chetanakooamonee, Washuhyahidan, Shakopee, Wamindeetonkee, Muzzaojanjan, and Makawto, chiefs, and Hinhanduta, Ha-raka-Muzza, Wakanojanjan, Tachunrpee-muz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wa-mouisa, braves, on the part of the Mendawakantons, and Hushawshaw, chief, and Pa-Pa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly authorized and empowered to act for said bands. Contracting parties.

ARTICLE I. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians, and which is described in the third article of the treaty made with them on the fifth day of August, one thousand eight hundred and fifty-one, which lies south or southwestwardly of the Minnesota River, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family, or single person over the age of twenty-one years, in said bands of Indians, said allotments to be so made as to include a proper proportion of timbered land, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted, shall be held by said bands in common, and as other Indian lands are held: *Provided, however,* That eighty acres thereof, as near as may be, shall, in like manner as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becom- 80 acres of reservation to be allotted to each head of a family or, &c.
Vol. x. p. 954.
Residue to be held in common.
Further allotment.

ing heads of families by contracting marriage, if neither of the parties shall have previously received land.

Expenses of survey and allotments how borne.

All the necessary expenses of the surveys, and allotments thus provided for, shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

Patents to issue to them for said lands.

As the members of said bands become capable of managing their business and affairs, the President of the United States may, at his discretion, cause patents to be issued to them, for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale or forfeiture, until otherwise provided for by the legislature of the State in which they are situated with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of except to the United States, or to members of said bands.

Lands to be exempt from taxes, &c. and not to be alienated except, &c.

Preamble.

Provisions of treaty of August 5th, 1851,

Vol. x. p. 954.

ARTICLE II. Whereas by the treaty with the Mendawakanton and Wahpakoota bands of Sioux Indians, concluded at Mendota on the fifth day of August one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota River," extending from Little Rock River to the Tchatamba and Yellow Medicine Rivers, which land was to "be held by said bands in common."

Amended by the Senate.

Vol. x. p. 957.

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart said land as a home for said bands, and made provision for the payment to said bands "at the rate of ten cents per acre for the lands included in the" said tract so reserved and set apart for the "occupancy and home" of said bands, and also provided in addition thereto, that there should be "set apart, by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the first article of the" said treaty as should "be satisfactory for their future occupancy and home," said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians.

And whereas the President so far varied the conditions of said Senate amendment, as to permit said bands to locate for the time being, upon the tract originally reserved by said bands for a home, and no "tracts of country without the limits of the cession" made in the said treaty *has* [have] ever been provided for, or offered to, said bands:

Act of 1854, ch. 167. Vol. x. p. 326.

And whereas by the "act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes," approved July 31, 1854, the President was authorized to confirm to the Sioux of Minnesota forever, the reserve on the Minnesota River now occupied by them, upon such conditions as he may deem just:

Question of title of the bands to certain lands to be submitted to the Senate, and what allowance to be made if decision is in their favor.

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that as they were entitled to receive "such tracts of country" as should "be satisfactory for their future occupancy and home," and as no such country has been provided for, or offered to, said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title; and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota River — whether they shall be allowed a specific sum of money therefor, and if so, how much; or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto. Such sale, if decided in favor of by the Senate, shall be made under and according to regulations to be pre-

scribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land.

ARTICLE III. It is also agreed that if the Senate shall authorize the land designated in article two of this agreement to be sold for the benefit of the said Mendawakanton and Wahpakoota bands, or shall prescribe an amount to be paid said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council authorize to be paid out of the proceeds of said tract, such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands upon their return : *Provided, however,* That their said determinations shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

From proceeds of sale not over \$70,000 may be paid chiefs and headmen.

Proviso

ARTICLE IV. The lands retained and to be held by the members of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians, under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever, be deemed and held to be an Indian reservation ; and the laws which have been, or may hereafter be enacted by Congress, to regulate trade and intercourse with the Indian tribes, shall have full force and effect over and within the limits of the same ; and no person other than the members of the said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe, unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons, shall be permitted to reside or make any settlement upon any part of said reservation ; and the timbered land allotted to individuals, and also that reserved for subsequent distribution as provided in the first article of this agreement, shall be free from all trespass, use, or occupation, except as hereinafter provided.

Lands retained under the first article to be deemed an Indian reservation.

ARTICLE V. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements, as may be deemed necessary, but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if in the establishment or maintenance of such posts, agencies, roads or other improvements the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same, upon the fair and just value of such right being paid to the said Mendawakanton and Wahpakoota bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

United States may maintain military posts, roads, &c., on reservation.

Compensation to be made for damages caused thereby to any Indian.

ARTICLE VI. The Mendawakanton and Wahpakoota bands of Dakota or Sioux Indians acknowledge their dependence on 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 the members of any other tribe ; but in case of any such injury or depredation, full compensation shall, as far as practicable be made therefor out of their moneys in the hands of the United States ; the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any other tribe unless in self-defence, but to submit, through their agent, all matters of

The bands to preserve friendly relations, &c.

to pay for depredations.

not to engage in hostilities unless, &c.

Bands to surrender offenders.

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 officers all persons belonging to their said bands who may become offenders against the treaties, laws, or regulations of the United States, or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

Annuities to be withheld from those drinking, &c., intoxicating liquors.

ARTICLE VII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the members of the said Mendawakanton and Wahpakoota bands of Sioux Indians shall drink, or procure for others, intoxicating liquors, their proportion of the annuities of said bands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation of any of the stipulations of this agreement on the part of any members of said bands, the persons so offending shall be liable to have their annuities withheld and to be subject to such other punishment as the Secretary of the Interior may prescribe.

Secretary of Interior to have discretion over manner and objects of annual expenditure.

ARTICLE VIII. Such of the stipulations of former treaties as provided for the payment of particular sums of money to the said Mendawakanton and Wahpakoota bands, or for the application or expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts which have accrued and are now due to said bands, together with the amount the said bands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said bands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed, that such change may be made in the stipulations of former treaties which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said bands or any of the subdivisions of said bands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditures of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said bands or subdivisions thereof.

Senate to decide whether \$10,000 shall be paid to A. J. Campbell.
Vol. vii. pp. 538, 539.

ARTICLE IX. As the Senate struck from the treaty with the Mendawakanton band of Sioux of the twenty-ninth day of September, one thousand eight hundred and thirty-seven, the ninth clause of the second article and the whole of the third article of said treaty, which provided for the payment of four hundred and fifty (450) dollars annually, for twenty years, to Scott Campbell, and confirmed to the said Scott Campbell a title to five hundred (500) acres of land which he then occupied, said payment and land being deemed by said Indians to form a part of the consideration for which they ceded to the United States a certain tract of land in said treaty specified, which reduction, in the consideration for said land, has never been sanctioned by said Indians, the said Mendawakantons and Wahpakoota bands now request that provision be made for the payment of the sum of ten thousand (10,000) dollars to A. J. Campbell, the son of said Scott Campbell, now deceased, in full consideration of the money stipulated to be paid and land confirmed to said Scott Campbell in the original draft of said treaty aforesaid; which subject is hereby submitted to the Senate for its favorable consideration.

United States to pay expenses of negotiation.

ARTICLE X. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

In testimony whereof, the said Charles E. Mix, Commissioner, as aforesaid, and the undersigned chiefs and headmen of the said Mendawakanton and Wahpakoota bands, have hereunto set their hands and seals at the place and on the day first above written.

Signatures,
June 19, 1858.

CHARLES E. MIX, *Commissioner*, [L. S.]

WA-BASH-AW,	his x mark.	[L. S.]
CHE-TAN-A-KOO-A-MO-NEE, (Little Crow,)	his x mark.	[L. S.]
WA-SU-HI-YA-HI-DAN,	his x mark.	[L. S.]
SHA-KO-PEE, (Six,)	his x mark.	[L. S.]
WA-MIN-DEE-TON-KEE, (Large War Eagle,)	his x mark.	[L. S.]
MUZ-ZA-O-JAN-JAN, (Iron Light,)	his x mark.	[L. S.]
MA-KAW-TO, (Blue Earth,)	his x mark.	[L. S.]
HU-SHAW-SHAW, (Red Legs,)	his x mark.	[L. S.]
HIN-HAN-DU-TA, (Scarlet Owl,)	his x mark.	[L. S.]
HA-RAKA-MUZ-ZA, (Iron Elk,)	his x mark.	[L. S.]
WU-KA-NO-JAN-JAN, (Medicine Light,)	his x mark.	[L. S.]
TA-CHUNR-PEE-MUZZA, (His Iron War Club,)	his x mark.	[L. S.]
WA-KIN-YAN-TO-WA, (Owns the Thunder,)	his x mark.	[L. S.]
CHUNR-PI-YOU-HA, (Has a War Club,)	his x mark.	[L. S.]
ON-KEE-TER-HI-DAN, (Little Whale,)	his x mark.	[L. S.]
WA-MO-U-I-SA, (The Thief,)	his x mark.	[L. S.]
PA-PA, (Sharp,)	his x mark.	[L. S.]
TA-TA-I-BOM-DU, (Scattering Wind,)	his x mark.	[L. S.]

Signed, sealed and delivered in presence of—

JOSEPH R. BROWN, *Sioux Agent*,

A. J. CAMPBELL, *Interpreter*,

N. R. BROWN,

A. ROBERTSON,

JOHN DOWLING,

JAMES R. ROCHE,

B. D. HYAM,

H. J. MYRICK,

THOS. A. ROBERTSON,

FR. SCHMIDT.

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

Consent of
Senate,
March 9, 1859.

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, March 9, 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 made and concluded on the 19th day of June, 1858, with the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians.

“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 March the ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty.

Proclamation,
March 31, 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 thirty-first day of March,
in the year of our Lord one thousand eight hundred and
[SEAL.] fifty-nine, and of the independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*

Treaty between the United States and the Sisseton and Wahpaton Bands of the Dakota or Sioux Tribe of Indians. Concluded at Washington, June 19, 1858. Ratified by the Senate, March 9, 1859. Proclaimed by the President of the United States, March 31, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 19, 1858.

WHEREAS a treaty was made and concluded, at the city of Washington, on the nineteenth day of June, 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 headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz.: Maz-zah-shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands, which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, 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 headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz.: Maz-zah-shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands.

Contracting parties.

ARTICLE I. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Sisseton and Wahpaton bands of the Dakota or Sioux Indians, and which is described in the third article of the treaty made with them on the twenty-third day of July, one thousand eight hundred and fifty-one, which lies south or southwestwardly of the Minnesota River, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family or single person over the age of twenty-one years, in said bands of Indians; said allotments to be so made as to include a proper proportion of timbered land, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted shall be held by said bands in common, and as other Indian lands are held: *Provided, however,* That eighty acres thereof, as near as may be, shall in like manner, as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becoming heads of families, by contracting marriage, if neither of the parties shall have previously received land. All the necessary expenses of the surveys and allotments thus provided for shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

80 acres of reservation to be allotted each head of a family or, &c.
Vol. x. p. 949

Residue to be held in common.

Further allotment.

Expenses of surveys and allotments, how borne.

As the members of said bands become capable of managing their business and affairs, the President of the United States may at his discretion

Patents to issue to them for said lands.

Lands to be exempt from taxes and not to be alienated, except, &c.

cause patents to be issued to them for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale, or forfeiture, until otherwise provided for by the legislature of the State in which they are situated, with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of, except to the United States or to members of said bands.

Preamble.
Provisions of treaty of July 23, 1851.

Vol. x. p. 949.

Amended by the Senate.

Vol. x. p. 951.

ARTICLE II. Whereas, by the treaty with the Sisseton and Wahpaton bands of Sioux Indians, concluded at Traverse des Sioux on the twenty-third day of July, one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, all that tract of country on the Minnesota River, from the western boundary" of the cession therein made "east to the Tcha-tam-ba River on the north, and to the Yellow Medicine River on the south side, to extend on each side a distance of not less than ten miles from the general course of said Minnesota River;"

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart the said land as a home for said bands, and made provision for the payment to said bands, "at the rate of ten cents per acre, for the land included in the said tract so retained and set apart for the occupancy and home" of said bands, and also provided, in addition thereto, that there should be "set apart by appropriate landmarks and boundaries such tracts of country without the limits of the cession made by the first article of the said treaty as shall be satisfactory for their future occupancy and home;" said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians;

And whereas the President so far varied the conditions of said Senate amendment as to permit said bands to locate for the time being upon the tract originally reserved by said bands for a home, and "no tract of country, without the limits of the cession" made in the said treaty, has ever been provided for or offered to said bands;

Provisions of act of 1854, ch. 167.

Vol. x. p. 326.

And whereas, by the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, approved July 31, 1854, the President was authorized "to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota River now occupied by them, upon such conditions as he may deem just;" —

Question of title of the bands to certain lands to be submitted to the Senate and what allowance is to be made if the decision is in their favor.

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that, as they were entitled to receive "such tracts of country" as should "be satisfactory for their future occupancy and home," and as no other country than this reservation was ever provided for or offered to them, and as valuable improvements have been made on said reservation with the moneys belonging to said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title, and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota River; whether they shall be allowed a specific sum of money therefor, and if so, how much; or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto. Such sale, if decided in favor of by the Senate, shall be made under and according to regulations to be prescribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land.

From proceeds of sale, not over \$70,000 to be

ARTICLE III. It is also agreed that if the Senate shall authorize the land designated in article two of this agreement to be sold for the benefit of the said Sisseton and Wahpaton bands, or shall prescribe an amount

to be paid to said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council, authorize to be paid out of the proceeds of said tract such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands on their return: *Provided, however,* That their said determinations shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

paid chiefs and headmen.

Proviso.

ARTICLE IV. The lands retained and to be held by the members of the Sisseton and Wahpaton bands of Dakota or Sioux Indians, under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever be deemed and held to be an Indian reservation, and the laws which have been or may hereafter be enacted by Congress to regulate trade and intercourse with the Indian tribes, shall have full force and effect over and within the limits of the same; and no person other than the members of said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe—unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons—shall be permitted to reside or make any settlement upon any part of said reservation; and the timbered land allotted to individuals, and also that reserved for subsequent distribution, as provided in the first article of this agreement, shall be free from all trespass, use or occupation, except as hereinafter provided.

Lands retained under the first article to be deemed an Indian reservation.

ARTICLE V. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements as may be deemed necessary; but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if in the establishment or maintenance of such posts, agencies, roads, or other improvements, the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same upon the fair and just value of such right being paid to the said Sisseton and Wahpaton bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

United States may maintain military posts, roads, &c., in reservation.

Compensation to be paid for damages caused thereby to any Indian.

ARTICLE VI. The Sisseton and Wahpaton bands of Dakota or Sioux Indians acknowledge their dependence on 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 the members of any other tribe; but in case of any such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any other tribe, 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 officers all persons belonging to their said bands who may become offenders against the treaties, laws, or regulations of the United States, or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

The bands to preserve friendly relations.

to pay for depredations.

not to engage in hostilities, except, &c.

to surrender offenders.

Annuities to be withheld from those drinking, &c., intoxicating liquors.

ARTICLE VII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the members of the said Sisseton and Wahpaton bands of Sioux Indians shall drink or procure for others intoxicating liquors, their proportion of the annuities of said bands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation of any of the stipulations of this agreement on the part of any member of said bands, the persons so offending shall be liable to have their annuities withheld, and to be subject to such other punishment as the Secretary of the Interior may prescribe.

Members of the bands may dissolve tribal connections, &c.

ARTICLE VIII. Any members of said Sisseton and Wahpaton bands who may be desirous of dissolving their tribal connection and obligations, and of locating beyond the limits of the reservation provided for said bands, shall have the privilege of so doing, by notifying the United States agent of such intention, and making an actual settlement beyond the limits of said reservation; shall be vested with all the rights, privileges, and immunities, and be subject to all the laws, obligations, and duties, of citizens of the United States; but such procedure shall work no forfeiture on their part of the right to share in the annuities of said bands.

Secretary of Interior to have discretion over manner and objects of annual expenditure.

ARTICLE IX. Such of the stipulations of former treaties as provide for the payment of particular sums of money to the said Sisseton and Wahpaton bands, or for the application or expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts which have accrued and are now due to said bands, together with the amount the said bands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said bands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed that such change may be made in the stipulations of former treaties, which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said bands, or any of the subdivisions of said bands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditure of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said bands or subdivisions thereof.

United States to pay expenses of negotiation.

ARTICLE X. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

Signatures, June 19, 1858.

In testimony whereof, the said Charles E. Mix, Commissioner, as afore-said, and the undersigned chiefs and headmen of the said Sisseton and Wahpaton bands, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [SEAL.]

MUZ-ZAH-SHAW, (Red Iron,)	his x mark.	[SEAL.]
WAM-DU-PI-DU-TAH, (War Eagle's Scar-		
let Tail)	his x mark.	[SEAL.]
OJUPI, (The Planter,)	his x mark.	[SEAL.]
HA-HU-TA-NAI, (The Stumpy Horn,)	his x mark.	[SEAL.]
MAZ-ZO-MA-NEE, (Walking Iron,)	his x mark.	[SEAL.]
MAZ-ZA-KOOTE-MANEE, (Shoots Iron		
as he Walks,)	his x mark.	[SEAL.]
UPI-YA-HI-DE-YAW, (Chief of Lac qui		
Parle,)	his x mark.	[SEAL.]
UMPE-DU-TO-KE-CHAW, (Other Day,)	his x mark.	[SEAL.]

TA-CHAN-DU-PA-HO-TAN-KA, (His
Pipe with Strong Voice,)

his x mark. [SEAL.]

Signed, sealed and delivered in presence of—

JOSEPH R. BROWN, *Sioux Agent*,
A. J. CAMPBELL, *Interpreter*,
A. ROBERTSON,
JOHN DOWLING,
N. R. BROWN,
FRIEDRICH SCHMIDT,
M. SMITSER,
B. D. HYAM,
P. F. WOOD,
CHARLES CRAWFORD,
JAMES R. ROCHE.

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 ninth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

Consent of
Senate, March
9, 1859.

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, March 9, 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 made and concluded on the 19th day of June, 1858, with the Sisseeton and Wahpaton bands of the Dakotah or Sioux Indians.

“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 March ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty.

Proclamation,
March 31, 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 thirty-first day of March,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the eighty-
third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

RESOLUTION OF THE SENATE OF THE UNITED STATES.

Right and Title of certain Bands of Sioux Indians, to lands embraced in Reservations on the Minnesota River.

IN THE SENATE OF THE UNITED STATES,
JUNE 27th, 1860.

Preamble.

Ante, Treaties,
pp. 80, 86.

Vol. x. p. 957.

1854, ch. 167.
Vol. x. p. 326.

Right of In-
dians determined,
and allowance to
them.

Settlers in good
faith on said res-
ervations, may
preempt, &c.

Proviso.

WHEREAS by the second articles of the treaties of June 19, 1858, with the Med-a-wa-kanton and Wah-pa-koo-ta, and the Sisseton and Wah-pa-ton bands of the Dacotah or Sioux Indians, it is submitted to the Senate to decide as to the right or title of said bands of Indians to the lands embraced in the reservations occupied by them on the Minnesota River, in the State of Minnesota, and what compensation shall be made to them for those portions of said reservations lying on the north side of that river, which they agreed by said treaties to surrender and relinquish to the United States; "whether they shall be allowed a specified sum in money therefor, and if so, how much, or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto;" and whereas said Indians were permitted to retain and occupy said reservations in lieu of other lands which they were entitled to under the amendments of the Senate to the treaties made with them in the year 1851, and large amounts of the money of said Indians have been expended by the government in improvements and otherwise upon the lands contained in said reservations; and whereas by act of Congress of July 31, 1854, said reservations were authorized to be confirmed to those Indians:

Resolved, That said Indians possessed a just and valid right and title to said reservations, and that they be allowed the sum of thirty cents per acre for the lands contained in that portion thereof lying on the north side of the Minnesota River, exclusive of the cost of survey and sale, or any contingent expense that may accrue whatever, which by the treaties of June, 1858, they have relinquished and given up to the United States,—

Resolved, further, That all persons who have in good faith settled and made improvements upon any of the lands contained in said reservations, believing the same to be government lands, shall have the right of pre-emption to one hundred and sixty acres thereof, to include their improvements, on paying the sum of one dollar and twenty-five cents per acre therefor: *Provided*, That when such settlements have been made on the lands of the Indians on the south side of the Minnesota River, the assent of the Indians shall first be obtained, in such manner as the Secretary of the Interior shall prescribe, and that the amount which shall be so paid for their lands, shall be paid into the treasury of the United States.

Attest:

ASBURY DICKINS, *Secretary*.

Convention between the United States of America and His Majesty the King of the Belgians. Concluded at Washington, July 17, 1858. Ratified, April 13, 1859. Ratifications exchanged, April 16, 1859. Proclaimed by the President of the United States, April 19, 1859.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 17, 1858.

A PROCLAMATION.

WHEREAS a convention between the United States of America and his Majesty the King of the Belgians was concluded and signed by their respective plenipotentiaries at Washington, on the 17th day of July last, which convention, being in the English and French languages, is word for word as follows:—

Preamble.

The United States of America on the one part, and his Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the governments and people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their plenipotentiaries, namely: The President of the United States, Lewis Cass, Secretary of State of the United States, and his Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the Cross of Iron, Chevalier of the Order of Leopold, Chevalier of the Polar Star, his Chargé d'Affaires in the United States, who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:—

Sa Majesté le Roi des Belges, d'une part, et les Etats-Unis d'Amérique, d'autre part, voulant régler d'une manière formelle les relations réciproques de commerce et de navigation, et fortifier de plus en plus, par le développement des intérêts respectifs, les liens d'amitié et de bonne intelligence si heureusement établis entre les deux gouvernements et les deux peuples; désirant, dans ce but, arrêter de commun accord un traité stipulant des conditions également avantageuses au commerce et à la navigation des deux états, ont, à cet effet, nommé pour leurs plenipotentiaries, savoir: Sa Majesté le Roi des Belges, le Sieur Henri Bosch Spencer, décoré de la Croix de Fer, Chevalier de l'Ordre Léopold, Chevalier de l'Etoile Polaire, son Chargé d'Affaires aux Etats-Unis, et le Président des Etats-Unis, Lewis Cass, Secrétaire d'Etat des Etats-Unis, lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les articles suivants:

Contracting parties.

Negotiators

ARTICLE I.

There shall be full and entire freedom of commerce and navigation
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ARTICLE I.

Il y aura pleine et entière liberté de commerce et de navigation entre
Commerce and navigation.

Privileges, &c. between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II.

Belgian vessels in the United States not to pay higher duties than, &c.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE III.

Vessels of the United States in Belgium not to pay higher duties than, &c.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to

les habitants des deux pays, et la même sécurité et protection dont jouissent les nationaux, seront garanties des deux parts. Ces habitants ne paieront point, à raison de leur commerce ou de leur industrie, dans les ports, villes, ou lieux quelconques des deux états, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, des droits, taxes, ou impôts autres ou plus élevés que ceux qui se percevront sur les nationaux; et les privilèges, immunités, et autres faveurs, dont jouissent en matière de commerce ou d'industrie les citoyens ou sujets de l'un des deux états, seront communs à ceux de l'autre.

ARTICLE II.

Les navires Belges, venant d'un port Belge ou d'un port étranger, ne paieront point à leur entrée dans les ports des Etats-Unis, ou à leur sortie, quelle que soit leur destination, d'autres ni de plus forts droits de tonnage, de pilotage, d'ancrage, de balisage, de feux et de fanaux, d'expédition et de courtage, ni généralement d'autres charges que celles exigées des bâtiments de l'Union dans les mêmes cas. Ce qui précède s'entend, non seulement des droits perçus au profit de l'état, mais encore de tous droits perçus au profit des provinces, villes, arrondissements, communes, juridictions, corporations, etc., sous quelque terme qu'elles puissent être désignées.

ARTICLE III.

Réciproquement, les navires des Etats-Unis, venant d'un port national ou d'un port étranger, ne paieront point à leur entrée dans les ports de Belgique ou à leur sortie, quelle que soit leur destination, d'autres ni de plus forts droits de tonnage, de pilotage, d'ancrage, de balisage, de feux et de fanaux, d'expédition et de courtage, ni généralement d'autres charges, que celles exigées des bâtiments Belges dans les mêmes cas. Ce qui précède s'entend non seulement des droits perçus au profit de

those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV.

Steam-vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

ARTICLE V.

As regards the coasting-trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE VI.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance-duties, nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

ARTICLE VII.

Articles of every description exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE VIII.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national ves-

l'état, mais encore de tous droits perçus au profit des provinces, villes, arrondissements, communes, juridictions, corporations, etc., sous quelque terme qu'elles puissent être désignées.

ARTICLE IV.

Les bateaux à vapeur Belges et des Etats-Unis, faisant un service régulier de navigation entre la Belgique et les Etats-Unis, seront exemptés, dans l'un et l'autre pays, du paiement des droits de tonnage, d'ancrage, de balisage, de feux et de fanaux.

ARTICLE V.

En ce qui concerne l'exercice du cabotage, (commerce de port à port,) les navires des deux nations seront traités, de part et d'autre, sur le même pied que les navires des nations les plus favorisées.

ARTICLE VI.

Les objets de toute nature importés dans les ports de l'un des deux états, sous pavillon de l'autre, quelle que soit leur origine et de quelque pays qu'ait lieu l'importation, ne paieront d'autres ni de plus forts droits d'entrée, et ne seront assujétis à d'autres charges ou restrictions que s'ils étaient importés sous pavillon national.

ARTICLE VII.

Les objets de toute nature quelconque exportés par navires Belges ou par ceux des Etats-Unis d'Amérique des ports de l'un ou de l'autre de ces états vers quelque pays que ce soit, ne seront assujétis à des droits ou à des formalités autres que ceux exigés pour l'exportation par pavillon national.

ARTICLE VIII.

Les primes, restitutions, au autres faveurs de cette nature, qui pourraient être accordées dans les états des deux parties contractantes, sur des marchandises importées ou ex-

Steam-vessels of both countries exempt from certain duties.

Coasting-trade.

Duties on same imports to be the same if imported under either flag.

Export duties.

Premiums, drawbacks, &c.

sels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE IX.

Provisions as to premiums, drawbacks, &c., not to apply to salt.

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE X.

What to be esteemed Belgian vessels, and what vessels of the United States.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, sea-letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE XI.

Vessels may retain parts of their cargoes on board, when, &c.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon reexportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XII.

Provisions as to duties on goods warehoused.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, reexportation, or entry for consumption. Such goods shall in no case be sub-

portées par des navires nationaux, seront aussi, et de la même manière, accordées aux marchandises importées directement de l'un des deux pays sur ses navires dans l'autre, ou exportées de l'un des deux pays, par les navires de l'autre, vers quelque destination que ce soit.

ARTICLE IX.

Il est néanmoins dérogé aux dispositions qui précèdent pour l'importation du sel et des produits de la pêche nationale; les deux pays se réservant la faculté d'accorder aux importations de ces articles par pavillon national des privilèges spéciaux.

ARTICLE X.

Les hautes parties contractantes conviennent de considérer et de traiter comme navires Belges, et comme navires des Etats-Unis, tous ceux qui, étant pourvus par l'autorité compétente d'un passeport, d'une lettre de mer ou de tout autre document suffisant, seront, d'après les lois existantes, reconnus comme nationaux dans le pays auquel ils appartiennent respectivement.

ARTICLE XI.

Les navires Belges et ceux des Etats-Unis pourront, conformément aux lois des deux pays, conserver à leur bord, dans les ports de l'un et de l'autre état, les parties de cargaison qui seraient destinées pour un pays étranger; et ces parties, pendant leur séjour à bord, ou lors de leur ré-exportation, ne seront astreintes à aucuns droits quelconques, autres que ceux de surveillance.

ARTICLE XII.

Pendant le temps fixé par les lois des deux pays respectivement pour l'entreposage des marchandises, il ne sera perçu aucuns droits autres que ceux de garde et d'emmagasinage sur les objets importés de l'un des pays dans l'autre en attendant leur transit, leur ré-exportation ou leur mise en consommation. Ces

ject to higher warehouse-charges, or to other formalities, than if they had been imported under the flag of the country.

ARTICLE XIII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or reëxportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

ARTICLE XIV.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XV.

It is moreover agreed between the two contracting parties, that the consuls and vice-consuls of the United States in the ports of Belgium, and reciprocally, the consuls and vice-consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance usually granted to them, and which may be necessary for the proper discharge of their functions. The said consuls and vice-consuls may cause to be arrested

objets, dans aucun cas, ne paieront de plus forts droits d'entrepôt et ne seront assujétis à d'autres formalités que s'ils avaient été importés par pavillon national.

ARTICLE XIII.

En tout ce qui concerne les droits de douane et de navigation, les deux hautes parties contractantes se promettent réciproquement de n'accorder aucune faveur, privilège, ou immunité à un autre état, qui ne soit aussi et à l'instant étendu à leurs sujets ou citoyens respectifs, gratuitement si la concession en faveur de l'autre état est gratuite, et en donnant la même compensation ou l'équivalent si la concession est conditionnelle.

Ni l'une ni l'autre des parties contractantes n'imposeront sur les marchandises provenant du sol ou de l'industrie de l'autre partie, qui seront importées dans ses ports, d'autres ni de plus forts droits d'importation ou de ré-exportation, que ceux qui seront imposés sur l'importation ou la ré-exportation de marchandises similaires provenant de tout autre pays étranger.

ARTICLE XIV.

En cas de naufrage, de dommage en mer, ou de relâche forcée, chaque partie accordera aux navires, soit de l'état ou des particuliers de l'autre pays, la même assistance et protection et les mêmes immunités que celles qui seraient accordées à ses propres navires dans les mêmes cas.

ARTICLE XV.

Il est, en outre, convenu entre les deux parties contractantes, que les consuls et vice consuls des Etats-Unis dans les ports de Belgique, et réciproquement les consuls et vice consuls de Belgique dans les ports des Etats-Unis, continueront à jouir de tous les privilèges et de toute la protection et assistance, qui leur sont ordinairement accordés et qui peuvent être nécessaires pour remplir convenablement leurs fonctions. Les dits consuls et vice consuls pourront

Each State to have privilege of most favored nation.

Similar duties to be laid on certain similar goods.

Provisions as to help in shipwrecks, &c.

Privileges of consuls, vice-consuls, &c.

Deserters.

and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end they shall apply in writing to the competent local authorities, and they shall prove, by exhibition of the vessel's crew-list or other document, or if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall, moreover, receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall, upon the requisition and at the expense of the consul or vice-consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ARTICLE XVI.**Transit duty.**

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the State.

ARTICLE XVII.

This treaty to be in force for ten years, &c.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above men-

faire arrêter et renvoyer soit a bord, soit dans leur pays, les marins qui auraient déserté des bâtiments de leur nation. A cet effet, ils s'adresseront par écrit aux autorités locales compétentes et justifieront par l'exhibition du rôle d'équipage ou des registres du bâtiment, ou, si le bâtiment était parti, par copie des dites pièces, dûment certifiée par eux, que les hommes qu'ils réclament faisaient partie du dit équipage. Sur cette demande, ainsi justifiée, la remise ne pourra leur être refusée. Il leur sera donné, de plus, toute aide et assistance pour la recherche, saisie, et arrestation des dits déserteurs, qui seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais du consul ou vice consul, jusqu'à ce qu'il ait trouvé une occasion de les renvoyer chez eux. Si pourtant cette occasion ne se présentait pas dans un délai de trois mois, à compter du jour de l'arrestation, les déserteurs seront mis en liberté et ne pourront plus être arrêtés pour la même cause. Il est entendu, néanmoins, que les marins du pays où la désertion aura lieu sont exceptés de la présente disposition à moins qu'ils ne soient naturalisés sujets ou citoyens de l'autre pays.

ARTICLE XVI.

Les objets de toute nature dont le transit est permis en Belgique, venant des Etats-Unis ou expédiés vers ce pays, seront exempts de tout droit de transit en Belgique, lorsque le transport sur le territoire Belge se fera par les chemins de fer de l'état.

ARTICLE XVII.

Le présent traité sera en vigueur pendant dix ans, à dater du jour de l'échange des ratifications, et au-delà de ce terme, jusqu'à l'expiration de douze mois après que l'une des hautes parties contractantes aura annoncé à l'autre son intention d'en faire cesser les effets; chacune d'elles se réservant le droit de faire à l'autre une telle déclaration à l'expiration des dix ans sus-mentionnés;

tioned; and it is agreed that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVIII.

This treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty-eight.

LEW. CASS.

[L. s.]

H. BOSCH SPENCER.

[L. s.]

et il est convenu, qu'après les douze mois de prolongation, accordés de part et d'autre, ce traité et toutes les stipulations qu'il renferme cesseront d'être obligatoires.

ARTICLE XVIII.

Ce traité sera ratifié et les ratifications seront échangées à Washington, dans le terme de neuf mois après sa date, ou plutôt si faire se peut.

Ratifications,
when to be ex-
changed.

En foi de quoi, les plénipotentiaires respectifs ont signé le présent traité par duplicata, et y ont apposé leurs sceaux à Washington, le dix-sept Juillet, mil huit cent cinquante huit.

H. BOSCH SPENCER.

[L. s.]

LEW. CASS.

[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 16th instant, by Lewis Cass, Secretary of State of the United States, and Henry W. T. Mall, consul-general of Belgium in the United States, on the part of their respective governments:

Ratifications
exchanged, April
16, 1859.

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.

Proclamation
April 19, 1859.

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 nineteenth day of April, in the year of our Lord one thousand eight hundred and [SEAL.] fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Treaty between the United States of America and the Empire of Japan. (Amity and Commerce.) Concluded at the City of Yedo, July 29, 1858. Ratified by President of the United States, April 12, 1860. Exchanged at City of Washington May 22, 1860. Proclaimed by President of United States, May 23, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 29, 1858.

A PROCLAMATION.

WHEREAS a treaty of amity and commerce between the United States and the Empire of Japan was concluded and signed by their respective plenipotentiaries at the City of Yedo, on the twenty-ninth day of July, one thousand eight hundred and fifty-eight, which treaty is word for word as follows :

The President of the United States of America and his Majesty the Ty-Coon of Japan, desiring to establish on firm and lasting foundations the relations of peace and friendship now happily 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, his excellency Townsend Harris, Consul General of the United States of America for the Empire of Japan, and his Majesty the Ty-Coon of Japan, their excellencies Ino-oo-ye, Prince of Sinano, and Iwasay, Prince of Hego, 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 :—

ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States of America and his Majesty the Ty-Coon of Japan and his successors.

De President der Vereenigde Staten van Amerika, en Zyne Majesteit de Taikoen van Japan, de nu, gelukkiglyk tusschen beide landen bestaande betrekkingen van vrede en vriendschap, op vaste en duurzame grondslagen wenshende daarte stellen, en de beste belangen Hunner wederzydsche burgers en onderdanen te verzekeren, door hunne nyverheid en handel aan te moedigen, te vergemakkelyken en te regelen, hebben besloten een tractaat van vriendschap en handel tot dat einde te sluiten, endaar toe als Hunne Gevolmagtigden benoemd, te weten :

De President der Vereenigde Staten, Zyne Excellentie Townsend Harris, Consul Generaal der Vereenigde Staten van Amerika, voor het Japansche Ryk, en Zyne Majesteit de Taikoen van Japan, Hunne Excellentien Inowoeje, Prinz van Sinano, en Iwasee, Prinz van Higo, die na elkander hunne wederzydsche volmagten, te hebben medegedeeld en dezelve in goeden en behoorlyken, vorm bevonden, overeengekomen en gesloten hebben, de volgende artikelen :

EERSTE ARTIKEL.

Er zal van nu af aan immerdurende vrede en vriendschap zyn, tusschen de Vereenigde Staten van Amerika, en Zyne Majesteit den Taikoen van Japan en Hoogstdezelfs Opvolgers.

Contracting parties.

Amity, &c.

Diplomatic agents of United States may reside at Yedo, &c.

The President of the United States may appoint a diplomatic agent to reside at the city of Yedo, and consuls or consular agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The diplomatic agent and consul-general of the United States shall have the right to travel freely in any part of the empire of Japan from the time they enter on the discharge of their official duties.

of Japan at Washington, &c.

The government of Japan may appoint a diplomatic agent to reside at Washington, and consuls or consular agents for any or all of the ports of the United States. The diplomatic agent and consul-general of Japan may travel freely in any part of the United States from the time they arrive in the country.

ARTICLE II.

President will act as mediator.

The President of the United States, at the request of the Japanese government, will act as a friendly mediator in such matters of difference as may arise between the government of Japan and any European power.

United States vessels, &c., to aid Japanese.

The ships of war of the United States shall render friendly aid and assistance to such Japanese 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 Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

ARTICLE III.

Additional ports opened.

In addition to the ports of Simoda and Hakodade, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day

De President der Vereenigde Staten kan een diplomatieken agent benoemen, om in de Stad Jedo verblyf te houden, en consuls, of consulaire agenten, om in eenige of al de, by dit Tractaat, den Amerikaanschen handel, opengestelde havens in Japan verblyf te houden. De diplomatieke agent en de consul-generaal der Vereenigde Staten, zullen van den tyd af, zy hunne amts bezigheden beginnen waar te nemen, het regt hebbend van ongehinderd, in eenig gedeelte van hen Japansche ryk te reizen.

De Japansche Regering kan een diplomatieken agent benoemen om te Washington verblyf te houden, en consuls, of consular agenten voor eenige of al de havens der Vereenigde Staten. De diplomaticke agent en de consul-generaal van Japan mogen van den tyd hunner aankomst daar te lande, ongehinderd in eenig gedeelte der Vereenigde Staten reizen.

TWEDE ARTIKEL.

De President der Vereenigde Staten wil, op verzoek der Japansche Regering, als vriendschappelyk bemiddelaar handelen, in zulke zaken van verschil, als tusschen de Japansche Regering, en eenige Europeesche Mogenheid, mogten ontstaan. De oorlogschepen der Vereenigde Staten zullen, aan zoodanige Japansche schepen, als zy op de openbare zee mogen ontmoeten, vriendschappelyke hulp en bystand verleen, zoover zulks zonder eene breuk van neutraliteit doenbaar is, en alle Amerikaansche consuls, verblyfhoudende in havens, door Japansche schepen aangedaan zullen ook daaraan zoodanige vriendschappelyke hulp verleen, als de wetten der respectie lande, waar zy verblyfhouden veroorloven.

DERDE ARTIKEL.

By de Havens van Simoda en Hakodade, zullen de volgende Havens en steden worden gevoegd en open gesteld, op de respectivelyk daarby gevoegde datums, te weten. Kanagawa, den (4 de July, 1859)

of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

. If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nipon shall be selected by the two governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretence of building dwelling or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American consul and the authorities of each place, and if they cannot agree the matter shall be referred to and settled by the American diplomatic agent and the Japanese government.

No wall, fence, or gate shall be erected by the Japanese around the place of residence of the Americans, or anything done which may prevent a free egress and ingress to the same.

From the (1st of January, 1862,) first day of January, one thousand eight hundred and sixty-two, Amer-

vierden dag van July, eenduizend acht honderd negen en vyftig.

Nagasaki, den (4 de July, 1859) vierden dag van July, eenduizend acht honderd negen en vyftig.

Ni-e-gata, den (1ste January, 1860) eersten dag van January een duizend acht honderd en zestig.

Hiogo, den (1ste January, 1863) eersten dag van January een duizend acht honderd drie en zestig.

Indien Niegata als haven, ongeschikt mogt worden bevonden, zal in de plaats daarvan, eene andere haven, aan de Westkust van Nipon, door beide Regeringen worden uitgekozen.

Zes maanden na de openstelling van Kanagawa, zal de Haven van Simoda, als eene plaats van verblyf en handel, voor Amerikaansche burgers, worden gesloten.

In al de voorgaande havens en steden, mogen Amerikaansche burgers voortdurend verblyf houden, zy zullen het regt hebben grond te huren en de daarop zynde gebouwen te koopen, en zy mogen woon en pakhuizen oprigten.

Maar geene fortificatie of plaats van militaire sterkte zal onder voorwendsel van woon of pakhuizen te bouwen worden opgerigt, en op dat dit artikel worde nagekomen, zullen de Japansche overheden het regt hebben, opgerigt, veranderd of hersteld wordende gebouwen van tyd tot tyd na te zien.

De plaats die de Amerikanen voor hunne gebouwen zullen occuperen en de Haven Regulatien zullen doorden Amerikaanschen consul en de overheden van iedere plaats worden bepaald, en indien zy niet overeen kunnen komen, zal de zaak worden verwezen aan en geschikt door den Amerikaanschen diplomatieken agent en de Japansche Regering.

Geen muur, schutting of poort, zal door de Japanners om de verblyfplaats der Amerikanen worden opgerigt, of iets gedaan worden dat de vrye uitgang en ingang tot deselve mogt verhinderen.

Van den (1sten January, 1862) eersten dag van January een duizend acht honderd twee en zestig zullen

American citizens may reside therein.

Regulations.

icans shall be allowed to reside in the city of Yedo; and from the (1st of January, 1863,) first day of January, one thousand eight hundred and sixty-three, in the city of Osaka, for the purposes of trade only. In each of these two cities a suitable place within which they may hire houses, and the distance they may go, shall be arranged by the American diplomatic agent and the government of Japan. Americans may freely buy from Japanese and sell to them any articles that either may have for sale, without the intervention of any Japanese officers in such purchase or sale, or in making or receiving payment for the same; and all classes of Japanese may purchase, sell, keep, or use any articles sold to them by the Americans.

To be made public.

The Japanese government will cause this clause to be made public in every part of the empire as soon as the ratifications of this treaty shall be exchanged.

Munitions of war.

Munitions of war shall only be sold to the Japanese government and foreigners.

Rice and wheat not to be exported from Japan.

No rice or wheat shall be exported from Japan as cargo, but all Americans resident in Japan, and ships, for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese government will sell, from time to time at public auction, any surplus quantity of copper that may be produced. Americans residing in Japan shall have the right to employ Japanese as servants or in any other capacity.

Copper.

Servants.

de Amerikanen in de Stad Jedo, en van den (1sten January 1863) eersten dag van January, een duizend acht honderd drie en zestig in de Stad Osaka verblyf mogen houden, alleen ten einde handel te dryven.

In ieder dezer twee steden, zal eene geschikte plaats, binnen welke zy huizen mogen huren, en den afstand zy mogen gaan, worden bepaald door den Amerikaanschen diplomatieken agent en de Japanische Regering.

Amerikanen mogen ongehinderd van Japanners koopen en aan hen verkoopen, artikelen die zy beiderzydsch ten verkoop mogen hebben, zonder de tusschenkomst van Japanische ambtenaren in zoodanigen koop of verkoop, of in het betalen of betaling ontvangen daarvoor, en alle klassen van Japanners mogen koopen, verkoopen, houden of gebruiken artikelen aan hen, door de Amerikanen verkocht.

Zoo spoedig als de ratificatie van dit tractaat zullen zyn uitgewisseld, zal de Japanische Regering in ieder gedeelte van het Ryk, dezer bepaling openbaarheid doen geven.

Oorlogsbehoeften zullen alleen aan de Japanische Regering en aan vreemdelingen verkocht worden.

Geen ryst of tarwe zal van Japan als lading worden uitgeroerd; maar aan alle in Japan verblyfhoudende Amerikanen, en aan schepen voor derzelver bemanning en passagiers, zal eene genoegzame voorraad daarvan geleverd worden.

Elke meer dan noodige hoeveelheid koper, die mogt worden opgeleverd, zal van tyd tot tyd, door de Japanische Regering in publieke veiling worden verkocht.

De, in Japan verblyf houdende Amerikanen, zullen het regt hebben, Japanners als dienstboden, of in eenige andere hoedanigheid te gebruiken.

ARTICLE IV.

VIERDE ARTIKEL.

Duties.

Duties shall be paid to the government of Japan on all goods landed in the country, and on all articles of Japanese production that are exported as cargo, according to the tariff hereunto appended.

Regten zullen worden betaald aan de Japanische Regering, op allen het Ryk gelande goederen, en op alle, ain Japan voortgebragte artikelen, die als lading, worden uitgevoerd volgens het hierby gevoegde tarief.

If the Japanese custom-house officers are dissatisfied with the value placed on any goods by the owner, they may place a value thereon, and offer to take the goods at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted by the owner, the purchase-money shall be paid to him without delay, and without any abatement or discount.

Supplies for the use of the United States navy may be landed at Kana-gawa, Hakodade, and Nagasaki, and stored in warehouses, in the custody of an officer of the American government, without the payment of any duty. But, if any such supplies are sold in Japan, the purchaser shall pay the proper duty to the Japanese authorities.

The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than three (3) cattie (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the empire without the payment of any tax, excise, or transit duty whatever.

No higher duties shall be paid by Americans on goods imported into Japan than are fixed by this treaty, nor shall any higher duties be paid by Americans than are levied on the same description of goods if imported in Japanese vessels, or the vessels of any other nation.

ARTICLE V.

All foreign coin shall be current in Japan and pass for its corre-

Indien de Japansche tolbeamten, met de door den eigenaar op eenige goederen geplaatste waarde onvoldaan zyn, mogen zy daaraan eene waarde geven, en aanbieden de goederen volgens deze waardering te nemen. By weigering van den eigenaar om het aanbod aan te nemen, zal hy de regten volgens zoodanige waardering betalen.

Indien het aanbod door den eigenaar worde aangenomen, zal hem den inkoopsprijs zonder uitstel, en zonder eenige vermindering of korting betaald worden.

Voorraad voor de Marine der Vereenigde Staten, mag in Kana-gawa, Hakodade, en Nagasaki geland, en in pakhuizen, die onder de verzekerde bewaring van een ambtenaar der Amerikaansche Regering zyn, geborgen worden, zonder eenig regt te betalen. Maar zoo eenige zulke voorraad in Japan verkocht worde, zal de inkoop de bepaalde regten, aan de Japansche overheden betalen.

De invoer van opium is verboden, en zoo eenig, naar Japan, ten handel komend Amerikaansh schip; meer dan (3) drie kattjes (vier pond avoirdupois) gewigt aan opium, aan boord heeft, zal zoodanig overwigt door de Japansche overheden, worden geval en vernield.

Alle in Japan ingevoerde en de, by dit tractaat vastgestelde regten betaald hebbende goederen, mogen door de Japanners naar eenig gedeelte van het Ryk worden vervoerd zonder eenige belasting, accyns of doorvoerregt hoegenaamd te betalen.

Geene hoogere dan by dit tractaat vastgestelde regten, zullen door Amerikanen op goederen, in Japan ingevoerd betaald worden, noch zullen de Amerikanen hoogere regten betalen, dan die, welke op gelyksoortige, met Japansch schepen, of met de schepen van eenige andere Natie ingevoerde goederen worden gegeven.

VIJFDE ARTIKEL.

Alle vreemde munt, zal in Japan gangbaar zyn en evenveel gelden,

Foreign coin.

Supplies for United States Navy.

Importation of opium prohibited, &c.

Imports on which duties are paid may be transported, &c.

No higher duties, &c.

sponding weight of Japanese coin of the same description. Americans and Japanese may freely use foreign or Japanese coin in making payments to each other.

Exchange of coin.

As some time will elapse before the Japanese will be acquainted with the value of foreign coin, the Japanese government will, for the period of one year after the opening of each harbor, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given and no discount taken for recoinage. Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

Coins (except copper) may be exported from Japan.

Jurisdiction over offences.

Americans committing offences against Japanese shall be tried in American consular courts, and when guilty shall be punished according to American law. Japanese committing offences against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The consular courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

Forfeitures and penalties under this treaty.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the consular courts, and all recoveries shall be delivered to the Japanese authorities.

als een gelyk gewigt Japansche munt van dezelfde soort.

Amerikanen, en Japanners, mogen in het maken van betalingen aan elkander, vrylyk vreemde of Japansche munt, gebruiken.

Daar er eenige tyd zal verlooper voor dat de Japanners, met de waarde van vreemde munt zullen bekend zyn, zal de Japansche regering voor den tyd van een jaar, na de opening van iedere haven, den Amerikanen, in ruil voor hunne munt Japansche munt verstrekken. Daarby zal gelyk gewigt gegeven, en geene korting voor hermunting genomen worden.

Alle soorten van munten (Japansche koperen munt uitgezonderd) en vreemd, ongemunt, goud en zilver, mogen van Japan worden uitgevoerd.

ARTICLE VI.

ZESDE ARTIKEL.

Amerikanen, overtredingen begaande tegen Japanners, zullen voor Amerikaansche consulaire gerechts hoven te regt staan, en indien schuldig bevonden, volgens de Amerikaansche wet, worden gestraft.

Japanners, overtredingen begaande tegen Amerikanen, zullen voor de Japansche overheden te regt staan, en volgens de Japansche wet, worden gestraft.

De consulaire gerechts hoven zullen open zyn voor Japansche schuldienschers, ten einde hen in staat te stellen, hunne regtvaardige vorderingen, tegen Amerikaansche burgers te erlangen, en de Japansche geregtshoven zullen gelykenwyze voor Amerikaansche burgers open zyn tot de erlanging hunner regtvaardige vorderingen tegen Japanners.

Alle vorderingen voor verbeurdverklaringen of boeten, voor schending van dit tractaat of van de hierby gevoegde den handel regelende artikelen, zullen ter geregtelyke vervolging, voor de consulaire geregtshoven gebracht worden en al hetgeen dus verkregen is, aan de Japansche overheden worden overhandigd.

Neither the American or Japanese governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

ARTICLE VII.

In the opened harbors of Japan, Americans shall be free to go, where they please, within the following limits:

At Kanagawa, the River Logo, (which empties into the Bay of Yedo between Kawasaki and Sinagawa,) and (10) ten ri in any other direction.

At Hakodade, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the Bay between Hiogo and Osaca. The distances shall be measured inland from Goyoso, or town hall, of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki, Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American diplomatic agent and the government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1) one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their

De Amerikaansche of Japansche Regeringen, kunnen niet aansprakelyk gehonden worden, voor de betaling van door hunne wyderzydsche burgers of onderdanen, aangegane schulden.

Governments not to be responsible for debts of citizens, &c.

ZEVENDE ARTIKEL.

In de opengestelde Havens van Japan, zullen de Amerikanen vry zyn te gaan waar het hun behaagt, binnen de volgende grenzen;

Limits of open-
ed harbors.

Te Kanagawa, de rivier Logo (die zich tusschen Kawasaki, en Sinagawa, met de Baai van Jedo vereenigt) en (10) tien ri, in iedere andere rigting.

Kanagawa.

Te Hakodade, (10) tien ri in iedere rigting.

Hakodadi.

Te Hiogo (10) tien ri, in iedere rigting, met uitzondering van die van Kioto, van welke stad zy (10) tien ri, verwyderd zullen blyven. De bemanning van naar Hiogo komende schepen zal de rivier Inagawa, die zich tusschen Hiogo en Osaca, met de Baai vereenigt, niet overgaan.

Hiogo.

De afstanden zullen gemeten worden overlands, van de Gojoso of het stadhuis van ieder der voorgaande havens, de Ri gelyk zynde aan (4,275) vierduizend twee honderd vyf en zeventig yards, Amerikaansche maat.

Te Nagasaki mogen de Amerikanen, in ieder gedeelte van het Keizerlyke territoir gaan, dat in hare omstreken gelegen is.

Nagasaki.

De grenzen van Ni-e-gata, of van de plaats, die dezelve misschien zal vervangen, zullen door den Amerikaanschen diplomatieken agent en de Japansche Regering bepaald worden.

Who shall lose
right of perma-
nent residence in
Japan.

Wegens hoofdmisdaad of twee maal wegens wangedrag veroordeeld geweest zynde Amerikanen, zullen zich niet verder dan (1) een Japansche ri van hunner espective verblyfplaatsen binnens lands begeven, en alle aldus veroordeelde personen zullen hun regt van voortdurendverblyf in Japan verliezen, en de Japansche overheden zullen kunnen vorderen, dat zy het land verlaten.

Aan alle zoodanige personen, zal een redelyken tyd, ter regelen hun-

Such persons
to have time to
settle affairs.

affairs, and the American consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

ARTICLE VIII.

Religious freedom.

Americans in Japan shall be allowed the free exercise of their religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans. American citizens shall not injure any Japanese temple or mia, or offer any insult or injury to Japanese religious ceremonies, or to the objects of their worship.

The Americans and Japanese shall not do anything that may be calculated to excite religious animosity. The government of Japan has already abolished the practice of trampling on religious emblems.

ARTICLE IX.

Japanese authorities will arrest deserters on request, &c.

When requested by the American consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the consul, and give to the consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the consul shall in all cases pay a just compensation.

ARTICLE X.

Japanese government may purchase, or con-

The Japanese government may purchase or construct, in the United

ner zaken veroorloofd worden, en de Amerikaansche consulaire overheid, zal, na de omstandigheden van iedere zaak onderzocht te hebben, den te verloven tyd bepalen; maar zoodanige tyd zal in geen geval een jaar overschryden, te rekenen van den tyd, de persoon vry zal zyn zyne zaken waarte nemen.

ACHTSTE ARTIKEL.

Aan Amerikanen in Japan zal de vrye uitoefening hunner godsdienst veroorloofd zyn, en des wege zullen zy het regt hebben, voegzame plaatsen van aanbidding op te rigten. Zoodanige gebouwen zullen niet beschadigd noch eenige beleediging der Godsdienstoefening van de Amerikanen worden aangedaan.

Amerikaansche burghers zullen geene Japansche tempel of mia beschadigen, of geene Japansche godsdienst plegtigheden, noch de voorwerpen hunner aanbidding, eenige beleediging of beschadiging aandoen.

De Amerikanen en Japanners zullen niets doen, dat berekend mogt zyn, godsdienstige verbittering op te wekken. De Japansch Regering heeft de gewoonte van op godsdienstige zinnebeelden te trappen, reeds afgeschaft.

NEGEGDE ARTIKEL.

De Japansche overheden zullen op verzoek des Amerikaanschen consuls, alle weglouers en vlugtelingen van het regt, doen vatten, alle, door den consul gevangen gehouden personen doen inkerkeren, en den consul zoodanigen bystand verleen, als vereischt mag worden, om hem in staat te stellen de wetten door de aan wal zynde Amerikanen te doen nakomen, en orde onder de schepen te bewaren. Voor alle zulke diensten, en voor het onderhoud van in hechtinis gehouden gevangenen, zal de consul in alle gevallen eene billyke vergoeding betalen.

TIENDE ARTIKEL.

De Japansche Regering mag in de Vereenigde Staten koopen of

States, ships of war, steamers, merchant ships, whale ships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage, in the United States, scientific, naval and military men, artisans of all kinds, and mariners to enter into its service. All purchases made for the government of Japan may be exported from the United States, and all persons engaged for its service may freely depart from the United States: *Provided*, That no articles that are contraband of war shall be exported, nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States.

ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the consul-general of the United States and the governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese government, shall have power to make such rules and reg-

bouwen oorlogschepen, stoomschepen, koopvaardyschepen, walvischvaarders, kanonnen, oorlogsbehoefden en alle soorten van wapenen en andere zaken die zy mogt behoeven. Zy zal het regt hebben wetenschappelyke tot de marine behoorende en militaire personen, ambachts lieden van alle vakken, en zulieden, om in haren dienst te treden, in de Vereenigde Staten aan te nemen. Al de voor de Japansche Regering gemaakte inkoopten mogen van de Vereenigde Staten worden uitgevoerd, en alle in haren dienst genomen personen, mogen ongehinderd de Vereenigde Staten verlaten. Mits, dat, geene contrabande van oorlog zynde artikelen, zullen uitgevoerd, noch personen aangenomen worden, om in eene tot de marine behoorende, of militair betrekking te handelens, tydens Japan in oorlog zal zyn, met eenige Mogenheid, in vriendschap met de Vereenigde Staten.

struct, ships of war, &c., in United States.

Except contraband of war.

ELFDE ARTIKEL.

De, by dit Tractaat, gevoegde artikelen, ter regeling des handels, zullen beschouwd worden eendeel daarvan uit te maken, en zullen voor beide contracterende partyen van dit Tractaat, en voor hunne burgers en onderdanen, gelykgelyk verbindend zyn.

Regulations appended form part of treaty.

TWAALFDE ARTIKEL.

Zulke der bepalingen van het door Commodore Perry gesloten, en den 31ste Maart, 1854, te Kanagawa geteekende Tractaat, als tegenstrydig zyn met de bepalingen van dit Tractaat, worden by deze herroepen, en daar al de bepalingen van eene den 17de Juny, 1857, tusschen den Consul Generaal der Vereenigde Staten en de Gouverneurs van Simoda gesloten conventie, in dit tractaat zyn opgenomen zoo is ook die conventie herroepen.

Conflicting provisions of treaty of March 31, 1854, repealed. Vol. xi. p. 597

Vol. xi. p. 723.

De persoon belast met de diplomatieke betrekkingen der Vereenigde Staten in Japan, zal en verband met zulke persoon of personen, als tot dat einde door de Japansche Regering benoemd mogen worden, de magt hebben zulke regels en re-

Rules may be made to carry this treaty into effect.

ulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

ARTICLE XIII.

When treaty
may be termina-
ted.

After the (4th of July, 1872,) fourth day of July, one thousand eight hundred and seventy-two, upon the desire of either the American or Japanese governments, and on one year's notice given by either party, this treaty, and such portions of the treaty of Kanagawa as remain unrevoked by this treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter 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 XIV.

When to take
effect.

This treaty shall go into effect on the (4th of July, 1859,) fourth day of July, in the year of our Lord one thousand eight hundred and fifty-nine, on or before which day the ratifications of the same shall be exchanged at the city of Washington; but if, from any unforeseen cause, the ratifications cannot be exchanged by that time, the treaty shall still go into effect at the date above mentioned.

Ratifications
how verified.

The act of ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

The act of ratification on the part of Japan shall be verified by the name and seal of his Majesty the Ty-Coon, and by the seals and signatures of such of his high officers as he may direct.

gulationen te maken als mogen worden vereischt, om de bepalingen van dit tractaat, en de daarby gevoegde den handel regelende artikelen, en volledige werking te doen treden.

DE TIENDE ARTIKEL.

Na den (4den July, 1872) vierden dag van July, een duizend acht honderd twee en zeventig, zal op den wensch der Amerikaansche of Japansche Regeringen en nadat een der twee partijen, een jaar voor kennis heeft gegeven, dit tractaat en zulke gedeelten van het Tractaat van Kanagawa — als by dit tractaat onherroepen blyven, te zamen met de hierby gevoegde Handels Regulatien, of die welke in den vervolge mogten worden, ingevoerd, onderworpen zyn aan de herziening van daartoe door beide kanten benoemde Commissarissen, die gemagtigd zullen zyn te beslissen en daarby te voegen, zoodanige verbeteringen, als door de ondervinding wenschelyk zullen worden bevonden.

VIERTENDE ARTIKEL.

Dit Tractaat zal den (4den July, 1859) vierden dag van July van het Jaar onzes Heeren, een duizend, acht honderd, negen en vyftig, in werking treden, op of voor welken dag, de ratificatien daarvan, in de Stad Washington zullen worden uitgewisseld; maar indien wegens eenige onvoorziene oorzaak, de ratificatien niet binnen dien tyd kunnen uitgewisseld worden, zal het tractaat toch op bovengemelden datum, in werking treden.

De acte van ratificatie aan den Kant der Vereenigde Staten zal worden geverifieerd door de handteekening van den President der Vereenigde Staten, gecontrasigneerd door den Secretaris van Staat en gecacheteerd met het zegel der Vereenigde Staten.

De acte van ratificatie, aan den kant van Japan, zal worden geverifieerd, door den naam en het cachet Zynrer Majesteit den Taikoen en door de cachetten en handteekeningen zulker zynrer Hooge ambtenaren, als Hoogstdezelve mag verordenen.

This treaty is executed in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch version shall be considered as being the original.

In witness whereof, the above-named plenipotentiaries have hereto set their hands and seals, at the city of Yedo, this twenty-ninth day of July, 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, corresponding to the Japanese era, the nineteenth day of the sixth month of the fifth year of Ansei Mma.

TOWNSEND HARRIS. [SEAL.]

Dit Tractaat is gedaan, in quadruplicaat, ieder afschrift geschreven zynde, in de Engelsche, Japansche, en Hollandsche talen, al de vertalingen de zelfde meening en oog merk hebbende; maar de Hollandsche vertaling zal als de oorspronkelyke worden beshouwd.

Ter oorkonde waarvan, de boven-genoemde gevolmagtigden, deze hebben geteekend, en hunne cachetten daarop gesteld, in de Stad Jedo dezen negen en twintigsten dag van July van het Jaar onzes Heeren, een duizend, acht honderd, acht en vyftig, en van de onafhankelykheid der Vereenigde Staten van America het drie en tachtigste, overeenkomende met de Japansche tydrekening den negentienden dag der zesde maand van het vyfde Jaar van Ansei Mma.

Signatures
July 29, 1858.

Regulations under which American trade is to be conducted in Japan.

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the

Regulationen, onder welke den Amerikaanschen Handel in Japan gedreven zal worden.

EERSTE REGULATIE.

Binnen (48) acht en veertig uren (Zondagen uitgezonderd) na de aankomst van een Amerikaansch schip in eene Japansche haven, zal de Kapitein of gezagvoerder, aan de overheden van het Japansche tolkantoor, den ontvangstbrief van den Amerikaanschen consul vertoonen, vermeldende, dat hy het scheeps register, en andere papieren, als door de wetten der Vereenigde Staten vereischt, by het Amerikaansche consulaat heeft gedeponeerd, hy zal als dan eene aangifte van zyn schip maken, door een geschreven papier in te dienen, vermeldende den naam van het schip, en den naam der haven, waar het van daan komt, de tonnemaat, den naam des kapiteins of gezagvoerders, de namen der pasagiers (zoo er zyn) en het getal der bemanning daarvan, welk papier, door den kapitein of gezagvoerder, zal worden gecertificeerd, te zyn een ware opgave, en door hem zal worden ondertekend, hy zal terzelfder

Regulations at
custom-house.

names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of (\$15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of (\$60) sixty dollars for each day that he shall so neglect to enter his ship.

Japanese custom-house officers to be placed on board merchant vessels, &c.

Unloading of goods.

The Japanese government shall have the right to place custom-house officers on board of any ship in their ports (men-of-war excepted.) All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal,

tyd een geschreven manifest zynen lading deponeren, opgevend de marken en nummers der pakken, en den inhoud daarvan, zoo als zy in zyne connossementen beschreven zyn, met de namen des persoons of personen, aan wien zyzy geconsigneerd. Eene lyst der scheeps voorraad zal by het manifest worden gevoegd.

De kapitein of gezagvoerder zal het manifest certificeren te zyn eene ware opgave der gansche lading en voorraad aan boord van het schip, en dit met zyn naam onderteekenen.

Eenige in het manifest ontdekte devaling, kan binnen (24) vier en twintig uren (Zondagen uitgezonderd) zonder de betaling van eenige douceur worden verbeterd; maar voor eenige na dien tyd gemaakte verandering, of laten aangifte tot het manifest, zal eene douceur van (15) vyftien dollars betaald worden.

Al de niet in het manifest aangegeven goederen, zullen wanneer zy geland zyn, dubbele regten betalen.

De kapitein of gezagvoerder die verzuimen zal zyn schip by het Japansche tolkantoor in te klaren, binnen den door deze regulatie voorschreven tyd, zal eene boete van (60) zestig dollars betalen, voor iederen dag hy aldus verzuimen zal, zyn schip in te klaren.

REGULATION SECOND.

TWEDE REGULATIE.

De Japansche Regering zal het regt hebben, aan boord van ieder schip in hare havens (oorlogschepen uitgezonderd) tolbeambten te plaatsen. Alle tolbeambten zullen beleefdelyk worden behandeld, en zulk redelykgerief, als heb schip oplevert, zal hen worden verstrekt.

Tusschen de uren van zon onder en opgang, zullen geene goederen uit de schepen gelost worden behalve op byzonder verlof van de overheden van het tolkantoor, en de luiken en alle andere plaatsen van toegang tot dat gedeelte van het schip, waar de lading geborgen is, mogen tusschen de uren van zon onder en opgang, door Japansche ambtenaren verzekerd zyn, door dezelve met zegels, sloten of andere middelen van vastmaking te voorzien, en indien iemand zonder be-

lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (\$60) sixty dollars for each offence. Any goods that shall be discharged or attempted to be discharged from any ship, without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbors of Japan, all such goods shall be forfeited to the Japanese government, and the ship shall pay a fine of (\$1,000) one thousand dollars for each offence. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbor without the payment of duty; but all transshipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the *bona fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (\$15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if

hoorlyk verlof, eenige aldus vezerkerde toegang mogt openen, of eenig zegel, slot of ander middel van vastmaking, waarmede zy door de Japansche tolbeambten voorzien is, mogt breken of wegnemen, zoo zal elk aldus overtredend persoon, eene boete van (60) zestig dollars, voor iedere overtreding betalen.

Goederen, die gelost zullen worden of beproefd om gelost te worden uit een schip, zonder dat daarvan de behoorlyke aangifte, by het Japansche tolkantoor is gedaan, als by deze hieronder bepaald, zullen onderhevig zyn aan vating en verbeurdverklaring.

Pakken goederen, opgemaakt met het oogmerk om de Staatsinkomsten van Japan te benadeelen, door daarin artikelen van waarde die niet in de faktuur zyn opgegeven, te verbergen, zullen verbeurd verklaard zyn.

Frauds on revenue how punished.

Amerikaansche schepen die goederen zullen smokkelen, of beproeven te smokkelen, in eenige der niet geopende havens van Japan, alle zoodanige goederen zullen aan de Japansche Regering verbeurd verklaard zyn, en het schip zal eene boete van (1,000) een duizend dollars voor iedere overtreding betalen.

Herstelling benodigende schepen, mogen tot dat einde hunne lading landen, zonder regten te betalen. Alle aldus gelande goederen zullen onder de bewaring der Japansche overheden blyven, en alle billyke kosten voor pakhuis, huur, arbeid, en apzigt zullen daarvoor worden betaald; maar indien eenig gedeelte van zulke lading verkocht wordt, zullen de bepaalde regten, op het zoo verkochte gedeelte worden betaald. Lading mag, zonder regten te betalen, naar een ander schip in dezelfde haven worden overgescheept; maar alle overscheppingen zullen onder opzigt van Japansche ambtenaren geschieden, en nadat aan de overheden van het tolkantoor voldoende proef is verstrekt, van den zuiveren aard der verrigting, alsmede onder een verlofbrief, tot dat einde door zoodanige overheden, te worden afgegeven.

Daar de invoer van opium, ver-

more than one person shall be engaged in the offence, they shall collectively be held responsible for the payment of the foregoing penalty.

boden is, zal de persoon of personen, die opium smokkelen, of beproeven zullen te smokkelen, hy of zy, eene boete van (15) vyftien dollars betalen voor ieder kattje opium zoo gesmokkeld of beproefd te worden gesmokkeld, en indien meer dan een persoon in de overtreding betrokken is zullen zy te zamen genomen, voor de betaling der voorgaande boete aansprakelyk worden gehouden.

REGULATION THIRD.

DERDE REGULATIE.

As to goods to be landed.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

De eigenaar van op de persoon aan wien goederen geconsigneerd zyn, die dezelve wenscht te landen zal eene aangifte daarvan by het Japansch tolkantoor indienen. De aangifte zal schriftelyk zyn, vermeldende den naam van den persoon die de aangifte maakt, en den naam van het schip waarmede de goederen zyn ingevoerd, en de merken, nommers, pakken, en den inhoud daarvan, met de waarde van ieder pak afzonderlyk, in een beloop daarop gesteld, en hetgezamenlyk bedrag van al de, in de aangifte bevatte goederen zal aan den voet der aangifte worden geplaatst. In iedere aangifte zal de eigenaar of de persoon aan wien de goederen geconsigneerd zyn, schriftelyk certificeeren, dat de aangifte als dan aangeboden de wesenylyke prys der goederen vertoont, en dat niets waardoor de Japansche regten zouden benadeeld worden, achterhouden is, en de eigenaar of de persoon aan wien de goederen geconsigneerd zyn, zal zoodanig certificaat, met zyn naam onderteekenen.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all of the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods, and after examination, the Japanese shall restore the goods to their original condition in the

De oorspronkelyke factuur of facturen van aldus aangegeven goederen zullen aan de overheden van het tolkantoor worden aangeboden en tot dat zy de, in de aangifte vermelde goederen onderzocht hebben, in hun bezit blijven. De Japansche beambten mogen eenig of alle aldus aangegeven pakken onderzoeken, en dezelve, tot dat einde, naar het tolkantoor voeren; maar zulk onderzoek zal zonder onkosten voor den invoerder, of beschadiging der goederen geschieden, en na onderzoek zullen de Japanners de goede-

packages, (so far as may be practicable,) and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation before such goods have been delivered to him, he may notify the custom-house authorities of such damage, and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid, the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify in writing that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese government.

ren in hunne oorspronkelyke gesteldheid, weder in de pakken doen (zoover als zulks doenbaar is) en zoodanig onderzoek zal zonder eenig onredelyk oponthoud plaats vinden

Indien de eigenaar of invoerder ontdekt dat zyne goederen op de invoerreis beschadigd zyn geworden voordat zoodanige goederen aan hem overhandigd zyn, kan hy de overheden van het tolkantoor, van zoodanige schade kennisgeven, en de beschadigde goederen laten schatten door twee of meer des kundige en onpartydige personen, welke na behoorlyk onderzoek een certificaat zullen maken, het schadebeloop van eider afzonderlyk pak, per cents gewys opgevend, en dit met het merk en nommer daarvan beschryvend welk certificaat, in tegenwoordigheid der overheden van het tolkantoor door de shatters, zal worden onderteekend, en de invoerder mag het certificaat by zyne aangifte voegen, en eene overeenkomende som daarvan aftrekken. Maar dit zal de overheden van het tolkantoor niet beletten, de goederen te schatten als bepaald by het vierde artikel des tractaats, waar deze regulatien zyn bygevoegd.

Na de betaling der regten zal de eigenaar een verlofbrief ontvangen, de overgave der goederen, of zy zich in het tolkantoor of aan boord van het schip bevinden, aan hem magtigend.

All goederen bestemd, om uitgevoerd te worden, zullen voor dat zy aan boord gebragt zyn, by het Japansche tolkantoor worden aangegeven.

De aangifte zal schriftelyk zyn, en den naam van het schip waarin de goederen zullen worden uitgevoerd, met de merken en nummers der pakken, en de hoeveelheid, aard en waarde, van derzelve inhoud vermelden.

De uitvoerder zal schriftelyk certificeren dat de aangifte eene ware opgave is, van al de daarin bevatte goederen, en dit met zyn naam onderteekenen.

Goederen, die voordat zy, by het tolkantoor zyn aangegeven, aan boord van een schip zyn gebragt om uitgevoerd te worden, en alle

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, &c., of passengers.

REGULATION FOURTH.

Clearance of
vessels.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the custom-house.

Whale ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

REGULATION FIFTH.

Frauds on
revenue.

Any person signing a false declaration or certificate with the intent

pakken, die verboden artikelen inhouden, zullen aan de Japansche regering verbeurd verklaard zyn.

Behoeften voor de schepen voor hunne bemanning en passagiers, of de kleederen enz van passagiers, behoeven niet by het tolkantoor aangegeven te worden.

VIERDE REGULATIE.

Schepen, die uit wenschen te klaren, zullen (24) vier en twintig uren voorkennis, by het tolkantoor geven, en op het einde van dien tyd, zullen zy regt op hunne uitklaring hebben; maar by weigering van dien, zullen de overheden van het tolkantoor den kapitein, of den persoon, aan wien het schip geconsigneerd is, onmiddelyk de redenen van de weigering der uitklaring opgeven, en zulks insgelyks ter kennis van den Amerikaanschen consul brengen.

Oorlogschepen der Vereenigde Staten, behoeven niet by het tolkantoor in of uit te klaren, noch zullen zy door de Japansch tol of politie beambten, bezocht worden.

Stoomschepen, de post der Vereenigde Staten vervoorend, mogen op denzelfden dag in en uitklaren, en zullen geen manifest behoeven te maken, behalve voor zulke passagiers en goederen, als te Japan geland zullen worden. Maar zoodanige stoomschepen zullen, in ieder geval, by het tolkantoor in en uitklaren.

Walvischvaarders, die om voorraad binnen loopen, of in nood zyn de schepen, zullen geen manifest hunner lading behoeven te maken, maar zoo zy vervolgens handel wenschen te dryven, zullen zy als dan een manifest deponeren, als by Eerste Regulatie vereischt.

Het woord schip, waar het in deze Regulatie, of in het tractaat waarby zy gevoegd zyn ook voor moge komen, moetgehouden worden te beteekenen, schip, bark, brik, schoener, sloop of stoomschip.

VYFDE REGULATIE.

Jemand, die eene valsche verklaring of certificaat onderteeke, ten

to defraud the revenue of Japan shall pay a fine of (\$125) one hundred and twenty-five dollars for each offence.

REGULATION SIXTH.

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house authorities: For the entry of a ship (\$15) fifteen dollars. For the clearance of a ship (\$7) seven dollars. For each permit (\$1½) one dollar and a half. For each bill of health (\$1½) one dollar and a half. For any other document (\$1½) one dollar and a half.

REGULATION SEVENTH.

Duties shall be paid to the Japanese government on all goods landed in the country according to the following tariff:

Class One.—All articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

Class Two.—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships.

Whaling gear of all kinds.

Salted provisions of all kinds.

Bread and breadstuffs.

Living animals of all kinds.

Coals.

Timber for building houses.

Rice.

Paddy.

Steam machinery.

Zinc.

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ende de Japansche Staats inkomsten te benadeelen, zal voor iedere overtreding, eene boete van (125) een honderd, vyf en twintig dollars betalen.

ZESDE REGULATIE.

Geene tonnégelden zullen op Amerikaansche schepen, in de Japansche havens geheven worden; maar de volgende douceurs zullen aan de overheden van het Japansche tolkantoor, worden betaald.

Voor het inklaren van een schip (15) vyftien dollars. Voor het uitklaren van een schip (7) zeven dollars. Voor iederen verlof brief (1½) een en een halve dollar. Voor iederen gezondheidsbrief (1½) een en een halve dollar. Voor ieder ander document (1½) een en een halve dollar.

ZEVENDE REGULATIE.

Op alle in het Ryk gelande goederen, zullen aan de Japansche Regering regten worden betaald, volgens het volgende.

Klasse Een.—Alle in deze klasse vermelde artikelen zullen regten vry zyn, Goud en zilver, gemunt of ongemunt. Kleederen in tegenwoordig gebruik. Huisraad en gedrukte boeken, niet bestemd om verkocht te worden, maar die het eigendom zyn, van, naar Japan ten verblyf komende personen.

Klasse Twee.—Een regt van (5) vyf per cent., zal op de volgende artikelen worden betaald.

Alle voor het bouwen, takelen, herstellen of uitrusten van schepen, gebruikt wordende artikelen.

Alle soorten van Walvischtuig.

Alle soorten van gezouten eetwaren.

Brood en broodstoffen.

Alle soorten van levende dieren.

Steenkolen.

Timmerhout voor het bouwen van huizen.

Ryst.

Padie.

Stoom machinerie.

Zinc.

No tonnage duties

Fees

Tariff of duties.

Class 1.

Class 2.

Lead.
Tin.
Raw silk.

Lood.
Tin.
Ruwe Zyde.

Class 3. *Class Three.*—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

Klasse Drie.—Een regt van (35) vyf endertig per cent., zal worden betdald op alle de zinnen benevelende dranken, door distillatie, gisting, of op eenige andere wyze, bereid.

Class 4. *Class Four.*—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

Klasse Vier.—Alle en eenige der voorgaande klassen, niet vermelde goederen, zullen een regt van (20) twintig per cent. betalen.

Exports. All articles of Japanese production, which are exported as cargo, shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision if the Japanese government desires it.

Behalve gouden en zilveren munt en koper in staven, zullen alle, in Japan, voortgebragte artikelen, die als lading, worden uitgevoerd, een regt van (5) vyf per cent. betalen.

Vyf jaren na de openstelling van Kanagawa zullen de in en uitgaande regten aan herziening onderworpen zyn, indien de Japansche regering zulks verlangt.

TOWNSEND HARRIS. [L. S.]

Ratifications
exchanged at
Washington, May
22, 1860.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the 22d inst. by Lewis Cass, Secretary of State of the United States, and Simme Boozen no Kami, Muragaki Awadsi no Kami, and Ogure Bungo no Kami, Envoys Extraordinary and Ministers Plenipotentiary of his Majesty the Ty-Coon of Japan, on the part of their respective governments:

Proclamation,
May 23, 1860.

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 twenty-third day of May, in the year of our Lord one thousand eight hundred [SEAL.] and sixty, and of the independence of the United States of America the eighty-fourth.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Convention between the United States and China for the Regulation of Trade. Concluded November 8, 1858. November 8, 1858.

Preamble

WHEREAS a treaty of peace, amity, and commerce between the Ta Tsing Empire and the United States of America was concluded at Tientsin, and signed at the Temple of Hai-Kwang on the eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty-eight, corresponding with the eighth day of the fifth moon of the eighth year of Hienfung: which said treaty was duly ratified by His Majesty the Emperor of China on the third day of July following, and which has been now transmitted for ratification by the President of the United States, with the advice and consent of the Senate: and whereas in the said treaty it was provided among other things that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the treaty of Wang-hia, except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nations: and whereas since the signature of the said treaty material modifications of the said tariff and other matters of detail connected with and having relation to the said treaty have been made under mutual discussions by commissioners appointed to that end by the Plenipotentiaries of China, Great Britain, and France, to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty, to be as binding and of the same efficacy as though they had been inserted in the original treaty.

ARTICLE I. The tariff and regulations of trade and transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of treaties be in force at the ports and places open to commerce. Tariff hereto attached, to be enforced.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary; and on the part of the Ta Tsing Empire Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries; with Ho Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents. Contracting parties.

Done at Shanghai this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and the Independence

Signatures.

of the United States of America the eighty-third, and in the eighth year of Hienfung the tenth month and third day.

WILLIAM B. REED.	[SEAL.]
KWEILIANG.	
HWASHANA.	
HO KWEL-TSING.	[SEAL.]
MINGSHEN.	
TWAN.	

TARIFF ON IMPORTS.

Tariff on im- ports.		T.	M.	C.	C.
Agar-agar, per 100 catties.....		0	1	5	0
Asafoetida, do		0	6	5	0
Beeswax, yellow, per 100 catties.....		1	0	0	0
Betelnut, do		0	1	5	0
Betelnut, husk, do		0	0	7	5
Bicho de Mar, black, do		1	5	0	0
Do white, do		0	3	5	0
Bird nests, 1st quality, per catty		0	5	5	0
Do 2d do do		0	4	5	0
Do 3d do or uncleaned, per catty.....		0	1	5	0
Buttons, brass, per gross.....		0	0	5	5
Camphor, baroos, clean, per catty.....		1	3	0	0
Do. refuse, do		0	7	2	0
Canvas and cotton duck, not exceeding fifty yards long, per piece		0	4	0	0
Cardamoms, superior, per 100 catties		1	0	0	0
Do. inferior, or grains of Paradise, per 100 catties		0	5	0	0
Cinnamon, per 100 catties		1	5	0	0
Clocks, 5 per cent. ad valorem.					
Cloves, per 100 catties.....		0	5	0	0
Cloves, mother, per 100 catties		0	1	8	0
Coal, foreign, per ton.....		0	0	5	0
Cochineal, per 100 catties.....		5	0	0	0
Coral, per catty.....		0	1	0	0
Cordage, Manilla, per 100 catties.....		0	3	5	0
Cornelians, per 100 stones.....		0	3	0	0
Do beads, per 100 catties.....		7	0	0	0
Cotton, raw, per 100 catties.....		0	3	5	0
Cotton piece goods, gray, white, plain, and twilled, exceed- ing 34 inches wide, and not exceeding 40 yards long, per piece.....		0	0	8	0
Cotton piece goods, exceeding 34 inches wide, and exceed- ing 40 yards long, per every 10 yards.....		0	0	2	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long, per piece....		0	1	0	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 30 yards long, per piece....		0	0	7	5
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 48 yards long, per piece.....		0	0	8	0
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 24 yards long, per piece.....		0	0	4	0
Cotton, dyed, figured, and plain, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece....		0	1	5	0
Cotton, fancy, white brocade and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece.....		0	1	0	0

	T.	M.	C.	C.	Tariff on imports
Cotton, printed chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long, per piece.....	0	0	7	0	
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece.....	0	0	7	0	
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece.....	0	0	3	5	
Cotton muslins, not exceeding 46 inches wide, and not exceeding 24 yards long, per piece.....	0	0	7	5	
Cotton muslins, not exceeding 46 inches wide, and not exceeding 12 yards long, per piece.....	0	0	3	5	
Cotton damasks, not exceeding 36 inches wide, and not exceeding 40 yards long, per piece.....	0	2	0	0	
Cotton dimities, or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long, per piece.....	0	0	6	5	
Cotton ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long, per piece.....	0	0	3	5	
Cotton handkerchiefs, not exceeding one yard square, per dozen.....	0	0	2	5	
Cotton fustians, not exceeding 35 yards long, per piece...	0	2	0	0	
Cotton velveteens, not exceeding 34 yards long.....	0	1	5	0	
Cotton thread, per 100 catties.....	0	7	2	0	
Do yarn, per 100 catties.....	0	7	0	0	
Cow bezoar, Indian, per catty.....	1	5	0	0	
Cutch, per 100 catties.....	0	1	8	0	
Elephants' teeth, whole, per 100 catties.....	4	0	0	0	
Do do broken, do do.....	3	0	0	0	
Feathers, kingfisher's, peacock's, per 100.....	0	4	0	0	
Fishmaws, per 100 catties.....	1	0	0	0	
Fishskin, do.....	0	2	0	0	
Flints, do.....	0	0	3	0	
Gambier, do.....	0	1	5	0	
Gamboge, do.....	1	0	0	0	
Ginseng, American crude, per 100 catties.....	6	0	0	0	
Do clarified, do.....	8	0	0	0	
Glass, window, per box of 100 square feet.....	0	1	5	0	
Glue, per 100 catties.....	0	1	5	0	
Gold thread, real, per catty.....	1	6	0	0	
Do imitation, per catty.....	0	0	3	0	
Gum, benjamin, per 100 catties.....	0	6	0	0	
Do oil of, per 100 catties.....	0	6	0	0	
Gum, dragon's blood do.....	0	4	5	0	
Gum, myrrh do.....	0	4	5	0	
Gum, olibanum do.....	0	4	5	0	
Hides, buffalo and cow do.....	0	5	0	0	
Hides, rhinoceros do.....	0	4	2	0	
Horns, buffalo do.....	0	2	5	0	
Horns, deer do.....	0	2	5	0	
Horns, rhinoceros do.....	2	0	0	0	
Indigo, liquid do.....	0	1	8	0	
Isinglass do.....	0	6	5	0	
Lacquered ware do.....	1	0	0	0	
Leather do.....	0	4	2	0	
Linen, fine, as Irish or Scotch, not exceeding 50 yards long, per piece.....	0	5	0	0	
Linen, coarse, as linen and cotton, or silk and linen mixtures, not exceeding 50 yards long, per piece.....	0	2	0	0	
Lucraban seed, per 100 catties.....	0	0	3	5	

	T.	M.	C.	C.
Tariff on imports. Mace	1	0	0	0
Mangrove bark	0	0	3	0
Metals, copper, manufactured, as in sheets, rods, nails, per 100 catties	1	5	0	0
Metals, copper, unmanufactured, as in slabs, per 100 catties	1	0	0	0
Metals, copper, yellow metal sheathing and nails, per 100 catties	0	9	0	0
Metals, copper, Japan, per 100 catties	0	6	0	0
Metals, iron, manufactured, as in sheets, rods, bars, hoops, per 100 catties	0	1	2	5
Metals, iron, unmanufactured, as in pigs, per 100 catties ..	0	0	7	5
Metals, iron, kentledge, per 100 catties	0	0	1	0
Do wire do	0	2	5	0
Metals, lead, in pigs do	0	2	5	0
Do in sheets do	0	5	5	0
Metals, quicksilver do	2	0	0	0
Metals, spelter, saleable only under regulation appended, per 100 catties	0	2	5	0
Metals, steel, per 100 catties	0	2	5	0
Metals, tin do	1	2	5	0
Metals, tin plates do	0	4	0	0
Mother o' pearl shell, per 100 catties	0	2	0	0
Musical boxes, 5 per cent. ad valorem.				
Mussels, dried, per 100 catties	0	2	0	0
Nutmegs do	2	5	0	0
Olives, unpickled, salted, or pickled, per 100 catties	0	1	8	0
Opium, per 100 catties	30	0	0	0
Pepper, black, per 100 catties	0	3	6	0
Pepper, white do	0	5	0	0
Prawns, dried do	0	3	6	0
Putchuck do	0	6	0	0
Rattans do	0	1	5	0
Rose maloes do	1	0	0	0
Salt fish do	0	1	8	0
Saltpetre, saleable only under regulation appended, per 100 catties	0	5	0	0
Sandalwood, per 100 catties	0	4	0	0
Sapan wood do	0	1	0	0
Sea-horse teeth do	2	0	0	0
Shark's fins, black, per 100 catties	0	5	0	0
Do white do	1	5	0	0
Shark's skins, per hundred	2	0	0	0
Silver thread, real, per catty	1	3	0	0
Do. imitation, per catty	0	0	3	0
Sinews, buffalo and deer, per 100 catties	0	5	5	0
Skins, fox, large, each	0	1	5	0
Skins, fox, small, each	0	0	7	5
Skins, marten, each	0	1	5	0
Skins, sea otter, each	1	5	0	0
Skins, tiger and leopard, each	0	1	5	0
Skins, beaver, per hundred	5	0	0	0
Skins, doe, hare, and rabbit, per hundred	0	5	0	0
Skins, squirrel do	0	5	0	0
Skins, land otter do	2	0	0	0
Skins, racoon do	2	0	0	0
Smalts, per hundred catties	1	5	0	0
Snuff, foreign, per hundred catties	7	2	0	0

	T.	M.	C.	C.	
Sticklac, per hundred catties	0	3	0	0	Tariff on imports.
Stockfish, do	0	5	0	0	
Sulphur and brimstone, saleable only under regulation appended	0	2	0	0	
Telescopes, spy and opera glasses, looking-glasses, and mirrors, 5 per cent. ad valorem.					
Tiger's bones, per 100 catties	1	5	5	0	
Timber, masts and spars, hard-wood, not exceeding 40 feet each	4	0	0	0	
Timber, masts and spars, hard-wood, not exceeding 60 feet each	6	0	0	0	
Timber, masts and spars, hard-wood, exceeding 60 feet each	10	0	0	0	
Timber, masts and spars, soft-wood, not exceeding 40 feet each	2	0	0	0	
Timber, masts and spars, soft-wood, not exceeding 60 feet each	4	5	0	0	
Timber, masts and spars, soft-wood, exceeding 60 feet each	6	5	0	0	
Timber, beams, hard-wood, not exceeding 26 feet long and under 12 inches square, each	0	1	5	0	
Timber, planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and three inches thick, per 100	3	5	0	0	
Timber, planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and three inches thick, per 100	2	0	0	0	
Timber, plank, soft-wood, per 1,000 square feet	0	7	0	0	
Timber, plank, teak, per cubic foot	0	0	3	5	
Tinder, per 100 catties	0	3	5	0	
Tortoise shell, per catty	0	2	5	0	
Tortoise shell, broken, per catty	0	0	7	2	
Umbrellas, each	0	0	3	5	
Velvets, not exceeding 34 yards long, per piece	0	1	8	0	
Watches, per pair	1	0	0	0	
Watches, émaillées à perles, per pair	4	5	0	0	
Wax, Japan, per 100 catties	0	6	5	0	
Woods, camagon, per 100 catties	0	0	3	0	
Do ebony, per 100 catties	0	1	5	0	
Do garroo, per 100 catties	2	0	0	0	
Do fragrant, per 100 catties	0	4	5	0	
Do kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick, each	0	8	0	0	
Do laka, per 100 catties	0	1	4	5	
Do red, do do	0	1	1	5	
Woollen manufactures, viz: blankets, per pair	0	2	0	0	
Woollen broadcloth and Spanish stripes, habit and medium cloth, 51 a 64 inches wide, per chang	0	1	2	0	
Woollen, long ells, 31 inches wide, per chang	0	0	4	5	
Woollen camlets, English, 31 inches wide, per chang	0	0	5	0	
Woollen camlets, Dutch, 33 inches wide, per chang	0	1	0	0	
Woollen camlets, imitation and bomazettes, per chang	0	0	3	5	
Woollen cassimeres, flannel, and narrow cloths, per chang	0	0	4	0	
Woollen lastings, 31 inches wide, per chang	0	0	5	0	
Woollen lastings, imitation and Orleans, 34 inches wide, per chang	0	0	3	5	
Woollen bunting, not exceeding 24 inches wide, 40 yards long, per piece	0	2	0	0	
Woollen and cotton mixtures, viz: lustres, plain and broad-caded, not exceeding 31 yards long, per piece	0	2	0	0	
Woollen, inferior Spanish stripes, per chang	0	1	0	0	
Woollen yarn, per 100 catties	3	0	0	0	

TARIFF ON EXPORTS.

Tariff on ex-
ports.

	T.	M.	C.	C
Alum, per 100 catties.....	0	0	4	5
Alum, green or copperas, per 100 catties.....	0	1	0	0
Aniseed, star, per 100 catties.....	0	5	0	0
Aniseed, broken, do do	0	2	5	0
Aniseed, oil, do do	5	0	0	0
Apricot seeds, or almonds, per 100 catties.....	0	4	5	0
Arsenic, per 100 catties.....	0	4	5	0
Artificial flowers, per 100 catties.....	1	5	0	0
Bamboo ware, per 100 catties.....	0	7	5	0
Bangles, or glass armlets, per 100 catties.....	0	5	0	0
Beans and peas, (except from New Chwang and Tang Chow,) per 100 catties.....	0	0	6	0
Bean cake, (except from New Chwang and Tang Chow,) per 100 catties.....	0	0	3	5
Bone and horn ware, per 100 catties.....	1	5	0	0
Brass buttons, do	3	0	0	0
Brass foil, do	1	5	0	0
Brass ware, do	1	0	0	0
Brass wire, do	1	1	5	0
Camphor, per 100 catties.....	0	7	5	0
Canes, per thousand.....	0	5	0	0
Cantharides, per 100 catties.....	2	0	0	0
Capoor cutchery, do	0	3	0	0
Carpets and druggets, per hundred.....	3	5	0	0
Cassia lignea, per 100 catties.....	0	6	0	0
Cassia buds, do	0	8	0	0
Cassia twigs, do	0	1	5	0
Cassia oil, do	9	0	0	0
Castor oil, do	0	2	0	0
Chestnuts, do	0	1	0	0
China root, do	0	1	3	0
Chinaware, fine, do	0	9	0	0
Do coarse, do	0	4	5	0
Cinnabar, per 100 catties.....	0	7	5	0
Clothing, cotton, per 100 catties.....	1	5	0	0
Do silk, do	10	0	0	0
Coal, do	0	0	4	0
Coir, do	0	1	0	0
Copper ore, do	0	5	0	0
Copper sheathing, old, per 100 catties.....	0	5	0	0
Copper and pewter ware, per 100 catties.....	1	1	5	0
Corals, false, per 100 catties.....	0	3	0	5
Cotton, raw, do	0	3	0	5
Cotton rags, do	0	0	4	5
Cow Bezoar, per catty.....	0	3	6	0
Crackers, fireworks, per 100 catties.....	0	5	0	0
Cubebs, per 100 catties.....	1	5	0	0
Curiosities, antiques, 5 per cent, ad valorem.				
Dates, black, per 100 catties.....	0	1	5	0
Dates, red, do	0	0	9	0
Dye, green, per catty.....	0	8	0	0
Eggs, preserved, per thousand.....	0	3	5	0
Fans, feather, per hundred.....	0	7	5	0
Fans, paper, do	0	0	4	5
Fans, palm leaf, trimmed, per thousand.....	0	3	6	0
Do untrimmed, do	0	2	0	0
Felt cuttings, per 100 catties.....	0	1	0	0

	T.	M.	C.	C.	
Felt caps, per hundred.....	1	2	5	0	Tariff on exports.
Fungus, or agaric, per 100 catties.....	0	6	0	0	
Galangal, do	0	1	0	0	
Garlic, do	0	0	3	5	
Ginseng, native, 5 per cent. ad valorem.					
Ginseng, Corean or Japan, first quality, per catty.....	0	5	0	0	
Do do second do	0	3	5	0	
Glass beads, per 100 catties.....	0	5	0	0	
Glass, or vitrified ware, per 100 catties.....	0	5	0	0	
Grass cloth, fine, do	2	5	0	0	
Do coarse, do	0	7	5	0	
Ground nuts, do	0	1	0	0	
Do cake, do	0	0	3	0	
Gypsum, ground, or plaster of Paris, per 100 catties.....	0	0	3	0	
Hair, camels, per 100 catties.....	1	0	0	0	
Hair, goats', do	0	1	8	0	
Hams, do	0	5	5	0	
Hartall, or orpiment, per 100 catties.....	0	3	5	0	
Hemp, per 100 catties.....	0	3	5	0	
Honey, do	0	9	0	0	
Horns, deer's, young, per pair.....	0	9	0	0	
Do old, per 100 catties.....	1	3	5	0	
India ink, do	4	0	0	0	
Indigo, dry, do	1	0	0	0	
Ivory ware, per catty.....	0	1	5	0	
Joss sticks, per 100 catties.....	0	2	0	0	
Kittysols, or paper umbrellas, per hundred.....	0	5	0	0	
Lacquered ware, per 100 catties.....	1	0	0	0	
Lamp wicks, do	0	6	0	0	
Lead, red, (minium) do	0	3	5	0	
Lead, white, (ceruse) do	0	3	5	0	
Lead, yellow, (massicot) do	0	3	5	0	
Leather articles, as pouches, purses, per 100 catties.....	1	5	0	0	
Leather, green, per 100 catties.....	1	8	0	0	
Lichees, do	0	2	0	0	
Lily flowers, dried, do	0	2	7	0	
Lily seeds, or lotus nuts, per 100 catties.....	0	5	0	0	
Liquorice, do	0	1	3	5	
Lung-ngan, do	0	2	5	0	
Lung-ngan, without the stone, do	0	3	5	0	
Manure cakes, or poudrette, do	0	0	9	0	
Marble slabs, do	0	2	0	0	
Mats of all kinds, per hundred.....	0	2	0	0	
Matting, per roll of 40 yards.....	0	2	0	0	
Melon seeds, per 100 catties.....	0	1	0	0	
Mother o' pearl ware, per catty.....	0	1	0	0	
Mushrooms, per 100 catties.....	1	5	0	0	
Musk, per catty.....	0	9	0	0	
Nankeen and native cotton cloths, per 100 catties.....	1	5	0	0	
Nutgalls, per 100 catties.....	0	5	0	0	
Oil, as bean, tea, wood, cotton, and hemp seed, per 100 catties	0	3	0	0	
Oiled paper, per 100 catties.....	0	4	5	0	
Olive seed, do	0	3	0	0	
Oyster shell, sea shell, per 100 catties.....	0	0	9	0	
Paint, green.....	0	4	5	0	
Palampore, or cotton bedquilts, per hundred.....	2	7	5	0	
Paper, first quality, per 100 catties.....	0	7	0	0	

	T.	M.	C.	C.
Tariff on exports. Paper, second quality, per 100 catties.....	0	4	0	0
Pearls, false, do	2	0	0	0
Peel, orange, do	0	3	0	0
Peel, pumelo, first quality, do	0	4	5	0
Peel, pumelo, second quality, do	0	1	5	0
Peppermint leaf, do	0	1	0	0
Peppermint oil, do	3	5	0	0
Pictures and paintings, each.....	0	1	0	0
Pictures on pith or rice paper, per hundred.....	0	1	0	0
Pottery, earthenware, per 100 catties.....	0	0	5	0
Preserve, comfits, and sweetmeats, per 100 catties.....	0	5	0	0
Rattans, split, per 100 catties.....	0	2	5	0
Rattan ware, do	0	3	0	0
Rhubarb, do	1	2	5	0
Rice or paddy wheat, millet, and other grains, per 100 catties	0	1	0	0
Rugs of hair or skin, each.....	0	0	9	0
Shamshoo, per 100 catties.....	0	1	5	0
Sandal-wood ware, per catty.....	0	1	0	0
Sea weed, per 100 catties.....	0	1	5	0
Sesamum seed, do	0	1	3	5
Shoes and boots, leather or satin, per one hundred pairs..	3	0	0	0
Shoes, straw, per one hundred pairs.....	0	1	8	0
Silk, raw and thrown, per 100 catties.....	10	0	0	0
Silk, yellow, from Szechuen, per 100 catties.....	7	0	0	0
Silk, reeled from Dupions, do	5	0	0	0
Silk, wild raw, do	2	5	0	0
Silk, refuse, do	1	0	0	0
Silk, cocoons, do	3	0	0	0
Silk, floss, Canton, do	4	3	0	0
Silk, floss, from other provinces, do	10	0	0	0
Silk, ribbons and thread, do	10	0	0	0
Silk, piece goods, pongees, shawls, scarfs, crape, satin, gauze velvet and embroidered goods, per 100 catties.....	12	0	0	0
Silk, piece goods, Szechuen and Shantung, per 100 catties..	4	5	0	0
Silk, tassels, per 100 catties.....	10	0	0	0
Silk, caps, per hundred.....	0	9	0	0
Silk and cotton mixtures, per 100 catties.....	5	5	0	0
Silver and gold ware, do	10	0	0	0
Snuff, do	0	8	0	0
Soy, do	0	4	0	0
Straw braid, do	0	7	0	0
Sugar, brown, do	0	1	2	0
Sugar, white, do	0	2	0	0
Sugar, candy, do	0	2	5	0
Tallow, animal, per 100 catties.....	0	2	0	0
Tallow, vegetable, per 100 catties.....	0	3	0	0
Tea, per 100 catties.....	2	5	0	0
Tin foil, per 100 catties.....	1	2	5	0
Tobacco, prepared, per 100 catties.....	0	4	5	0
Tobacco, leaf, per 100 catties.....	0	1	5	0
Tortoise shell ware, per catty.....	0	2	0	0
Trunks, leather, per 100 catties.....	1	5	0	0
Turmeric, per 100 catties.....	0	1	0	0
Twine, hemp, Canton, per 100 catties.....	0	1	5	0
Twine, hemp, Soochow, per 100 catties.....	0	5	0	0
Turnips, salted, per 100 catties.....	0	1	8	0
Varnish, or crude lacquer, per 100 catties.....	0	5	0	0

	T.	M.	C.	C.	
Vermicelli, per 100 catties.....	0	1	8	0	Tariff on exports.
Vermillion, per 100 catties.....	2	5	0	0	
Wax, white or insect, per 100 catties.....	1	5	0	0	
Wood, piles, poles, and joists, each.....	0	0	3	0	
Wood, ware, per 100 catties.....	1	1	5	0	
Wool, per 100 catties.....	0	3	5	0	

WILLIAM B. REED, [SEAL.]

RULE I.

*Unenumerated Goods.*Unenumerated
goods.

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, shall pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports.

Articles not enumerated in either list, nor in the list of duty free goods, shall pay an *ad valorem* duty of five per cent., calculated upon their market value.

RULE II.

*Duty Free Goods.*Goods, duty
free.

Gold and silver bullion, foreign coins, flour, Indian meal, sago, biscuit, preserved meats, and vegetables.

Cheese, butter, confectionery.

Foreign clothing, jewelry, plated ware, perfumery, soap of all kinds.

Charcoal, firewood, candles, (*foreign*.) tobacco, (*foreign*.) cigars, (*foreign*.)

Wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpetting, druggetting, cutlery, foreign medicines, and glass and crystal ware.

The above commodities pay no import or export duty; but, if transported into the interior will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of two and a half per cent. *ad valorem*.

A freight or part freight of duty free goods (personal baggage, gold and silver bullion, and foreign coins excepted) will render the vessel carrying them, though no other be on board, liable to tonnage dues.

RULE III.

Contraband Goods.

Contraband.

Import and export trade is alike prohibited in the following articles:

Gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, and all other munitions and implements of war, and salt.

RULE IV.

*Weights and Measures.*Weights and
measures.

In the calculations of the tariff the weight of a pecul of one hundred catties is held to be equal to one hundred and thirty-three and one third pounds avoirdupois, and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to equal fourteen and one tenth inches English, and four yards English, less three inches, to equal one *chang*.

RULE V.

Restrictions relaxed on

Regarding certain Commodities heretofore Contraband.

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre, and spelter, are relaxed under the following conditions :

Opium,

1. Opium will henceforth pay thirty taels per pecul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese' property ; the foreign trader will not be allowed to accompany it. The provision of the treaty of Tientsin, conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade or paying transit duties, shall not extend to the article of opium, the transit duties on which will be arranged as the Chinese Government see fit ; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.

Copper cash,

2. *Copper cash.* — The export of cash to any foreign port is prohibited ; but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another on compliance with the following regulation: The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of cash at the port of destination by the collector at that port, who shall thereto affix his seal ; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped.

Cash will pay no duty inwards or outwards but a freight, or part-freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.

Rice and other grains,

3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited ; but these commodities may be carried by citizens of the United States from one of the open ports of China to another, under the same conditions in respect to security as cash, on payment at the port of shipment of the duty specified in the tariff.

No import duty shall be levyable upon rice or grain, but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

Pulse and bean cake,

4. *Pulse.* — The export of pulse and bean cake from Tang-Chau and Nin-Chwang under the American flag is prohibited. From any of the other open ports they may be shipped, on payment of the tariff duty, either to other ports of China or to foreign countries.

Saltpetre, sulphur, &c.

5. Saltpetre, sulphur, brimstone, and spelter, being deemed by the Chinese to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these commodities up the Yang-tsz-Kiang, or into any port other than those open on the sea-board, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and, except at the ports, they will be regarded as Chinese property.

Infractions of conditions to cause confiscation.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre, and spelter may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

RULE VI.

Liability of Vessels Entering Port.

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the Consul within twenty-four hours, counting from the time the vessel comes within the limits of the port, and that the same rule be applied to the forty-eight hours allowed by article 19 of the treaty to remain in port without payment of tonnage dues.

Liabilities of
vessels entering
port.

The limits of the ports shall be defined by the customs, with all consideration for the convenience of trade, compatible with due protection of the revenue; also, the limits of the anchorages within which lading and discharging are permitted by the customs, and the same shall be notified to the Consuls for public information.

Limits of ports.

RULE VII.

Transit Dues.

It is agreed that the amount of transit dues legally levyable upon merchandise imported or exported shall be one half the tariff duties, except in the case of the duty free goods liable to a transit duty of two and a half per cent. ad valorem, as provided in No. 2 of these Rules.

Transit dues.
Amount.

Merchandise shall be cleared of its transit dues under the following regulations:

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland of the nature and quantity of the goods, the ship from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the collector of customs shall, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station, and viséed. No further duty will be levyable upon imports so certificated, no matter how distant the place of their destination.

Imports.

In the case of exports. Produce purchased by a citizen of the United States in the interior will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum, showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port notice must be given to the customs at the port, and the transit dues due thereon being paid it will be passed. On exportation the produce will pay the tariff duty.

Exports.

Any attempt to pass goods inwards or outwards, otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale *in transitu* of goods that have been entered as above for a port will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit dues will be refused by the customs until the transit dues shall have been paid.

Penalty for vio-
lation of these
rules.

RULE VIII.

Trade with the Capital.

It is agreed that no citizen of the United States shall have the privilege of entering the capital city of Peking for the purposes of trade.

Trade with the
Capital.

RULE IX.

Abolition of the Meltage Fee.

Meltage fee
abolished.

It is agreed that the per centage of one tael, two mace hitherto charged, in excess of duty payments, to defray the expenses of melting by the Chinese Government, shall no longer be levied on citizens of the United States.

RULE X.

Collection of Duties under one System at all Ports.

System of col-
lection of duties.

It being, by treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade, it is agreed that one uniform system shall be enforced at every port.

Prevention of
smuggling.

Lights, bea-
cons, &c.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port boundaries, or in discharging the duties of harbor-master; also, in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.

The Chinese government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz-Kiang, when that river shall be open to trade.

WILLIAM B. REED, [SEAL.]

Convention between the United States and China for the Adjustment of Claims. Concluded November 8, 1858.

November 8, 1858.

IN order to carry into effect the Convention made at Tien-tsin by the High Commissioners and Plenipotentiaries respectively representing the United States of America and the Ta Tsing Empire, for the satisfaction of claims of American citizens, by which it was agreed that one fifth of all tonnage, import, and export duties payable on American ships and goods shipped in American vessels at the ports of Canton, Shanghai, and Fuh-chau, to an amount not exceeding six hundred thousand taels, should be applied to that end; and the Plenipotentiary of the United States, actuated by a friendly feeling towards China, is willing, on behalf of the United States, to reduce the amount needed for such claims to an aggregate of five hundred thousand taels, it is now expressly agreed by the high contracting parties in the form of a supplementary Convention, as follows :

Preamble.

ARTICLE I. That on the first day of the next Chinese year the Collectors of Customs at the said three ports shall issue debentures to the amount of five hundred thousand taels, to be delivered to such persons as may be named by the Minister or chief diplomatic officer of the United States in China, and it is agreed that the amount shall be distributed as follows : Three hundred thousand taels at Canton, one hundred thousand taels at Shanghai, and one hundred thousand taels at Fuh-chau, which shall be received in payment of one fifth of the tonnage, export, and import duties on American ships, or goods in American ships at the said ports, and it is agreed that this amount shall be in full liquidation of all claims of American citizens at the various ports to this date.

Debentures to amount of 500,000 taels to be issued in full liquidation of all claims of American citizens.
Distribution.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta-Tsing Empire ; that is to say, on the part of the United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary, and on the part of the Ta-Tsing Empire —

Contracting parties.

Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments, and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with Ho-Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent ; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade, and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the Junior under Secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-third, and in the eighth year of Hienfung, the tenth month and third day.

Signature.

WILLIAM B. REED.	[SEAL.]
KWEILIANG.	} [SEAL.]
HWASHANA.	
HO-KWEI-TSING.	
MINGSHEN.	
TWAN.	

Convention between the United States of America and the Republic of Chile. Arbitration of Macedonian Claims. Concluded at Santiago, November 10, 1858. Ratified, August 4, 1859. Exchanged, October 15, 1859. Proclaimed by the President of the United States, December 22, 1859.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Nov. 10, 1858.

A PROCLAMATION.

WHEREAS a convention, providing for the reference to an arbiter of the questions relative to a sum of money, the proceeds of the cargo of the brig Macedonian, between the United States of America and the Republic of Chile, was concluded and signed by their respective plenipotentiaries at Santiago, on the tenth day of November, one thousand eight hundred and fifty-eight; which convention, being in the English and Spanish languages, is, word for word, as follows:

Preamble.

Convention between the United States of America and the Republic of Chile.

Convencion entre la Republica de Chile i los Estados-Unidos de America.

The government of the United States of America and the government of the Republic of Chile, desiring to settle amicably the claim made by the former upon the latter for certain citizens of the United States of America, who claim to be the rightful owners of the silver in coin and in bars forcibly taken from the possession of Captain Eliphalet Smith, a citizen of the United States of America, in the valley of Sitana, in the territory of the former Vice Royalty of Peru, in the year 1821, by order of Lord Cochrane, at the time Vice Admiral of the Chilean Squadron,—have agreed, the former to name John Bigler, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and the latter Don Gerónimo Urmeneta, Minister of State in the Department of the Interior and of Foreign Relations, in the name and in behalf of their respective governments, to examine said claim and to agree upon terms of arrangement just and honorable to both governments.

The aforesaid plenipotentiaries, after having exchanged their full powers, and found them in due and

El Gobierno de la Republica de Chile i el Gobierno de los Estados-Unidos de América, deseando arreglar amistosamente la reclamacion entablada por el segundo contra el primero, à nombre de ciertos ciudadanos de los Estados-Unidos que pretenden ser los legitimos dueños de la plata sellada i en barra violentamente quitada al Capitan Eliphalet Smith ciudadano de los Estados-Unidos de América, en el valle de Sitana, territorio del antiguo Virreinato del Perú, en el año 1821, por órden de Lord Cochrane, à la sazón Vice-Almirante de la Escuadra de Chile; han convenido en nombrar, el primero á Don Gerónimo Urmeneta, Ministro de Estado en los Departamentos del Interior i de Relaciones Exteriores, i el segundo al Señor Juan Bigler, Enviado Extraordinario i Ministro Plenipotenciario de los Estados-Unidos de América, para que á nombre de sus respectivos Gobiernos examinen dicha reclamacion i acuerden los términos de un arreglo justo i honroso para ambos Países. Dichos Plenipotenciarios, despues de haber canjeado sus respectivos Plenos-Poderes i hallados en buena i debida forma, sin-

Contracting parties.

Claim to be settled.

Negotiators.

Exchange of powers.

Matter in dispute to be submitted to the arbitration of the King of Belgium.

good form, sincerely desiring to preserve intact and strengthen the friendly relations which happily exist between their respective governments, and to remove all cause of difference, which might weaken or change them, have agreed, in the name of the government which each represents, to submit to the arbitration of his Majesty the King of Belgium, the pending question between them, respecting the legality or illegality of the above referred to capture of silver in coin and in bars, made on the ninth day of May, 1821, by order of Lord Cochrane, Vice Admiral of the Chilean squadron, in the valley of Sitana, in the territory of the former Viceroyalty of Peru, the proceeds of sales of merchandise imported into that country in the brig Macedonian, belonging to the merchant marine of the United States of America.

Therefore the above-named ministers agree to name his Majesty the King of Belgium as arbiter, to decide with full powers and proceedings *ex æquo et bono*, on the following points :

Points for arbiter to decide.
justice of claim.

First. Is, or is not, the claim which the government of the United States of America makes upon that of Chile, on account of the capture of silver mentioned in the preamble of this convention, just in whole or in part?

amount.

Second. If it be just in whole or in part, what amount is the government of Chile to allow and pay to the government of the United States of America, as indemnity for the capture?

interest.

Third. Is the government of Chile, in addition to the capital, to allow interest thereon; and, if so, at what rate and from what date is interest to be paid?

Proof upon which the umpire is to decide.

The contracting parties further agree that his Majesty the King of Belgium shall decide the foregoing questions upon the correspondence which has passed between the representatives of the two governments at Washington and at Santiago, and the documents and other proofs produced during the controversy on the subject of this capture, and upon a

ceramente deseosos de mantener intactas i estrechar las relaciones amistosas que felizmente existen entre sus respectivos Gobiernos, i de alejar todo motivo de diferencia que pudiera menos cabarlas o alterarlas, han convenido, á nombre de los Gobiernos que uno i otro representan, en someter al Arbitraje de su Majestad el Rei de los Belgas la referida cuestion pendiente entre ellos, sobre lejitimidad o ilejitimidad del apresamiento de una suma de plata acuñada i en barra hecho el 9 de Mayo de 1821, por órden de Lord Cochrane, Vice-Almirante de la Escuadra de Chile, en el valle de Sitana, territorio del antiguo Vireinato del Perú, como procedenté dicha suma de la venta de mercaderias importadas en ese Estado á bordo del bergantin "Macenian," de la Marina de los Estados-Unidos.

En consecuencia, los referidos Ministros convienen en nombrar á Su Majestad el Rei de los Belgas para que como Arbitro decida con Plenos-Poderes i procediendo *ex æquo et bono*, sobre los puntos siguientes :

Primero. Es o no justo en el todo o en parte el reclamo que el Gobierno de los Estados-Unidos de América hace al de Chile, con motivo del apresamiento de la plata mencionada en el preámbulo de esta Convencion?

Segundo. Si es justo, en todo, o en parte, qué cantidad debe el Gobierno de Chile abonar i pagar al Gobierno de los Estados-Unidos de América como indemnizacion por el apresamiento?

Tercero. Debe el Gobierno de Chile ademas del capital abonar intereses sobre el, i si debe, cuál es la tasa del interes i desde que fecha debe pagarse?

Las Partes Contratantes convienen ademas en que Su Majestad el Rei de los Belgas decida las siguientes anteriores cuestiones en vista de la correspondencia que ha tenido lugar entre los representantes de los dos Gobiernos en Washington i en Santiago i de los documentos i otras pruebas presentadas durante la controversia sobre la materia de este

memorial or argument thereon to be presented by each.

Each party to furnish the arbiter with a copy of the correspondence and documents above referred to, or so much thereof as it desires to present, as well as with its said memorial, within one year at furthest from the date at which they may respectively be notified of the acceptance of the arbiter.

Each party to furnish the other with a list of the papers to be presented by it to the arbiter, three months in advance of such presentation.

And if either party fail to present a copy of such papers, or its memorial, to the arbiter, within the year aforesaid, the arbiter may make his decision upon what shall have been submitted to him within that time.

The contracting parties further agree that the exception of prescription, raised in the course of the controversy, and which has been a subject of discussion between their respective governments, shall not be considered by the arbiter in his decision, since they agree to withdraw it and exclude it from the present question.

Each of the governments represented by the contracting parties is authorized to ask and obtain the acceptance of the arbiter; and both promise and bind themselves in the most solemn manner to acquiesce in and comply with his decision, nor at any time thereafter to raise any question directly or indirectly connected with the subject-matter of this arbitration.

This convention to be ratified by the governments of the respective contracting parties, and the ratifications to be exchanged within twelve months from this date, or sooner, if possible, in the city of Santiago.

In testimony whereof, the contracting parties have signed and sealed this agreement in duplicate, in the English and Spanish languages, in Santiago, the tenth day

apresamiento i en vista de un memorial o alegato (arguments) sobre ella que ambos deben presentar. Cada Parte debe suministrar al Arbitro una copia de la referida correspondencia i documentos, o de aquella parte de ellos que desee presentar, como igualmente su referido memorial, dentro de un año cuando mas contado desde la fecha en que respectivamente se les notifique la aceptacion del Arbitro.

Cada Parte debe suministrar á la otra una lista de los papeles que debe presentar, con una anticipacion de tres meses á dicha presentacion.

I si alguna de las Partes dejare de presentar una copia de esos papeles o su memorial, al Arbitro dentro del año referido, el Arbitro podrá proceder a emitir su decision en vista de lo que se le haya suministrado dentro de ese término.

Las Partes Contratantes convienen ademas en que la excepcion de prescripcion alegada en el curso de la controversia, i que ha sido materia de discusion entre los respectivos Gobiernos no debe considerarse por el Arbitro en su decision, pues convienen en separarla i excluirla de la presente cuestion.

Cada uno de los Gobiernos representados por las Partes Contratantes está autorizado para pedir i obtener la aceptacion del Arbitro, i ambos se comprometen i obligan de la manera mas solemne, á someterse i cumplir con su decision, i á no suscitar en ningun tiempo despues cuestion alguna directa o indirectamente relacionada con el asunto que es materia de este arbitraje.

Esta Convencion será ratificada por los Gobiernos de las respectivas Partes Contratantes i las ratificaciones serán canjeadas dentro de doce meses contados desde esta fecha o ántes, si fuere posible, en esta ciudad de Santiago.

En testimonio de lo cual las Partes Contratantes han firmado i sellado esta Convencion por duplicado, en los idiomas español e ingles, en Santiago, el día diez de Novem-

Each party to furnish &c. within one year, &c.

list of papers.

Provision if party does not furnish, &c.

Exception of prescription withdrawn.

Acceptance of arbiter to be asked;

and his decision submitted to.

Convention when to be ratified.

Signature, Nov. 10, 1858.

of the month of November, in the year of our Lord one thousand eight hundred and fifty-eight.

JOHN BIGLER, [L. s.]
*Envoy Extraordinary and Minister
 Plenipotentiary of the United
 States of America.*

GERONIMO URMENETA,
Plenipotenciario ad hoc. [L. s.]

bre de mil ochocientos cincuenta i ocho.

GERONIMO URMENETA,
Plenipotenciario ad hoc. [L. s.]
 JOHN BIGLER, [L. s.]

*Envoy Extraordinary and Minister
 Plenipotentiary of the United
 States of America.*

Exchange of
 ratifications,
 Oct. 15, 1859.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Santiago, on the 15th of October last, by John Bigler, Envoy Extraordinary and Minister Plenipotentiary of the United States, and Geronimo Urmeneta, Minister of Foreign Relations of Chile, on the part of their respective governments :

Proclamation,
 Dec. 22, 1859.

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 twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States of America the eighty-fourth.

JAMES BUCHANAN.

By the President :

LEW. CASS, *Secretary of State.*

Convention between the United States of America and the Republic of Paraguay, relating to Claims of the "United States and Paraguay Navigation Company." Concluded at Asuncion, February 4, 1859. Ratified by the President of the United States, March 7, 1860. Exchanged at Washington, March 7, 1860. Proclaimed by President of the United States, March 12, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: February 4, 1859.

A PROCLAMATION.

WHEREAS a convention relating to the claims of the "United States and Paraguay Navigation Company," against the Paraguayan Government, was concluded between the United States of America and the Republic of Paraguay, and was signed by their respective plenipotentiaries at Asuncion on the fourth day of February, one thousand eight hundred and fifty-nine, the original of which convention being in the English and Spanish languages is, word for word, as follows:

Preamble.

Special convention between the United States of America and the Republic of Paraguay, relating to the claims of the "United States and Paraguayan Navigation Company" against the Paraguayan government.

His Excellency the President of the United States of America and his Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the government of Paraguay, have agreed to refer the same to a special and respectable commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have ap-

Convencion especial entre la Republica del Paraguay y los Estados Unidos de America relativa á las reclamaciones de la "Compañía de Navegacion de los Estados Unidos y del Paraguay," contra el Gobierno Paraguayo.

Contracting parties.

Su Excelencia el Señor Presidente de la Republica del Paraguay y Su Excelencia el Señor Presidente de los Estados Unidos de America, deseando remover toda causa que pueda comprometer la buena inteligencia y armonia, por un momento tan desgraciadamente interrumpidas entre las dos Naciones, y ahora tan felizmente restablecidas, y que tanto les interesa mantener, y deseando á este fin llegar á un arreglo definitivo igualmente justo y honorable para ambas naciones en cuanto á la manera de concluir la cuestion pendiente de las referidas reclamaciones contra el Gobierno del Paraguay de la "Compania de Navegacion de los Estados Unidos y del Paraguay," compañía compuesta de ciudadanos de los Estados Unidos de America, han convenido someter dicho arreglo á una Comision especial, respetable que será organizada y regida por la presente Convencion entre las dos altas partes contratan-

pointed and conferred full powers, respectively, to wit :

Negotiators.

His Excellency the President of the United States of America upon James B. Bowlin, a special commissioner of the said United States of America, specifically charged and empowered for this purpose; and his Excellency the President of the Republic of Paraguay upon Señor Nicolas Vasquez, Secretary of State and Minister of Foreign Affairs of the said Republic of Paraguay; who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles :

ARTICLE I.

Paraguay to respond to any decree of commissioners in favor of the U. S. and P. Nav. Co. The government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows.

ARTICLE II.

Commissioner to be appointed. The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute such a commission, whose decision shall be binding, in the following manner :

Commissioners how appointed. The government of the United States of America shall appoint one commissioner, and the government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that, in case of difference between the commissioners in the

tes; y para este fin han nombrado y conferido plenos poderes respectivamente a saber :

Su Excelencia el Presidente de la Republica del Paraguay al ciudadano Paraguayo, Nicolas Vasquez, Secretario de Estado y Ministro de Relaciones Exteriores de la dicha Republica del Paraguay, y Su Excelencia el Presidente de los Estados Unidos de America al Señor James B. Bowlin, Comisionado especial de los dichos Estados Unidos de America—especialmente encargado y apoderado á este fin, quienes despues de cambiar sus plenos poderes que encontraron en buena y debida forma convinieron en los articulos siguientes :

ARTICULO I.

El Gobierno de la Republica del Paraguay se obliga á la responsabilidad que á favor de la "Compañia de Navegacion de los Estados Unidos del Paraguay;" resulte del fallo de comisionados que se nombrarán en la forma convenida en el siguiente.

ARTICULO II.

Las dos altas partes contratantes, apreciando la dificultad de acordarse sobre el monto de las reclamaciones á que dicha compañía pueda ser acreedora, y estando convencidas de que una Comision es el único medio equitativo y honorable por el cual los dos paises puedan arriivar á una perfecta inteligencia sobre este punto, han convenido por la presente ajustarlas en conformidad por una Comision leal. Para determinar el importe de dichas reclamaciones es pues convenido constituir tal comision, cuya decision sea obligatoria en la forma siguiente :

El Gobierno del Paraguay nombrará un Comisionado, y el Gobierno de los Estados Unidos de America nombrará otro, y estos dos, en caso de discordia, nombraran un tercero, debiendo recaer este nombramiento en persona leal é imparcial, con calidad de que en caso de desacuerdo de los comisionados en la eleccion de un tercero en discordia los Rep-

choice of an umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such umpire.

The two commissioners named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

ARTICLE III.

The said commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.

ARTICLE IV.

The said commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an umpire as already agreed.

ARTICLE V.

The government of Paraguay hereby binds itself to pay to the government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the government of the republic, the draft which that of the United States of America shall issue for the amount for which the two commissioners concurring, or by the umpire, shall declare it responsible to the said company.

representantes Diplomaticos de Russia y Prusia acreditados cerca del Gobierno de los Estados Unidos de America en la Ciudad de Washington podran elegir á tal tercero en discordia.

provision for an umpire.

Los dos comisionados nombrados en la forma referida se reuniran en la Ciudad de Washington para investigar, ajustar y determinar el monto de las reclamaciones de la mencionada Compañia sobre pruebas bastantes de los cargos y descargos de las partes contenderas.

where to meet.

ARTICULO III.

Los dichos Comisionados, antes de entrar en sus funciones, prestarán juramento ante algun Juez de los Estados Unidos de America de que investigarán leal é imparcialmente las expresasas reclamaciones, y darán sobre ellas una decision justa con su mejor juicio y habilidad.

to take oath before acting.

ARTICULO IV.

Los dichos Comisionados se reuniran en la Ciudad de Washington dentro de un año despues de la ratification del "Tratado de Amistad, Comercio, y Navegacion," celebrado en esta fecha en la Ciudad de la Asuncion entre las dos altas partas contratantes, y continuarán en session, por un periodo que no exceda de tres meses, dentro del cual si fallaren de acuerdo, su decision será proclamada, y en caso de discordia se procederá al nombramiento de un tercero, como queda convenido.

when to meet and how long to continue in session.

ARTICULO V.

El Gobierno del Paraguay por la presente se obliga á abonar al Gobierno de los Estados Unidos de America en la Asuncion del Paraguay, dentro de treinta dias de presentarse al Gobierno de la Republica la letra que el de los Estados Unidos de America llegue á girar sobre la suma que los Comisionados de acuerdo, ó por un tercero en discordia, le declarasen responsable á dicha Compañia.

Paraguay to pay any award of commissioners in favor of said company.

ARTICLE VI.

Each party to pay its own commissioner; both to pay the umpire.

Each of the high contracting parties shall compensate the commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an umpire, the amount of his remuneration shall be equally borne by both contracting parties.

ARTICLE VII.

Convention when to be ratified.

The present Convention shall be ratified within fifteen months, or earlier if possible, by the government of the United States of America and by the President of the Republic of Paraguay within twelve days from this date. The exchange of ratifications shall take place in the city of Washington.

Signatures, Feb. 4, 1859.

In faith of which, and in virtue of our full powers, we have signed the present Convention in English and Spanish, and have thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the independence of the United States of America, and the forty-seventh of that of Paraguay.

JAMES B. BOWLIN, [SEAL.]
NICOLAS VASQUEZ. [SEAL.]

Exchange of ratifications, March 7, 1860.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the seventh instant, by Lewis Cass, Secretary of State of the United States, and Señor Don José Berges, Special Commissioner of the Republic of Paraguay, on the part of their respective governments:

Proclamation, March 12, 1860.

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 twelfth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty, and of the independence of the United States of America the eighty-fourth.

By the President:

LEW. CASS, *Secretary of State.*

ARTICULO VI.

Cada una de las altas partes contratantes, compensará al Comisionado que llegue á nombrar con la suma de dinero que pediere por sus servicios sea á plazos convenidos ó en conclusion de sus tareas. En caso de nombrarse un tercero en discordia le pagarán por mitad sus honorarios ambas partes contratantes.

ARTICULO VII.

La presente Convencion será ratificada dentro de doce dias por Su Excelencia el Señor Presidente de la Republica del Paraguay, y por el Gobierno de los Estados Unidos de America dentro de quince meses de esta fecha, ó antes si fuere posible. El cambio de las ratificaciones, tendrá lugar en la ciudad de Washington.

En fé de lo cual, y en virtud de nuestros plenos poderes, hemos firmado la presente Convencion en Español y en Ingles, y la hemos sellado con nuestros respectivos sellos.

Fecho en la Asuncion el dia cuatro de Febrero en el año de Nuestro Señor de mil ochientos [ochocientos] cincuenta y nueve, el cuadragésimo setimo de la Independencia Nacional del Paraguay y el octagesimo tercio de la de los Estados Unidos de America.

[SEAL.] NICOLAS VASQUEZ,
[SEAL.] JAMES B. BOWLIN.

JAMES BUCHANAN.

Treaty of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Paraguay. Concluded at Asuncion, February 4, 1859. Ratified by the President of the United States, March 7, 1860. Exchanged at Washington, March 7, 1860. Proclaimed by the President of the United States, March 12, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

February 4, 1859.

Preamble.

WHEREAS a Treaty of Friendship, Commerce, and Navigation, between the United States of America and the Republic of Paraguay, was concluded and signed by their respective plenipotentiaries at Asuncion on the fourth day of February, one thousand eight hundred and fifty-nine, the original of which Treaty being in the English and Spanish languages, is, word for word, as follows:

A treaty of friendship, commerce, and navigation between the governments of the United States of America and of the Republic of Paraguay, concluded and signed in the city of Assumption, the capital of the Republic of Paraguay, on the fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine; the eighty-third year of the Independence of the United States of America, and the forty-seventh of that of the Republic of Paraguay.

In the name of the Most Holy Trinity! The governments of the two Republics, the United States of America and of Paraguay, in South America, being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "treaty of friendship, commerce, and navigation," for that object have nominated their respective plenipotentiaries, that is to say: His Excellency the President of the United States of America has nominated James B. Bowlin a special Commissioner of the United States of America at Assumption, and his Excellency the President of the Republic of Paraguay has nominated the Paraguayan citizen, Nicolas Vasquez, Secretary

Tratado de Amistad, Comercio y Navegacion entre los Gobiernos de la Republica del Paraguay y de los Estados Unidos de America, concluido y firmado en la ciudad de la Asuncion, Capital de la Republica del Paraguay el dia cuatro de Febrero en el año de Nuestro Señor de mil ochocientos cincuenta y nueve el cuadragésimo sétimo de la Independencia Nacional del Paraguay y el octogésimo tercero de la de los Estados Unidos de America.

En el nombre de la Santísima Trinidad. Los Gobiernos de las dos Republicas del Paraguay en la America del Sur, y de los Estados Unidos de America, siendo mutuamente dispuestos á fomentar mas intimas relaciones y comunicaciones que las que han existido hasta ahora, entre las mismas, y creyendolo de utilidad mutua de ajustar las condiciones de tales relaciones firmando un "Tratado de Amistad, Comercio y Navegacion," para este objeto han nombrado á sus respectivos Plenipotenciarios, á saber:

Su Excelencia el Presidente de la Republica del Paraguay ha nombrado al Ciudadano Paraguayo Nicolas Vasquez, Ministro Secretario de Estado y de Relaciones Exteriores de la Republica del Paraguay;

Y Su Excelencia el Presidente de los Estados Unidos de America ha nombrado al Señor James B.

Contracting parties.

Negotiators.

of State and Minister of Foreign Relations of the Republic of Paraguay; who, after having communicated competent authorities, have agreed upon and concluded the following articles:

ARTICLE I.

Amity, &c.

There shall be perfect peace and sincere friendship between the government of the United States of America and the government of the Republic of Paraguay, and between the citizens of both States, and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

Free Navigation of the Paraguay conceded, &c.

The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the river Paraguay as far as the dominions of the empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the supreme government of the Republic, in conformity with its concessions to the commerce of friendly nations. They shall be at liberty, with their ships and cargoes, freely and securely to come to and to leave all the places and ports which are already mentioned; to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures, and merchandise of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part of their cargoes at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part of their cargo to the port of Assumption, according as the captain, owner, or other duly authorized person shall deem expedient.

Privileges to citizens of the United States, in Paraguay.

Bowlin, Comisionado Especial del Exmo. Gobierno de los Estados Unidos de America en la Asuncion;

Quienes, despues de haberse comunicado competentes autorizaciones han convenido y concluido los articulos siguientes:

ARTICULO I.

Habr  perfecta paz y sincera amistad entre el Gobierno de la Republica del Paraguay y el Gobierno de los Estados Unidos de America, y entre los ciudadanos de uno y otro Estado, sin excepcion de personas ni de lugares. Las altas partes contratantes aplicarán toda su atencion para que esta amistad y buena inteligencia sean mantenidas constante y perpetuamente.

ARTICULO II.

La Republica del Paraguay, en el ejercicio del derecho soberano que le pertenece, concede al Pabellon mercantil de los ciudadanos de los Estados Unidos de America la libre navegacion del Rio Paraguay, hasta los dominios del Imperio del Brazil; y la derecha del Paran  en todo el curso que pertenece   la Republica, con sujecion   los reglamentos policiales y fiscales del Gobierno Supremo de la Republica, conforme tiene concedido al comercio de las naciones amigas. Pueden llegar y salir, libre y seguramente, con sus buques y cargamentos   todos los lugares y puertos que van espresados; permanecer y habitar en cualquier parte de dichos territorios; alquilar casas y almacenes y traficar en toda clase de productos, manufacturas y mercanc as de legitimo comercio, sujetandose   los usos y costumbres establecidos en el pais. Pueden descargar todo   parte de sus cargamentos en los puertos del Pilar y adonde se permita el comercio con otras naciones,   seguir con el todo   parte de la carga hasta el puerto de la Asuncion, segun el capit n, due o   otra persona debidamente autorizado, juzgare conveniente.

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels, or vessels of the United States of America.

ARTICLE III.

The two high contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the citizens or subjects of any other State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE IV.

No other or higher duties shall be imposed on the importation or exportation of any article of the growth, produce or manufacture of the two contracting States than are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country. No prohibition shall be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation of similar articles to the territories of any other nation.

ARTICLE V.

No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of the territories of the Republic of Para-

De la misma manera serán tratados y considerados los ciudadanos Paraguayos que llegaren á arribar á los puertos de los Estados Unidos de America con cargamentos, en buques Paraguayos ó buques de los Estados Unidos de America.

to citizens of Paraguay in the United States.

ARTICULO III.

Las dos altas partes contratantes convienen que cualquier favor, privilegio ó inmunidad en lo relativo al comercio, ó á la navegacion, que cualquiera de las dos partes contratantes actualmente ha concedido ó concediere en lo futuro á los ciudadanos o subditos de cualquier otro Estado se estenderá en identidad de casos y circunstancias, á los ciudadanos de la otra parte contratante gratuitamente, si la concesion en favor de aquel otro Estado hubiere sido gratuita, ó en cambio de una compensacion equivalente, si la concesion hubiere sido condicional.

Privileges of most favored nation.

ARTICULO IV.

No se impondrán otros ó mas altos derechos á la importacion ni á la esportacion de cualquier articulo del producto natural, producciones ó manufacturas de los dos Estados contratantes, que los que se pagan ó pagaren por semejante articulo, siendo producto natural, producciones ó manufacturas de cualquier otro pais extranjero. No se impondrá prohibicion alguna á la importacion, ni á la esportacion de cualquier articulo del producto natural, producciones ó manufacturas de los territorios de cualquiera de las dos partes contratantes en los territorios de la otra, que no se estenderá igualmente á la importacion y á la esportacion de semejantes articulos para los territorios de cualquiera otra nacion.

No other or higher duties, &c.

or prohibition, &c.

ARTICULO V.

No se impondrán en ninguno de los puertos de los territorios de los Estados Unidos de America á buques Paraguayos por razon de derechos de tonelaje, fanal ó puertos, de pilotaje, de derecho de salvamento en casos de averia, ó naufragio

Same subject.

guay on vessels of the United States of America than those payable in the same ports by Paraguayan vessels, nor in the ports of the territories of the United States of America on Paraguayan vessels than shall be payable in the same ports by vessels of the United States of America.

ARTICLE VI.

Same duties on same article if imported in vessels of United States or Paraguay. The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or exportation be made in vessels of the United States of America or in Paraguayan vessels.

ARTICLE VII.

What to be deemed vessels of U. S. and what Paraguayan. All vessels which, according to the laws of the United States of America, are to be deemed vessels of the United States of America, and all vessels which, according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this treaty, be deemed vessels of the United States of America and Paraguayan vessels, respectively.

ARTICLE VIII.

Import and export duties the same for citizens of U. S. and of Paraguay. Citizens of the United States of America shall pay, in territories of the Republic of Paraguay, the same import and export duties which are established or may be established hereafter for Paraguayan citizens. In the same manner the latter shall pay, in the United States of America, the duties which are established or may hereafter be established for citizens of the United States of America.

ARTICLE IX.

Privileges of merchants, citizens, &c., of each country in the territory of the other. All merchants, commanders of ships, and others, the citizens of each country, respectively, shall have full liberty, in all the territo-

ó cualesquiera otras cargas locales, otras ni mas altos derechos ó impuestos, que los que se pagan en los mismos puertos por buques de los Estados Unidos de America; ni en los puertos de los territorios de la Republica del Paraguay á buques de los Estados Unidos de America que los que se pagaren en los mismos puertos por buques Paraguayos.

ARTICULO VI.

Se pagarán los mismos derechos de importacion y esportacion por cualquier articulo que se puede, ó se pudiere importar ó esportar legalmente en los dominios del Paraguay y en los de los Estados Unidos de America, bien sea tal importacion ó esportacion en buques Paraguayos ó en buques de los Estados Unidos de America.

ARTICULO VII.

Todos los buques, que segun las leyes del Paraguay, se han de considerar como buques Paraguayos, y todos los buques que segun las leyes de los Estados Unidos de America se han de considerar como buques de los Estados Unidos de America se considerarán para los fines de este Tratado, como buques Paraguayos y buques de los Estados Unidos de America, respectivamente.

ARTICULO VIII.

Los ciudadanos Paraguayos pagarán en los territorios de los Estados Unidos de America los mismos derechos de importacion y esportacion establecidos ó á establecer para los ciudadanos de los Estados Unidos de America. Asi mismo estos pagarán en la Republica del Paraguay los derechos establecidos ó á establecer para los ciudadanos Paraguayos.

ARTICULO IX.

Todos los negociantes, comandantes de buques, y otros ciudadanos de cada pais respectivamente, tendrán completa libertad en todos

ries of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as agent, broker, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to employ any higher salary or remuneration than such as is paid in like cases by natives.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America, shall enjoy the same full liberty which is now or may hereafter be enjoyed by natives of each country, respectively, to buy from and sell to whom they like all articles of lawful commerce, and to fix the prices thereof as they shall see good, without being affected by any monopoly, contract or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

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

ARTICLE X.

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, or testament, or in any other manner whatsoever, as also

los territorios del otro, para manejar sus propios negocios por si mismos, ó para encargar su manejo á quien mejor les parezca, como agente, corredor, factor ó interprete; y no se les obligará á emplear ningunas otras personas que los empleados por los nativos, ni á pagar á las personas que tendrán á bien emplear mas sueldo ó remuneracion, que lo que se paga en semejantes casos por los nativos.

Los ciudadanos del Paraguay en los territorios de los Estados Unidos de America, y los ciudadanos de los Estados Unidos de America en el Paraguay, gozarán de la misma completa libertad de que se goce ahora ó se gozare en lo futuro por los nativos de cada pais respectivamente, para comprar de cualesquiera, como mejor les parezca, y venderles, todos los articulos de legitimo comercio, y para fijar sus precios, segun lo juzgaren conveniente, sin que les perjudique ningun monopolio, contracto ó privilegio exclusivo de venta ó compra, sujetos, sin embargo, á las contribuciones ó impuestos generales y ordinarios, establecidos por la ley.

Los ciudadanos de cualquiera de las dos partes contratantes en los territorios de la otra, gozarán de completa y perfecta proteccion en sus personas y propiedades, y tendrán libre y fácil acceso á los Tribunales de Justicia para la prosecucion y defensa de sus justos derechos; gozarán en este respecto de los mismos derechos y privilegios que los ciudadanos nativos, y tendrán la libertad de emplear, en todas sus causas, los abogados, procuradores ó agentes de cualquier clase que tengan á bien.

ARTICULO X.

En todo lo relativo á la policia de los puertos, á la carga ó descarga de los buques, al almacenaje y seguridad de las mercancias, generos y efectos, á la sucesion de los bienes, muebles por testamento ó de otro modo, y al disponer de bienes muebles de toda clase y denominacion, por venta, donacion, permuta ó testamento, ó de cualquier otro modo,

Same subject.

Same subject

with regard to the administration of justice, the citizens of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights as native citizens, and shall not be charged, in any of these respects, with any other or higher imposts or duties than those which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

Provisions in case of the death of a citizen of one country in the territory of the other.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the consul-general, consul, or vice-consul, of the nation to which the deceased may belong, or, in his absence, the representative of such consul-general, consul, or vice-consul shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said consul-general, consul, or vice-consul, or his representative.

ARTICLE XI.

Citizens of each country in the territory of the other, to be exempt from compulsory military service, &c.

The citizen[s] of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled to pay any charges, requisition, or taxes other or higher than those that are or may be paid by native citizens.

ARTICLE XII.

Consuls may be appointed.

It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the territories of the other party; but before *my* [any] consul

asi como tambien respecto á la administracion de la justicia, los ciudadanos de cada parte contratante gozarán en los territorios de la otra, de los mismos privilegios, franquicias y derechos que los ciudadanos nativos; y no se les cargarán respecto á cualquier de estos asuntos, otros ni mas altos impuestos ó derechos que los que se pagan ó se pagaren por ciudadanos nativos; sujetos siempre á las leyes y los reglamentos locales de dichos territorios.

En caso que muriere intestado algun ciudadano de cualquiera de las dos partes contratantes en los territorios de la otra parte contratante, el Consul General, Consul ó Vice Consul de la nacion á que pertenecia el difunto, ó en su ausencia, el Representante de dicho Consul General, Consul ó Vice Consul, se encargará, en cuanto le permitieren las leyes de cada pais, de la propiedad, que el difunto haya dejado, á beneficio de sus legitimos herederos y acreedores, hasta que se nombre un albacea ó administrador, por dicho Consul General, Consul ó Vice Consul, ó su Representante.

ARTICULO XI.

Los ciudadanos de la Republica del Paraguay residentes en los territorios de los Estados Unidos de America y los ciudadanos de los Estados Unidos de America residentes en la Republica del Paraguay, estarán esentos de todo servicio militar, forzoso de cualquier clase, de mar ó de tierra, y de todo prestamo forzoso ó exacciones ó requisiciones militares, y no se les forzará á pagar cualesquiera cargas, requisiciones ó impuestos, otros, ó mas altos que los que se pagan, ó se pagaren por ciudadanos nativos.

ARTICULO XII.

Cada una de las dos partes contratantes tendrá la libertad de nombrar consules para la proteccion del comercio, los cuales residirán en los territorios de la otra parte; pero

shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the two contracting parties may except from the residence of consuls such particular places as either of them may judge fit to be excepted.

The diplomatic agents and consuls of the United States of America in the territories of the Republic of Paraguay shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the diplomatic agents and consuls of any other nation whatever; and, in like manner, the diplomatic agents and consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

ARTICLE XIII.

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they

antes de funcionar un Consul como tal, será aprobado y admitido en la forma acostumbrada por el Gobierno á que está enviado, y cualquiera de las dos partes contratantes puede exceptuar de la residencia de Consules, aquellos lugares especiales que cualquiera de ellos juzgue conveniente que se exceptuen.

Los Agentes Diplomáticos y los Consules de la Republica del Paraguay en los territorios de los Estados Unidos de America gozarán de cualesquiera privilegios, esenciones e inmunities que se conceden ló se concedieren allí á los Agentes Diplomáticos y Consules de cualquiera otra nacion; y del mismo modo, los Agentes Diplomáticos y Consules de los Estados Unidos de America en la Republica del Paraguay, gozarán de cualesquiera privilegios, esenciones e inmunities que se conceden ó se concedieren allí á agentes de cualquiera otra nacion.

Their privileges, &c.

ARTICULO XIII.

Para mayor seguridad del comercio entre los ciudadanos de la Republica del Paraguay y los ciudadanos de los Estados Unidos de America, se conviene que si infelizmente en cualquier tiempo tuviere lugar alguna interrupcion de las relaciones de amistad, ó algun rompimiento entre las dos partes contratantes, los ciudadanos de cualquiera de las mismas partes contratantes que esten establecidos en los territorios de la otra en el ejercicio de algun trafico ú ocupacion especial, tendrán el privilegio de quedarse y seguir dicho trafico ú ocupacion en ellos, sin ninguna clase de interrupcion en el goce absoluto de su libertad y propiedad, mientras se porten pacificamente y no cometan infraccion alguna de las leyes; y sus bienes y efectos de cualquier clase que sean, bien que esten bajo su propria custodia, ó confiados á particulares ó al Estado, no estarán sujetos, á embargo ó secuestro, ni á ningunas otras cargas ó exacciones, que las que puedan hacer á semejantes efectos ó propiedad, pertenecientes á los ciudadanos nativos. Pero si prefieren salir del pais, se les concederá el termino que

Provisions in case of war.

shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting States shall never be confiscated, sequestered, or detained.

pidieren para liquidar sus cuentas y disponer de sus propiedades y se les dará un salvo conducto para que se embarquen en los puertos que ellos mismos eligieren. Consiguientemente, en el caso indicado de una desinteligencia, los fondos publicos de los Estados contratantes nunca serán confiscados, secuestrados, ó detenidos.

ARTICLE XIV.

ARTICULO XIV.

Citizens of either country in the territory of the other to be protected, &c. The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the government in as full and ample a manner as native citizens.

Los ciudadanos de cualquiera de las dos partes contratantes residentes en los territorios de la otra, gozarán respecto á sus casas, personas y propiedades, de la proteccion del Gobierno, de un modo tan completo y amplio como si fueren ciudadanos nativos.

To enjoy religious liberty. In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

De igual modo, los ciudadanos de cada parte contratante, gozarán en los territorios de la otra de una completa libertad de conciencia, y no serán molestados por motivo de su creencia religiosa; y los de esos ciudadanos que murieren en los territorios de la otra parte, serán enterrados en los cementerios publicos, ó en los lugares señalados para ese objeto, con debido decoro y respeto.

Rights of burial The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of consuls or vice-consuls of the United States of America, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

Los ciudadanos de los Estados Unidos de America residentes en los territorios de la Republica del Paraguay, tendrán la libertad de ejercer privadamente y en sus propias casas, ó en las casas ú oficinas de los Consules ó Vice Consules de los Estados Unidos de America los ritos, oficios y culto de su religion, y de reunirse en ellas con este objeto sin ser impedidos ó molestados.

of worship. The present treaty shall be in force during ten years, counted from the day of the exchange of the ratifications; and, further, until the end of twelve months after the government of the United States of America on the one part, or the government of Paraguay on the other, shall have given notice of its intention to terminate the same.

ARTICLE XV.

ARTICULO XV.

This treaty, how long to be in force. The present treaty shall be in force during ten years, counted from the day of the exchange of the ratifications; and, further, until the end of twelve months after the government of the United States of America on the one part, or the government of Paraguay on the other, shall have given notice of its intention to terminate the same.

El presente Tratado será valedero durante diez años, á contar desde el dia del canje de las ratificaciones, y ademas hasta el fin de doce meses despues que el Gobierno Paraguayo de una parte, ó el Gobierno de los Estados Unidos de America de la otra, diere noticia de su intencion de hacer cesar este Tratado.

Notice on the part of Paraguay, where may be given. The Paraguayan government shall be at liberty to address to the government of the United States

El Gobierno Paraguayo podrá dirigir al Gobierno de los Estados Unidos de America, ó á su repre-

of America, or to its representative in the Republic of Paraguay, the official declaration agreed upon in this article.

sentante en la Republica del Paraguay, la declaracion oficial acordada en este articulo.

ARTICLE XVI.

The present treaty shall be ratified by his Excellency the President of the United States of America within the term of fifteen months, or earlier if possible, and by his Excellency the President of the Republic of Paraguay within twelve days from this date, and the ratifications shall be exchanged in Washington.

In witness whereof, the respective plenipotentiaries have signed it and affixed thereto their seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine.

JAMES B. BOWLIN, [SEAL.]
NICOLAS VASQUEZ. [SEAL.]

ARTICULO XVI.

El presente Tratado será ratificado por Su Excelencia el Presidente de la Republica del Paraguay dentro de doce dias, y por Su Excelencia el Presidente de los Estados Unidos de America dentro del termino de quince meses de esta fecha, ó antes si fuere posible, y las ratificaciones serán cangeadas en Washington.

En testimonio de lo cual, los Plenipotenciarios respectivos lo han firmado y sellado con sus sellos.

Hecho en la Asuncion el dia cuatro de Febrero en el año de Nuestro Señor de mil ochocientos cincuenta y nueve.

[LS.] NICOLAS VASQUEZ,
[LS.] JAMES B. BOWLIN.

When to be ratified.

Signatures,
Feb. 4, 1859.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the seventh instant, by Lewis Cass, Secretary of State of the United States, and Señor Don José Berges, Special Commissioner of the Republic of Paraguay, on the part of their respective governments:

Exchange of ratifications,
March 7, 1860.

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.

Proclamation,
March 12, 1860.

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

[SEAL.] Done at the city of Washington, this twelfth day of March, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States of America the eighty-fourth.

JAMES BUCHANAN.

By the President:

LEW. CASS, *Secretary of State.*

TREATIES.

*Treaty between the United States and the Winnebago Tribe of Indians.
Concluded, April 15, 1859. Ratified by the Senate, March 16, 1861.
Proclaimed by the President of the United States, March 23, 1861.*

PROCLAMATION.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

April 15, 1859.

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

WHEREAS a treaty was made and concluded at the city of Washington, the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, commissioner on the part of the United States, and the hereinafter named chiefs and delegates of the Winnebago tribe of Indians, they being duly authorized thereto by said tribe, which treaty is in the words and figures following, to wit :

Preamble.

Articles of agreement and convention made and concluded at Washington City, on the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, commissioner on the part of the United States, and the following-named chiefs and delegates, representing the Winnebago tribe of Indians, viz. : Baptiste Lassalleur, Little Hill, Little De-Corie, Prophet, Wakon, Cono-hutta-kau, Big Bear, Rogue, Young Frenchman, One Horn, Yellow Banks, and O-o-kau, they being thereto duly authorized by said tribe.

Contracting parties.

ARTICLE I. The Winnebago Indians having now more lands than are necessary for their occupancy and use, and being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severalty, to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the eastern portion of their present reservation, embracing townships one hundred and six, (106,) and one hundred and seven, (107,) range twenty-four (24,) and one hundred and six, (106,) and one hundred and seven (107,) range twenty-five, (25,) and the two strips of land immediately adjoining them on the east and north, shall be set apart and retained by them for said purposes ; and that out of the same there shall be assigned to each head of a family not exceeding eighty acres, and to each male person eighteen years of age and upwards, without family, not exceeding forty acres of land, to include, in every case, as far as practicable, a reasonable proportion of timber ; one hundred and sixty acres of said retained lands in a suitable locality shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so assigned, including those for the use of the agency, shall be in as regu-

Eastern portion of reservation to be set apart and assigned in severalty to members of tribe.

Assignments of land.

Whole to be known as the Winnebago reservation.

Whites not to reside thereon.

Division, &c., to be under direction of Secretary of Interior.

Certificates to issue.

Not to be assigned unless, &c.

Certain lands may be sold.

Mode of Sale.

lar and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be owned by the Winnebagoes in common; but in case of increase in the tribe, or other cause, rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment, in severalty, in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty, embraced within the said exterior boundary, shall constitute and be known as the Winnebago reservation, within and over which all laws passed or which may be passed by Congress regulating trade and intercourse with the Indian tribes shall have full force and effect. And no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation, without the written permission of the Superintendent of Indian Affairs, or of the agent for the tribe. Said division and assignment of lands to the Winnebagoes in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned, respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior; and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress. Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations as he may deem necessary and expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and proper.

ARTICLE II. For the purpose of procuring the means of comfortably establishing the Winnebagoes upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion of their reservation not stipulated to be retained and divided, as aforesaid, shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder, for cash; the sales to be made upon sealed proposals to be duly invited by public advertisement. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and improvements. And if, after assigning to all the members of the tribe entitled thereto their proportions of land in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundary line of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and the proceeds thereof to be paid over to the Winnebagoes, or used and applied for their benefit in such manner as he shall deem to be best for them.

ARTICLE III. The Winnebagoes being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their welfare and best interests that they shall be enabled to commence their new mode of life and pursuits free from the annoyance and embarrassment thereof, or which may be occasioned thereby, it is agreed that the same shall be liquidated and paid out of the fund arising from the sale of their surplus lands, so far as found valid and just on an examination thereof, to be made by their agent and the superintendent of Indian affairs for the Northern superintendency, subject to revision and confirmation by the Secretary of the Interior.

Debts of Winnebagoes to be paid out of proceeds of sale.

ARTICLE IV. Should the proceeds of the surplus lands of the Winnebagoes not prove to be sufficient to carry out the purposes and stipulations of this agreement, and some further aid be, from time to time, requisite, to enable said Indians to sustain themselves successfully in agricultural and other industrial pursuits, such additional means as may be necessary therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties; and so much thereof as may be required to furnish them further aid, as aforesaid, shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to promote and advance their improvement and welfare; and, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Winnebagoes in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interests.

Provision in case proceeds of sale are insufficient to pay debts.

ARTICLE V. The Winnebagoes, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their permanent settlement and their improvement and civilization, and to that end, to induce all that are now separated from, to rejoin and unite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages, and to induce them to come in and unite with their brethren; and, to enable them to do so and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for those purposes: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this agreement shall not be entitled to the benefit of any of its stipulations.

All members of tribe to be notified of this agreement.

Provi

ARTICLE VI. All the expenses connected with, and incident to, the making of this agreement, and the carrying out of its provisions, shall be defrayed out of the funds of the Winnebagoes.

Expenses to be paid from funds of Winnebagoes.

In testimony whereof, the said Charles E. Mix, commissioner as aforesaid, and the said chiefs and delegates of the Winnebago tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Signature.

CHARLES E. MIX, Commissioner,		[L. S.]
BAPTISTE LASSALLEUR,	his x mark.	[L. S.]
LITTLE HILL,	his x mark.	[L. S.]
LITTLE DE-CORRIE,	his x mark.	[L. S.]
PROPHET, (being sick, by his representative, Big Bear,)		
	his x mark.	[L. S.]
WAKON,	his x mark.	[L. S.]
CONO-HUTTA-KAU,	his x mark.	[L. S.]
BIG BEAR,	his x mark.	[L. S.]

ROGUE,	his x mark.	[L. s.]
YOUNG FRENCHMAN,	his x mark.	[L. s.]
ONE HORN,	his x mark.	[L. s.]
YELLOW BANKS,	his x mark.	[L. s.]
O-O-KAU,	his x mark.	[L. s.]

In presence of—

W. J. CULLEN, *Superintendent Indian Affairs.*

CHARLES H. MIX, *United States Indian Agent for the Winnebagoes.*

PETER MANAIZE, *United States Interpreter.*

JOHN DOWLING.

S. B. LOURY, *Interpreter.*

D. CRAWFORD.

JOSEPH R. BROWN, *Sioux Agent.*

GEORGE H. HOLTZMAN.

GEORGE L. OTIS.

GEORGE CULVER.

NATHAN MYRICK.

HARRY H. YOUNG.

HENRY FOSTER.

ASA WHITE.

Ratification,
March 16, 1861.

And, whereas, the said treaty, having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the sixteenth day of March, eighteen hundred and sixty-one, advise and consent to the ratification of the same, in the words and figures following, to wit:

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, March 16, 1861.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington City on the 15th day of April, 1859, between the United States and certain chiefs and delegates representing the Winnebago tribe of Indians.

“Attest:

ASBURY DICKINS, *Secretary.*”

Pro. and
March 1861.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 March, one thousand eight hundred and sixty-one, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this twenty-third day of March, in the year of our Lord one thousand eight hundred [L. s.] and sixty-one, and of the independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States and the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians. Concluded July 16, 1859. Ratified by the Senate, April 19, 1860. Proclaimed by the President of the United States, July 9, 1860.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: July 16, 1859.

WHEREAS a treaty was made and concluded at the Sac and Fox Agency on the sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and certain delegates hereinafter named representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the Sac and Fox agency, on this sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and the following-named delegates representing the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, they being duly authorized thereto by said Indians, viz: Esh-ton-quit, or Francis McCoonse, Edward McCoonse, William Turner, Antwine Gokey, Henry Donohoe, Ignatius Caleb, and John Williams. Contracting parties.

Whereas the Swan Creek and Black River band of Chippewas, of Kansas Territory, who were parties to the treaty of May 9, 1836, claim to be entitled to participate in the beneficial provisions of the subsequent treaty of August 2, 1855, under a misapprehension of the terms and conditions of said instrument, the provisions of which were only designed to embrace the Chippewas of Saginaw and that portion of the Chippewas of Swan Creek and Black River who were then residing in Michigan; and whereas a reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, was set apart in Kansas Territory for the use of the Swan Creek and Black River band of Chippewas, in consideration of the cession and relinquishment of certain lands in the State of Michigan which were reserved for said band of Indians by the 6th article of the treaty of November 17, 1807; and in view of the fact that a part of the aforesaid band, who now reside in the Territory of Kansas, have not received their full proportion of the benefits designed to have been conferred upon them by the provisions of the second article of the treaty of May 9, 1836, it is understood to be the intention of the United States, in the execution of these articles of agreement and convention, to manifest their liberality and disposition to encourage said Indians in agricultural pursuits, and, with a view to remove from their minds all erroneous impressions respecting the non-fulfilment of the stipulations of former treaties, a liberal provision will be made for their benefit as hereinafter expressed. It is further understood to be the intention of this instrument to unite the Munsee or Christian Indians with the aforesaid band of Chippewas, in order to provide them with a suitable and permanent home, as contemplated by the act of Congress entitled "An act to confirm the sale Vol. vii. p. 503.
Vol. xi. p. 633.
Vol. vii. p. 106.
Intention of this treaty.

1858, ch. 122.
Vol. xi. p. 312.

Former reservation to enure to benefit of that part of band now residing thereon, and be surveyed.

Munsees and Swan Creek, &c. Chippewas united.

Portions of land to be assigned in severalty.

Manual labor school, &c.

Lands held in common.

Amount of lands in reservation.

Laws thereon.

Whites not permitted, &c.

Division and assignment, how made.

Certificates.

of the reservation held by the Christian Indians, and to provide a permanent home for said Indians," approved June 8, 1858.

ARTICLE I. The United States agree that the reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, in Franklin county, Kansas Territory, set apart for the entire band of Swan Creek and Black River Chippewas, shall inure to the benefit of that portion of said band now residing thereon, and the United States shall cause said reservation to be surveyed into sections, half, quarter, and quarter quarter sections, in harmony with the public land system. For the purpose of securing a permanent home thereon for the band of Munsee or Christian Indians who have expressed a desire to unite with said band of Chippewas, it is agreed between the contracting parties to this instrument that the aforesaid bands of Indians are hereby united for their mutual advantage as herein indicated. And within said reservation there shall be assigned, in severalty, to the members of said united bands, not exceeding forty acres of land to each head of a family, and not exceeding forty acres to each child or other member of said family; forty acres to each orphan child, and eighty acres to each unmarried person of the age of twenty-one years and upwards, not connected with any family, to include in each case, so far as practicable, a reasonable proportion of timber; and the selections shall be so made as to respect the present improvements of the aforesaid Chippewas, so far as the same can be done consistently with the rights of the Christian Indians, and when it is found expedient to select lands for one Indian, embracing part of the improvements made by another, then, in such case, a reasonable compensation shall be made for such improvements by the Indian to whom they may be assigned by the party entitled to the same, to be determined by the Secretary of the Interior, upon an investigation of the facts in the case. At a suitable point within said reservation there shall be set apart for the establishment of a manual labor school and educational and missionary purposes a quarter section of land, or one hundred and sixty acres, and the land so set apart, together with the tracts which may be assigned to the members of said united bands, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and also any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be held by said united bands in common, but in case of increase in the bands of said Indians, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in severalty, in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty embraced within said exterior boundary to include in the aggregate not exceeding seven sections, or four thousand eight hundred and eighty acres of land, shall constitute and be known as the Chippewa and Christian Indian reservation, within and over which all laws passed or which may be passed by Congress, regulating trade and intercourse with the Indian tribes, shall have full force and effect. And no white person, except such as may be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the Superintendent of Indian Affairs, or agent, or other person who may be intrusted with the management and control thereof. The aforesaid division and assignment of lands to the Indians shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts

shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to the members of said bands of Indians, under such rules and regulations as may be prescribed by the Secretary of the Interior; and said lands shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress. Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and expedient.

ARTICLE II. After all the selections and assignments hereinbefore specified shall have been made and approved, the residue of the land in the tract set apart for the use of the Swan Creek and Black River Chippewas, under the provisions of the fourth article of the treaty of May 9th, eighteen hundred and thirty-six, which may not be embraced by the exterior boundary of the reduced reservation, shall be appraised at a reasonable value, and the same shall be sold at public auction to the highest bidder, but no bid shall be received for a sum less than the appraised value, and the proceeds of sale, after deducting therefrom the expenses incident thereto, shall be regarded as belonging to the aforesaid band of Chippewas. The said band of Indians shall be allowed the sum of three thousand dollars out of the funds of the Christian Indians, as a consideration for the tracts of land which shall be assigned to the members of said band of Indians, and also the sum of six thousand dollars, (to be taken from the Treasury of the United States,) in full satisfaction of all claims and demands, legal, equitable, or otherwise, which the aforesaid band of Chippewas may have against the United States under the stipulations and provisions of former treaties, and these sums of money, together with the proceeds of the sales of the lands before mentioned, shall be invested in the manner hereinafter provided. And to enable the Secretary of the Interior to liquidate the allowance of the aforesaid sum of six thousand dollars, he is authorized, at his discretion, to dispose of the stock of the State of Missouri, purchased from avails of land sold under the treaty of eighteen hundred and thirty-six, and such a sum from interest accruing thereon, and of any balance of annuities now in the treasury of the United States, resulting from other treaties with said Indians.

ARTICLE III. For the purpose of comfortably establishing the Christian Indians upon the lands which shall be assigned to them in severalty, by building them houses, and furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, there shall be expended, under the direction of the Secretary of the Interior, (out of the aggregate sum of forty-three thousand four hundred dollars deposited in the Treasury of the United States by A. J. Isacks, to the credit of said Secretary for the use of the Christian Indians,) a sum not exceeding twenty-three thousand dollars, and the balance of the aforesaid aggregate sum shall be mingled with the funds of the aforesaid band of Chippewas, and the moneys so mingled together shall constitute a joint fund, subject to the direction and control of the Secretary of the Interior. Two thousand dollars thereof shall be expended for the benefit of said united bands of Indians, in providing them with a school-house, church building, and blacksmith shop, and necessary fixtures, and the residue of said joint fund, after deducting therefrom all the expenses incident to the negotiation of this treaty, the survey and assignment of the lands, the concentration of the Indians thereon, and all other necessary expenses, shall be invested in safe and profitable stocks, yielding an interest of not less than five per centum

Residue of land to be sold.

Vol. vii. p. 106.

Allowance of money; how to be raised.

Appropriation for stock, agricultural implements, &c.

School-house and shops.

per annum; and said interest, as it becomes due, shall be applied, under the direction of the Secretary of the Interior, from time to time, for educational purposes, for the support of a blacksmith shop, and such other beneficial objects as he may adjudge to be necessary and expedient for the general prosperity and advancement of the aforesaid bands of Indians in the arts of civilized life.

Relinquishment
of claims by the
Indians.

ARTICLE IV. In consideration of the provisions contained in the several articles of this treaty, the aforesaid band of Swan Creek and Black River Chippewas hereby relinquish all claims and demands which they may have against the United States, under the stipulations of the treaty of November 17, 1807, and the treaty of May 9, 1836; and they hereby abandon and renounce any and all claims to participate in the provisions of the subsequent treaty of August 2, 1855, and they receive the stipulations and provisions contained in these articles of agreement and convention, in full satisfaction of the terms and conditions of all former treaties, and release the United States from the payment of all claims of every character whatsoever.

Right of way.

ARTICLE V. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of said Indians, shall have right of way on the payment of just compensation therefor in money.

When this
treaty takes
effect.

ARTICLE VI. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

Signature.

In testimony whereof, the said David Crawford, commissioner as aforesaid, and the undersigned delegates of the united bands of Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

DAVID CRAWFORD, <i>United States Commissioner.</i>	[L. S.]
ESH-TON-QUIT, or FRANCIS McCOONSE his x mark.	[L. S.]
EDWARD McCOONSE, his x mark.	[L. S.]
WILLIAM TURNER,	[L. S.]
ANTWINE GOKEY, his x mark.	[L. S.]
HENRY DONOHUE,	[L. S.]
IGNATIUS CALEB, his x mark.	[L. S.]
JOHN WILLIAMS.	[L. S.]

Signed and sealed in the presence of —

HUGH S. WALSH, *Secretary of Kansas Territory.*

PERRY FULLER, *U. S. Agent.*

CYRUS F. CURRIER.

THOS. J. CONNOLLY, *U. S. Interpreter.*

Ratification
April 19, 1860.

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 nineteenth day of April, one thousand eight hundred and sixty, 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 19, 1860.

“Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Sac and Fox Agency, on the 15th day of July, 1859, by David Crawford, commissioner on the part of

TREATY WITH THE SWAN CREEK, &c. INDIANS. JULY 16, 1859. 1109

the United States, and certain delegates representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians.

" Attest :

ASBURY DICKINS."

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 its resolution of the nineteenth day of April, eighteen hundred and sixty, accept, ratify, and confirm said treaty.

Proclaimed
April 19, 1860.

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

Done at the city of Washington, this ninth day of July, in the year of our Lord one thousand eight hundred and sixty, and of the

[SEAL.] Independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President :

WM. HENRY TRESCOT, *Acting Secretary of State.*

TREATY WITH THE KANSAS TRIBE OF INDIANS. Oct. 5. 1859. 1111

Treaty between the United States of America and the Kansas Tribe of Indians. Concluded, October 5, 1859. Ratified by the Senate, June 27, 1860. Proclaimed by the President of the United States, November 17, 1860.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 5, 1859.

WHEREAS a treaty was made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, commissioner on part of the United States, and the hereinafter named chiefs and headmen representing the Kansas tribe of Indians, being duly authorized by said tribe, which treaty is in the words and figures following, to wit :

Articles of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, commissioner on the part of the United States, and the following named chiefs and headmen representing the Kansas tribe of Indians, to wit: Ke-hi-ga-wah Chuffe, Ish-tal-a-sa, Ne-hoo-ja-in-gah, Ki-hi-ga-wat-te-in-gah, Ki-he-gah-cha, Al-li-ca-wah-ho, Pah-hous-ga-tun-gah, Ke-hah-lah-la-hu, Ki-ha-gah-chu, Ee-le-sun-gah, Wah-pah-jah, Ko-sah-mun-gee, Oo-ga-shama, Wah-Shumga, Wah-ti-inga, Wah-e-la-ga, Pa-ha-ne-ga-la, Pa-ta-go, Cahulle, Ma-she-tum, Wa-no-ba-ga-ha, She-ga-wa-sa, Ma-his-pa-wa-cha, Ma-shon-o-pusha, Ja-ha-sha-watanga, Ki-he-ga-tussa, and Ka-la-sha-wat-lumga, they being thereto duly authorized by said tribe.

Contracting parties.

ARTICLE I. The Kansas Indians having now more lands than are necessary for their occupation and use, and being desirous of promoting settled habits of industry amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the members of their tribe, owning an interest in their present reservation, to be cultivated and improved for their individual use and benefit, it is agreed and stipulated that that portion of their reservation commencing at the southwest corner of said reservation, thence north with the west boundary nine miles, thence east fourteen miles, thence south nine miles, thence west with the south boundary fourteen miles to the place of beginning, shall be set apart and retained by them for said purposes, and that out of the same there shall be assigned to each head of a family not exceeding forty acres, and to each member thereof not exceeding forty acres, and to each single male person of the age of twenty-one years and upwards not exceeding forty acres of land, to include in every case, as far as practicable, a reasonable proportion of timber. One hundred and sixty acres of said retained lands, in a suitable locality, shall also be set apart and appropriated to the occupancy and use of the agency of said Indians, and one hundred and sixty acres of said lands shall also be reserved for the establishment of a school for the education of the youth of the tribe.

Portion of reservation to be set apart and assigned in severalty to members of tribe.

Boundaries.

Assignments.

Indian agency and schools.

ARTICLE II. The lands to be so assigned, including those for the use of the agency, and those reserved for school purposes, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any

Land assigned to be in compact form, &c.

To be called
the Kansas Res-
ervation.

Whites not to
reside thereon.

Assignment,
&c., to be under
direction of Sec-
retary of Interior.
Certificates to
issue.

Lands not to be
alienated, &c.

Secretary of
Interior to make
rules and regula-
tions.

Certain lands
may be sold.

Mode of sale.
See amend-
ment, *post*, p. 174.

Proceeds, how
expended.

Debts to be
paid from pro-
ceeds of sales.

intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be owned by the Kansas tribe of Indians in common, but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty, embraced within the said exterior boundary, shall constitute and be known as the Kansas Reservation, within and over which all laws passed, or which may be passed by Congress, regulating trade and intercourse with the Indian tribes, shall have full force and effect. And no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of Indian Affairs, or of the agent for the tribe.

ARTICLE III. Said division and assignment of lands to the Kansas tribe of Indians in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively and that they are for the exclusive use and benefit of themselves, their heirs and descendants, and said tracts shall not be alienated in fee, leased or otherwise disposed of, except to the United States or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior; and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations, as he may deem necessary and expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and proper.

ARTICLE IV. For the purpose of procuring the means of comfortably establishing the Kansas tribe of Indians upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion not stipulated to be retained and divided as aforesaid shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder for cash, the sale to be made upon sealed proposals to be duly invited by public advertisement, and should any of the tracts so to be sold have upon them improvements of any kind, which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and improvements, and if, after assigning to all the members of the tribe entitled thereto, their proportions in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundary line of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and the proceeds thereof to be expended for their benefit in such manner as the Secretary of the Interior may deem proper.

ARTICLE V. The Kansas tribe of Indians being anxious to relieve themselves from the burden of their *present* liabilities, and it being very essential to their welfare that they shall be enabled to commence their

new mode of life and pursuits free from the annoyance and embarrassment thereof, or which may be occasioned thereby, it is agreed that the same shall be liquidated and paid out of the fund arising from the sale of their surplus lands so far as found valid and just, (if they have the means,) on an examination thereof, to be made by their agent and the Superintendent of Indian Affairs for the central superintendency, subject to revision and confirmation by the Secretary of the Interior.

ARTICLE VI. Should the proceeds of the surplus lands of the Kansas tribe of Indians not prove to be sufficient to carry out the purposes and stipulations of this agreement, and some further aid be necessary, from time to time, to enable said Indians to sustain themselves successfully in agricultural and other industrial pursuits, such additional means may be taken, so far as may be necessary, from the moneys due and belonging to them under the provisions of former treaties, and so much thereof as may be required to furnish further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to promote and advance their improvement and welfare.

Provision in case proceeds of sales are insufficient.

ARTICLE VII. In order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Kansas tribe of Indians in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interest.

President, with assent of Congress, may modify treaties with the Kansas Indians.

ARTICLE VIII. All the expenses connected with and incident to the making of this agreement, and the carrying out its provisions, shall be defrayed out of the funds of the Kansas tribe of Indians.

Expenses to be paid out of funds of Kansas Indians.

ARTICLE IX. The Kansas tribe of Indians being desirous of manifesting their good-will towards the children of their half-breed relatives now residing upon the half-breed tract on the north side of the Kansas River, agree that out of the tract retained by this agreement there shall also be assigned, in severalty, to the eight children of Julia Pappan forty acres each, to the three children of Adel Bellmard, to the four children of Jassette Gouville, to the child of Lewis Pappan, to the four children of Pelagia Obrey, to the child of Acaw Pappan, to the two children of Victoria Pappan, to the two children of Elizabeth Carboneau, to the child of Victoria Williams, to the child of Joseph Butler, to the child of Joseph James, to the two children of Pelagia Pushal, Frank James, and Batest Gouville, forty acres each, but the land so to be assigned under this article shall not be alienated in fee, leased, or otherwise disposed of, except to the United States or to other members of the tribe, under such regulations as may be prescribed by the Secretary of [the] Interior.

Assignment to children of Julia Pappan and others.

Land not to be alienated, &c.

ARTICLE X. It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines pass through the lands of said Indians, shall have right of way on the payment of a just compensation therefor in money.

Right of way for roads.

ARTICLE XI. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and Senate of the United States.

Agreement when to be obligatory.

In testimony whereof the said Alfred B. Greenwood, commissioner as aforesaid, and the said chiefs and headmen of the Kansas tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

Signature.

In presence of (the words *upon the lands* and the word *pursuits*, upon fifth page, interlined before signing) —

MILTON C. DICKNEY, *U. S. Indian Agent*,

JOSEPH JAMES, *U. S. Interpreter*,

JOHN GOODELL,

FRANK LECOMPTE.

ALFRED B. GREENWOOD. [L. S.]

KI-HE-GA-WAH-CHUFFEE,	his x mark	[L. S.]
ISH-TAL-A-SA,	his x mark	[L. S.]
NEE-HOO-JA-IN-GA,	his x mark	[L. S.]
KI-HI-GA-WAT-TE-IN-GA,	his x mark	[L. S.]
KI-HE-GAH-CHA,	his x mark	[L. S.]
AL-LI-CAH-WAH-HO,	his x mark	[L. S.]
PAH-HOUS-GA-TUN-GAH,	his x mark	[L. S.]
KE-HAH-LAH-LA-HU,	his x mark	[L. S.]
EE-HE-SUN-GAH,	his x mark	[L. S.]
KO-SAH-MUNGEE,	his x mark	[L. S.]
WAH-PA-JAH,	his x mark	[L. S.]
OO-GAH-SHA-MA,	his x mark	[L. S.]
WAH-SHUN-GA,	his x mark	[L. S.]
WAH-TI-IN-GA,	his x mark	[L. S.]
SHA-KEP-PAH,	his x mark	[L. S.]
OO-GA-SHA-MA,	his x mark	[L. S.]
WAH-E-LAH-GA,	his x mark	[L. S.]
PA-HA-NE-GA-LI,	his x mark	[L. S.]
PA-TA-GO-HULLE,	his x mark	[L. S.]
MA-SHE-TUM-WA,	his x mark	[L. S.]
NO-BA-GA-HA,	his x mark	[L. S.]
SHE-GA-WA-SA,	his x mark	[L. S.]
MA-HIS-PA-WA-CHA,	his x mark	[L. S.]
MA-SHON-O-PUSHA,	his x mark	[L. S.]
JA-HA-SHA-WATUNGA,	his x mark	[L. S.]
KI-HE-GA-TUSSA,	his x mark	[L. S.]
KA-LA-SHA,	his x mark	[L. S.]

Ratification,
June 27, 1860.

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-seventh day of June, one thousand eight hundred and sixty, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit :

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, June 27, 1860.

“*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen representing the Kansas tribe of Indians, with the following amendment :

Amendment.

“At the end of the fourth article add the following :

Bona fide settlers.

“*Provided*, That all those who had in good faith settled and made improvements upon said reservation prior to the second day of December, eighteen hundred and fifty-six, (that being the day when the survey was certified by the agent of the tribe,) and who would have been entitled to enter their improvements under any general or special pre-emption law, (had their improvements not fallen within the reservation,) such settlers shall be permitted to enter their improvements at the sum of one dollar and seventy-five cents per acre, in cash ; said entries to be made in legal sub-

Ante, p. 172.

divisions and in such quantities as the pre-emption laws under which they may claim entitle them to locate: payments to be made on or before a day to be named by the Secretary of the Interior: *And provided, further,* That all those who had in good faith settled upon that portion of the reservation retained by this treaty for the future homes of the Kansas tribe of Indians, and had made *bonâ fide* improvements thereon prior to the second day of December, eighteen hundred and fifty-six, aforesaid, and who would have been entitled to enter their lands, under the general pre-emption law, at one dollar and twenty-five cents per acre, had their improvements not fallen upon the reservation, such settlers shall be entitled to receive a fair compensation for their improvements, to be ascertained by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior; such compensation to be paid out of the proceeds of the lands sold in trust for said tribe of Indians. All questions growing out of this amendment, and rights claimed in consequence thereof, shall be determined by the Commissioner of Indian Affairs, to be approved by the Secretary of the Interior. And in all cases where licensed traders, or others lawfully there, may have made improvements upon said reservation, the Secretary of the Interior shall have power to adjust the claims of each upon fair and equitable terms, they paying a fair value for the lands awarded to such persons, and shall cause patents to issue in pursuance of such award.

Licensed traders.

"Attest:

ASBURY DICKINS, *Secretary.*"

And whereas the foregoing amendment having been fully interpreted and explained to the aforesaid chiefs and headmen of the Kansas tribe, they did, on the fourth day of October, one thousand eight hundred and sixty, at the Kansas agency, in the Territory of Kansas, agree to and ratify the same, in the words and figures following, to wit:

Amendment
agreed to, Octo-
ber 4, 1860.

Whereas the Senate of the United States, in executive session, did, on the 27th day of June, A. D. 1860, advise and consent to the ratification of the "articles" of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen representing the Kansas tribe of Indians, with the following

Amendment, viz.:

At the end of the fourth article add the following: *Provided,* That all those who had, in good faith, settled and made improvements upon said reservation, prior to the second day of December, eighteen hundred and fifty-six, (that being the day when the survey was certified by the agent of the tribe,) and who would have been entitled to enter their improvements under any general or special pre-emption law, (had their improvements not fallen within the reservation,) such settlers shall be permitted to enter their improvements at the sum of one dollar and seventy-five cents per acre, in cash; said entries to be made in legal subdivisions, and in such quantities as the pre-emption laws under which they may claim entitle them to locate; payments to be made on or before a day to be named by the Secretary of the Interior: *And provided, further,* That all those who had in good faith settled upon that portion of the reservation retained by this treaty for the future homes of the Kansas tribe of Indians, and had made *bonâ fide* improvements thereon prior to the second day of December, eighteen hundred and fifty-six, aforesaid, and who would have been entitled to enter their lands under the general pre-emption law at one dollar and twenty-five cents per acre, had their improvements not fallen upon the reservation, such settlers shall be entitled to receive a fair compensation for their improvements, to be ascertained by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior; such

compensation to be paid out of the proceeds of the lands sold in trust for said tribe of Indians. All questions growing out of this amendment, and rights claimed in consequence thereof, shall be determined by the Commissioner of Indian Affairs, to be approved by the Secretary of the Interior. And in all cases where licensed traders, or others lawfully there, may have made improvements upon said reservation, the Secretary of the Interior shall have power to adjust the claims of each upon fair and equitable terms, they paying a fair value for the lands awarded to such persons, and shall cause patents to issue in pursuance of such award.

We, the undersigned, chiefs and headmen, representing the Kansas tribe of Indians, having heard the foregoing amendment read, and the same having been fully explained to us by our agent, do hereby agree and ratify the same.

Done at Kansas agency this fourth day of October, A. D. 1860.

Signed in the presence of—

M. C. DICKEY, *U. S. Sub-Agent*,
A. B. GREENWOOD, *Commissioner*,
HUGH S. WALSH,
F. S. HUFFAKER, *Interpreter*.

KI-HE-GA-WAH-CHUFFEE,	his x mark.	[L. S.]
ISH-TAL-A-SA,	his x mark.	[L. S.]
NEE-HOO-JA-IN-GA,	his x mark.	[L. S.]
KI-HI-GA-WAT-TE-INGA,	his x mark.	[L. S.]
KI-HE-GAH-CHA,	his x mark.	[L. S.]
AL-LI-CAH-WAH-HO,	his x mark.	[L. S.]
PAH-HOUS-GA-TUN-GAH,	his x mark.	[L. S.]
KE-HAH-LAH-LA-HU,	his x mark.	[L. S.]
EE-HE-SUM-GAH,	his x mark.	[L. S.]
WA-PAH-JAH,	his x mark.	[L. S.]
WAH-TAH-IN-GAH,	his x mark.	[L. S.]
SHAH-KIP-PAH,	his x mark.	[L. S.]
OO-GA-SHA-MA,	his x mark.	[L. S.]
WAH-E-LAH-GA,	his x mark.	[L. S.]
PA-HA-NE-GAH,	his x mark.	[L. S.]
PA-TA-GO-HULLE,	his x mark.	[L. S.]
MA-SHE-TUM-WA,	his x mark.	[L. S.]
NI-HA-GA-HA,	his x mark.	[L. S.]
SHE-GA-WA-SA,	his x mark.	[L. S.]
MA-HIS-PA-WACHA,	his x mark.	[L. S.]
MA-SHON-O-PUSHA,	his x mark.	[L. S.]
CHA-HA-SHA-WATUNGA,	his x mark.	[L. S.]
KI-HE-GA-TUSSA,	his x mark.	[L. S.]
KA-WA-LE-SHA,	his x mark.	[L. S.]
WAH-HUNA-A-SHA,	his x mark.	[L. S.]
WUMA-SUM-FAH,	his x mark.	[L. S.]
LES-U-SHA,	his x mark.	[L. S.]

Proclaimed by
the President
June 7, 1860.

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 twenty-seventh day of June, one thousand eight hundred and sixty, 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 hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of November, in the year of our Lord one thousand eight hundred and sixty, and of the Independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.

Convention between the United States of America and His Majesty the King of the Belgians. Concluded and signed at Washington, December 21, 1859. Ratifications exchanged at Washington, October 19, 1860. Proclaimed by the President of the United States, October 20, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

PROCLAMATION.

WHEREAS a Postal Convention between the United States of America and his Majesty the King of the Belgians was concluded and signed at Washington, by the plenipotentiaries of the parties, on the twenty-first day of December, one thousand eight hundred and fifty-nine, which convention is, word for word, as follows :

Dec. 21, 1859.

POSTAL CONVENTION BETWEEN THE UNITED STATES AND BELGIUM.

Articles agreed upon between the General Post Office of the United States of America, by Joseph Holt, Postmaster General, in virtue of his constitutional powers, and the General Post Office of Belgium, by his Excellency M. Blondeel Van Cuelebroeck, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of the Belgians, and invested with special powers to that effect, for the reciprocal receipt and delivery of letters and packets in closed mails to be conveyed through England, under the fifteenth article of the postal treaty between Belgium and Great Britain of the 14th (28th) August, 1857, as well as by any direct line of steamships which may be established between the United States and Belgium. In pursuance of this object, the following details are hereby agreed upon, viz :

Contracting parties.

ARTICLE I. There shall be a periodical and regular exchange of correspondence between Belgium and the United States of America at the times and by the means of communication and transport which shall be hereafter indicated, as well for letters, samples of merchandise, newspapers and printed matter, originating in the two countries, as for articles of the same nature originating in or intended for countries which shall be enabled to make use of the postal service organized by the present convention.

Exchange of correspondence.

When the senders shall not have indicated any other route in the superscription, correspondence of every kind, either addressed from Belgium to the United States and their Territories, or from the United States and their Territories to Belgium, shall be invariably comprised in the closed mails which the Belgian and United States Post Offices shall exchange in conformity to the second article of the present convention.

Route.

The two above-mentioned offices reserve to themselves, nevertheless, the right to send and receive by such other route as they may think fit, correspondence originating in or destined for countries to which they respectively serve as intermediate points.

ARTICLE II. Until other arrangements shall be made, the correspondence to be exchanged between the Post Offices of the United States and Belgium shall be delivered by each party in closed mails at the proper Post Offices in the United Kingdom of Great Britain and Ireland, to be transported through Great Britain, in conformity with the conven-

Closed mails.

tion of August 14 (28), 1857, concluded between the Post Offices of Belgium and of Great Britain.

Expenses, how to be borne. The Post Office of Belgium shall pay the expenses resulting from the transportation in transit of the said closed mails over the British territory, and across the British channel. The United States Post Office, on its side, shall pay the expenses resulting from the transportation of the said mails across the Atlantic ocean by the United States packets or by those of Great Britain.

The Belgian Post Office engages itself, nevertheless, notwithstanding this last clause, and until a contrary decision is taken by common agreement between that office and that of the United States, to pay the expenses resulting from the transportation across the Atlantic ocean of articles of printed matter, other than newspaper and periodical works, for such of said articles of printed matter as shall be contained in the mails transported by the British packets.

Exchange of mails. ARTICLE III. The exchange of mails despatched from the United States for Belgium, and, *vice versa*, by way of England, shall take place through the following post offices, to wit:

Through what offices, and how often. 1. On the part of the United States through the post offices of New York and Boston.

2. On the part of Belgium through the local office Ostend, travelling office Ostend, and Antwerp.

The exchange offices above designated shall reciprocally make a despatch at least once a week, in coincidence as far as possible with the regular sailing of the Anglo-American steamers, until arrangements shall be made to establish a more frequent communication, or a direct communication, between Belgium and the United States, in conformity with the provisions of articles xxiii., xxiv., xxv., and xxvi., of this convention.

Correspondence sent from one of the two countries to the other via England shall be directed conformably to the table, letter G, attached to the present articles.

Other exchange offices. ARTICLE IV. Independently of the exchange offices mentioned in the preceding article, others may, by mutual agreement, be established upon other points of the coasts of the two countries for which direct communication may hereafter be deemed necessary.

Postage may be prepaid or not. ARTICLE V. Persons who may be desirous of sending ordinary letters, either from Belgium to the United States, or from the United States to Belgium, shall have the option of leaving the entire postage to be paid by the person to whom they are addressed, or of prepaying the same to their destination. But no account shall be taken of any sum less than the whole combined rate, nor of any fractions of the whole rate.

Rate of letters and packets. ARTICLE VI. Each letter or packet weighing not over fifteen grammes, or half an ounce, shall be considered single.

If above fifteen, and not over thirty grammes, (one half ounce to one ounce,) it shall pay double the charge of a single letter.

If above thirty and not over sixty grammes, (one to two ounces,) it shall pay quadruple the charge on a single letter; and so on, adding two rates for every thirty grammes, or one ounce, or fraction of an ounce.

Postage. ARTICLE VII. Letters prepaid, or not prepaid, originating in Belgium, and addressed to the United States, and reciprocally, letters prepaid, or not prepaid, originating in the United States, and destined for Belgium, shall be stamped in both countries with the uniform charge of one franc forty centimes, or twenty-seven cents, per single letter. This charge shall be divided in the following manner:

United States postage.....	5 cents.
Sea postage.....	15 "
British transit postage.....	4 "
Belgian postage.....	3 "

—
27 cents.

It is understood that the whole combined rate thus established shall be reduced in proportion to the reduction which may hereafter be made in either of the rates forming the whole rate, and that, if either rate is entirely dispensed with, it shall not go toward making up any part of the total amount. Any modification of the actual established rate of one franc forty centimes in Belgium, or twenty-seven cents in the United States, must be made by mutual agreement of the two contracting parties.

Provision in case of future reduction of rates.

ARTICLE VIII. Samples of merchandise shall pay letter postage.

Samples of merchandise. Postage how to be reciprocally accounted for.

ARTICLE IX. The postage for which the United States and Belgian Post Offices shall reciprocally account to each other upon letters which shall be exchanged between them in closed mails, shall be established, letter by letter, according to the scale of progression determined by the preceding Article VI.

The Belgian office shall pay to the United States office, for each unpaid letter weighing fifteen grammes, (half an ounce,) or less, originating in the United States and destined for Belgium, as well as for each letter of like weight prepaid in Belgium and destined for the United States, the sum of twenty cents, including fifteen cents for the expenses of transportation across the Atlantic ocean.

On its side, the United States office shall pay to the Belgian office for each unpaid letter weighing half an ounce or less, originating in Belgium and destined for the United States, as well as for each letter of like weight prepaid in the United States and destined for Belgium, the sum of seven cents, including four cents for the expenses of transportation over the British territory and across the British channel.

It is understood that the postage for which the two offices, American and Belgian, shall account to each other, shall always be the exact representation of what shall be really paid.

1. The United States and Belgian inland.
2. The sea postage.
3. The British transit postage and postage across the British channel.

ARTICLE X. Letters originating in countries beyond the United States, destined for Belgium, as well as letters originating in countries availing themselves of the Belgian route, other than in closed mails, and destined for the United States, shall be respectively stamped with the uniform charge stipulated in Article VII. of the present convention, and to which the amount of the foreign charges must be added.

Foreign letters.

Three months after the exchange of the ratifications of the present convention, the two Post Offices shall furnish to each other, reciprocally, lists of the foreign countries for which the prepayment of letters shall be obligatory, or optional, either to their destination or to a determinate point. But until such lists shall be furnished, neither of the two Post Departments shall despatch to the other letters originating in or destined for countries situated beyond their respective territories.

Lists to be furnished.

ARTICLE XI. It is understood that the letters mentioned in the preceding Article X. can be delivered on either side, only by the piece, upon the reimbursement by credit or payment of the allotted part of the international and foreign postage belonging to each office with which such letters are charged.

Same subject.

ARTICLE XII. The United States offices of exchange, in charging the postage due to the Post Office of Belgium, shall uniformly make use of weights having the American ounce for unit, with its division into half-ounces; and the Belgian offices of exchange, in charging the postage due to the United States, shall uniformly make use of weights having the decimal gramme for unit, (thirty grammes being considered equal to one ounce American.)

Scale of weights.

ARTICLE XIII. Newspapers, gazettes, periodical works, books stitched or bound, pamphlets, papers of music, catalogues, prospectuses, advertisements and notices of various kinds printed, engraved, lithographed or autographed, which shall be sent either from Belgium to the United States

Newspapers, pamphlets, &c.

and their Territories, or from the United States and their Territories to Belgium, must on each side be prepaid to their destination. Newspapers and articles of printed matter, which are not prepaid, cannot be forwarded.

Postage on
newspapers, &c.

ARTICLE XIV. The price of prepayment of newspapers, gazettes, and periodical works, shall be levied at the rate of twenty-five centimes in Belgium, or of five cents in the United States, for each package the weight of which shall not exceed ninety grammes (three ounces). Packages weighing more than ninety grammes shall pay an additional rate for each ninety grammes or fraction of ninety grammes. The price of prepayment of stitched or bound books, of pamphlets, of papers of music, of catalogues, of prospectuses, of advertisements and of notices of various kinds, printed, engraved, lithographed, or autographed, shall be levied at the rate of twenty-five centimes in Belgium, or of five cents in the United States, per thirty grammes, (one ounce,) or fraction of thirty grammes.

How to be
divided.

The proceeds of the above-mentioned rates shall be divided between the offices of the two countries, in the proportion of three-fifths, or three cents, to the profit of the Post Office of Belgium, including two cents for expenses of transit through England and across the British channel, and of two-fifths, or two cents, to the profit of the United States Office, including one cent for expenses of transportation across the Atlantic ocean.

Notwithstanding this latter clause, and until a contrary decision is taken by common agreement between the Post Offices of Belgium and of the United States, the division of the product of the postage on articles of printed matter other than newspapers and periodical works, shall take place in the proportions hereinafter indicated, for such of those articles as shall be contained in the mails transported by the British packets, viz :

A. Four-fifths, or four cents, to the profit of the Belgian Post Office, including three cents for expenses of transportation over the British territory, in the British channel, and across the Atlantic ocean.

B. One-fifth, or one cent, to the profit of the United States Post Office for the expenses of transportation over the territory of the United States.

Newspapers and printed matter of every sort sent agreeably to the above mentioned conditions shall be subject to the respective laws and regulations of each country. Those which shall contain characters of any kind traced by the hand shall be subject to the postage of an ordinary letter of the same weight. They shall be sent under a wrapper open at the two sides, and in such a manner that each newspaper, or article of printed matter, may always be separated from its wrapper.

Letter-bill to
accompany each
mail.

Form and
contents.

ARTICLE XV. Each of the mails despatched between the exchange offices of the respective Post Offices shall be accompanied by a letter bill in which these offices shall state, with the classification established by the present convention, the number, the weight, or the postage of the articles which the despatch may contain; and the receiving exchange office shall return by next post an acknowledgment of the receipt thereof. The letter bills and acknowledgments shall be according to the forms annexed marked A and B.*

When blank
letter to be sent.

ARTICLE XVI. If there should be no letters or other mail matter to send at the usual period of making up said closed mails from either of the offices of exchange, a blank letter bill showing that fact shall nevertheless be sent to the corresponding office.

Letter-bills &c.
to serve as
vouchers.

ARTICLE XVII. The letter bills and acknowledgments shall serve for vouchers in the quarterly settlement of the accounts; and in case of difference between these documents, the amount stated in the acknowledgment shall be received in preference to that stated in the letter bill.

Accounts,
when to be
settled.

ARTICLE XVIII. The accounts between the two Departments shall be closed at the expiration of each quarter of the calendar year by quarterly

* The forms referred to in the text as annexed marked A, B, C, D, E, & F, are not printed herewith, because they are of no general service, being merely for the use of the respective post-offices.

statements and accounts prepared by the General Post Office in Washington, according to forms annexed, marked C and D; and having been examined, compared, and settled by the General Post Office in Belgium, the balance shall be paid without delay by that Department which shall be found indebted to the other. If the balance is in favor of Belgium, it shall be paid in Belgium; and if in favor of the United States, it shall be paid over by Belgium at Washington, or to the General Post Office at London to the credit of the United States, as the Postmaster General of the United States shall elect.

ARTICLE XIX. Letters which, from any cause whatever, cannot be delivered, shall be reciprocally returned at the close of each quarter, after the expiration of a proper period to effect their delivery to the person addressed, and for the same amount of postage originally charged by the sending office, which shall be allowed in discharge of the account of the office to which they were sent. These returns of postage are to be claimed in a bill made up agreeably to forms annexed, marked E and F, which is to accompany such dead letters.

Return of undelivered letters &c.

Newspapers which are refused, or which become dead in the Post Offices of either country, are not to be returned.

Dead newspapers not to be returned.

ARTICLE XX. Letters misdirected or missent, or which may require the prepayment of postage, shall be reciprocally returned without delay through the respective offices of exchange, and credit taken in the letter bill for the same, at the weight and postage originally charged upon them. In respect to letters addressed to persons who have changed their residence, whatever may be their origin, they shall be respectively returned charged with the postage which was to have been paid by the person addressed, less the inland postage of the country from which sent.

Missent letters to be returned, &c.

ARTICLE XXI. The evidence of the prepayment of letters shall be in red ink, on the right hand upper corner of the face of the letter, and all letters, without distinction, shall bear the stamp of the mailing office on their face, and that of the receiving office on their back.

Letters paid and unpaid, how marked, &c.

The evidence of prepayment shall be represented thus: Letters originating in the United States and paid to their destination in Belgium shall be stamped with the word "PAID."

Letters originating in Belgium and paid to their destination in the United States shall be stamped "P: D: (paid to destination.)"

Letters of every other origin, despatched from either country by virtue of the stipulations of Article X., and the prepayment of which is rendered obligatory to a certain point within either country, shall be stamped "P. F." (paid to the frontier.)

The manner in which letters, paid or unpaid, are to be sent or received shall be designated by the exchange offices, on each letter, by means of a stamp bearing the words "Am. Packet" or "Br. Packet," accordingly as they are transported by one or the other, in such manner as that the amount of credit to be allowed to the British Post Office for dead letters returned can be shown.

ARTICLE XXII. The exchange offices of the Post Office of Belgium shall state upon their post bills for the London office the number of single rates for letters, as well as of the weight of newspapers and articles of printed matter contained in each of the mails intended for the United States office; and they shall, in like manner, state, in the receipt bills addressed to the said London office, the number of single rates for letters, as well as the weight of newspapers and articles of printed matter, found in the mails from the United States office intended for Belgium.

Post-bills of Belgium for London office.

ARTICLE XXIII. In the event of a direct line or lines of steamships between the United States and Belgium being established, there shall be a direct exchange of mails by such line of steamers between the respective exchange offices of Antwerp on the one side, and New York and Boston on the other side, of the international correspondence between the

Postage in case direct lines of steamships are established.

United States and Belgium, which shall be subject to the following postage charges, viz :

Postage by direct lines.

Postage on each letter or packet not exceeding half an ounce in weight, fifteen cents ; above half an ounce and not over one ounce, thirty cents ; over one ounce and not exceeding two ounces, sixty cents ; and so on, thirty cents being added for each additional ounce or fraction of an ounce. Payment in advance shall be optional in either country. It shall not, however, be permitted to pay less than the whole rate, and no account shall be taken of the prepayment of any fraction of that rate. The newspapers, as well as the articles of printed matter enumerated in Article XIII. of the present convention, may be in like manner sent by the said direct lines, on condition of prepayment to destination.

The price of prepayment of newspapers, gazettes, and periodical works shall be levied at the rate of fifteen centimes in Belgium, and of three cents in the United States, for each package the weight of which shall not exceed ninety grammes (three ounces). Packages weighing more than ninety grammes shall pay an additional rate for each ninety grammes or fraction of ninety grammes.

The price of prepayment of stitched books, of bound books, pamphlets, papers of music, catalogues, prospectuses, advertisements, and notices of various kinds, printed, engraved, lithographed, or autographed, shall be levied at a rate of fifteen centimes in Belgium, and of three cents in the United States, per thirty grammes, (one ounce,) or fraction of thirty grammes.

The proceeds of the above-mentioned postages shall be divided in the proportion of two-thirds, or two cents, to the profit of the country which shall furnish the packets, and one-third, or one cent, to the profit of the other country.

Postage by direct lines, how to be accounted for.

ARTICLE XXIV. The postage for which the United States and Belgian Post Offices shall reciprocally account to each other upon letters which shall be exchanged by the said direct lines of steamers shall be established, letter by letter, according to the scale of progression established by the preceding article, as follows, viz :

The Belgian Office shall pay to the United States for each unpaid letter weighing half an ounce or less, originating in the United States and destined for Belgium, as well as for each letter of like weight prepaid in Belgium and destined for the United States, the sum of five cents (being the United States inland postage) when the Atlantic sea conveyance is performed by a Belgian mail steamer ; and twelve cents (representing the maritime postage and the territorial postage of the United States) when said sea conveyance is performed by a United States mail steamer. On the other hand, the United States shall pay to the Belgian Office for each unpaid letter weighing half an ounce or less, originating in Belgium, and destined for the United States, as well as for each letter of like weight prepaid in the United States and destined for Belgium, the sum of three cents (being the Belgian inland postage) when the Atlantic sea conveyance is performed by a United States mail steamer ; and the sum of ten cents (representing the maritime postage and the Belgium territorial postage) when the said sea conveyance is performed by a Belgian mail steamer.

Letter bills and acknowledgments of receipt for mails exchanged by means of direct steamers, shall be according to the forms annexed, marked A and B.

Letters from foreign countries.

ARTICLE XXV. On all letters originating and posted in other countries beyond the United States and mailed to and deliverable in Belgium, or originating and posted in countries beyond Belgium and mailed to and deliverable in the United States or its Territories, the foreign postage (other than that of Belgium and other than that of the United States) is to be added to the postage stated in Article XXIII. And the

two Post Office Departments are mutually to furnish each other with lists stating the foreign countries to which the foreign postage, and the amount thereof must be absolutely prepaid, or must be left unpaid, either to their destination or to a determined point. And until such lists are duly furnished, neither country is to mail to the other any letter from foreign countries beyond it, or for foreign countries beyond the country to which the mail is sent.

ARTICLE XXVI. The provisions established by Articles XII., XV., XVI., XVII., XVIII., XIX., XX., and XXI., as well as the last paragraph of Article XIV., so far as they are applicable, shall be made to apply to the correspondence which may be exchanged by any direct line of steamers running between the United States and Belgium.

ARTICLE XXVII. The Post Office Departments of Belgium and of the United States shall have full authority to introduce and put in force by common agreement all modifications in the arrangements of the present convention, both in regard to the proportion of postages to be levied on each side, and relative to all other measures of detail and execution, whenever, by mutual consent, the two governments shall have recognized the utility of such modification.

ARTICLE XXVIII. The present convention shall be put in execution in the two countries one month after the exchange of ratifications, provided that the expenses of transportation over the British territory and across the British channel shall not exceed four cents per single letter, and that this postage shall be the only transit postage to be paid by the contracting parties, under the head of correspondence exchanged in closed mails, by way of England, between Belgium and the United States of America, by the terms of the said convention. This convention shall remain in force until annulled by mutual consent, or by one of the contracting parties after one year's notice given by such party to the other of the intention to annul the same.

Made in duplicate original, and signed at Washington, the twenty-first day of December, in the year of our Lord, one thousand eight hundred and fifty-nine.

J. HOLT. [SEAL.]
BLONDEEL VAN CUELEBROECK. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the 19th instant by Lewis Cass, Secretary of State of the United States, and Mr. Blondeel Van Cuelebroeck, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of the Belgians, 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 Washington, this twentieth day of October, in the year of our Lord one thousand eight hundred and sixty, and of [SEAL.] the Independence of the United States of America the eighty-fifth.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

Convention between the United States of America and the King of Sweden and Norway. Concluded at Washington, March 21, 1860. Ratifications exchanged at Washington, December 20, 1860. Proclaimed by the President of the United States, December 21, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: March 21, 1860.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and his Majesty the King of Sweden and Norway, for the surrender of criminals, fugitives from justice, in certain cases, was concluded and signed by their respective plenipotentiaries at Washington, on the twenty-first day of March last, which Convention, being in the English and Swedish languages, is word for word as follows :

Preamble.

Convention for the surrender of criminals, fugitives from justice, in certain cases, concluded between the United States and his Majesty the King of Sweden and Norway.

Contracting parties.

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 crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; the United States of America on the one part, and his Majesty the King of Sweden and Norway on the other part, 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, Lewis Cass, Secretary of State of the United States, and his Majesty the King of Sweden and Norway, Baron Nicholas William de Wetterstedt, Knight of the Orders of the Polar Star and of St. Olaf, Commander of the Order of Dannebrog of Denmark, his said Majesty's Minister Resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles :

ARTICLE I. It is agreed that the high contracting parties shall, upon mutual requisitions by them, their diplomatic or consular agents, respectively made, deliver up to justice all persons who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this surrender and delivery shall not be obligatory on either of the high contracting parties except upon presentation by the other, in original or in verified copy, of the judicial declaration or sentence establishing the culpability of the fugitive, and issued by the proper authority of the government who claims the surrender, in case such sentence or declaration shall have been pronounced: said document to be drawn up and certified according to the forms prescribed by the laws of the country making the demand. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding

Persons charged with certain crimes to be delivered up.

Proof, &c.

party shall have furnished such proof of culpability 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.

Crimes.

ARTICLE II. Persons shall be so delivered up who shall have been charged with or sentenced for any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning,) or attempt to commit murder; rape; piracy, (including mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel;) arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

Expenses of extradition how to be borne.

ARTICLE III. The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

This convention not to apply to citizens or subjects, &c.

ARTICLE IV. Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded.

Nor to political offences.

ARTICLE V. The provisions of the present convention shall not be applied to any crime or offence of a political character.

Provision in case of new crimes committed, &c.

ARTICLE VI. 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.

When this convention takes effect.

ARTICLE VII. This convention shall not take effect until ten days after its publication, made according to the laws of the respective governments.

How long to be in force.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

To be ratified within ten months.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Signature, March 21, 1860.

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the Independence of the United States.

LEWIS CASS.

N. W. DE WETTERSTEDT.

[SEAL.]
[SEAL.]

Ratifications exchanged, December 20, 1860.

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 twentieth instant, by J. S. Black, Secretary of State of the United States, and Baron N. W. de Wetterstedt, Minister Resident of his Majesty the King of Sweden and Norway in the United States, on the part of their respective governments.

Proclaimed, Dec. 21, 1860.

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 twenty-first day of December, in the year of our Lord one thousand eight hundred and [SEAL.] sixty, and of the Independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President:

J. S. BLACK, *Secretary of State.*

*Treaty between the United States and the Delaware Tribe of Indians.
Concluded May 30, 1860. Ratified and proclaimed August 22, 1860.*

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : May 30, 1860.

WHEREAS a treaty was made and concluded at Sarcocoxieville, on the Delaware reservation, on the thirtieth day of May, eighteen hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the chiefs and headmen of the Delaware tribe of Indians hereinafter mentioned, which treaty is in the following words, to wit :

Preamble.

Articles of agreement and convention made and concluded at Sarcocoxieville, on the Delaware reservation, this thirtieth day of May, one thousand eight hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-ie, chief of the Turtle band; Ne-con-he-con, chief of the Wolf band; Rock-a-to-wha, chief of the Turkey band, and assistants to the said head chief, chosen and appointed by the people, and James Connor, chosen by the said chiefs as delegate.

Contracting parties.

ARTICLE I. By the first article of the treaty made and concluded at the city of Washington, on the sixth day of May, one thousand eight hundred and fifty-four, between George W. Manypenny, commissioner on the part of the United States, and certain delegates of the Delaware tribe of Indians, which treaty was ratified by the Senate of the United States on the eleventh day of July, one thousand eight hundred and fifty-four, there was reserved, as a permanent home for the said tribe, that part of their country lying east and south of a line beginning at a point on the line between the Delawares and Half-breed Kansas, forty miles in a direct line west of the boundary between the Delawares and Wyandottes; thence north ten miles; thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river, where the usual high-water line of said creek intersects the high-water line of said river. And by the eleventh article of said treaty it was stipulated that "at any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home, to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: *Provided*, such assignments shall be uniform."

Provisions of treaty of May 6th, 1854.

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The Delawares having represented to the government that it is their wish that a portion of the lands reserved for their home may be divided among them in the manner contemplated by the eleventh article of the treaty aforesaid, it is hereby agreed by the parties hereto, that the said reservation shall be surveyed as early as practicable after the ratification of these articles of agreement and convention, in the same manner that the public lands are surveyed; and to each member of the Delaware tribe there shall be assigned a tract of land containing eighty acres, to include in every case, as far as practicable, a reasonable portion of timber, to be selected according to the legal subdivisions of survey.

Reservation to be surveyed.

Eighty acres to be assigned to each member of the tribe.

Mode of
division.

ARTICLE II. The division and assignment in severalty among the Delawares of the land shall be made in a compact body, under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive.

Certificates to
issue, &c.

Certificates shall be issued by the Commissioner of Indian Affairs, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienable in fee, leased, or otherwise disposed of, except to the United States or to members of the Delaware tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior; and said tracts shall be exempt from levy, taxation, sale, or forfeiture, until otherwise provided by Congress.

Land not
alienable, except,
&c.

Certificates to
be secured to
family, &c.

Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons. And should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof, as, in his judgment, may be necessary and proper.

Abandonment
of land assigned.

Improvements.

The improvements of the Indians residing on the lands to be sold shall be valued by the United States, and the individual owners thereof shall receive the amount realized from the sale of the same, to be expended in building other improvements for them on the lands retained.

Leavenworth,
Pawnee, and
Western R. R.
Co. to have a
preference in the
purchase of land
remaining.
See amend-
ment, *post*, p. 164.

ARTICLE III. The Delaware tribe of Indians, entertaining the belief that the value of their lands will be enhanced by having a railroad passing through their present reservation, and being of the opinion that the Leavenworth, Pawnee, and Western Railroad Company, incorporated by an act of the legislative assembly of Kansas Territory, will have the advantage of travel and general transportation over every other company proposed to be formed, which will run through their lands, have expressed a desire that the said Leavenworth, Pawnee, and Western Railroad Company shall have the preference of purchasing the remainder of their lands after the tracts in severalty and those for the special objects herein named shall have been selected and set apart, upon the payment into the United States treasury, which payment shall be made within six months after the quantity shall have been ascertained, in gold or silver coin, of such a sum as three commissioners, to be appointed by the Secretary of the Interior, shall appraise to be the value of said land: *Provided*, in no event shall the value be placed below the sum of one dollar and twenty-five cents per acre, exclusive of the cost of survey of the same. [And that the United States will issue a patent in fee-simple to said company, upon the payment as aforesaid, for all their land remaining in Kansas.] It is, therefore, agreed by the United States that the wishes of the Delawares shall be granted; that they will accept of the trust reposed upon them; and that the money resulting from such disposition of the lands shall be disposed of and applied in the manner provided for by the seventh and eighth articles of the Delaware treaty of sixth May, one thousand eight hundred and fifty-four, after expending a sufficient sum to enable them to commence agricultural pursuits under favorable circumstances. It is also agreed that the said railroad company shall have the perpetual right of way over any portion of the lands allotted to the Delawares in severalty, on the payment of a just compensation therefor, in money, to the respective parties whose lands are crossed by the line of railroad.

Minimum
price \$1.25 per
acre.

Vol. x. p. 1050.

Railroad com-
pany to have
perpetual right
of way.

Provision for
Delawares who
are absent.

ARTICLE IV. Whereas some years ago a good many of the Delawares went down among the Southern Indians, and as there are still about two hundred of them there, and as they have reason to believe they will return

soon, it is hereby agreed that eighty acres each be set apart for them, to be allotted to them as they return, and certificates to be then issued to them, in the same manner as to those now within the reservation, and in every respect to be governed by the same rules and regulations as prescribed for the government of the lands reserved by the preceding articles, that until they return the allotments set apart for belong to the nation in common.

ARTICLE V. There shall be reserved three hundred and twenty acres of ground where the mill, and school-house, and Ketchum's store now stand; three hundred and twenty acres where the council-house now is; one hundred and sixty acres where the Baptist mission now is; one hundred and sixty acres where the agency house now is; forty acres where the Methodist Episcopal Church South now is; forty acres where the Methodist Episcopal Church North now is; which several tracts, with the improvements thereupon, shall be disposed of when the objects for which they have been reserved shall have been accomplished, in such manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable, for the benefit of the Delawares.

Reservations.

When to be disposed of.

ARTICLE VI. By article fourteen of the treaty between the Delawares and the United States, of May six, eighteen hundred and fifty-four, ratified by the Senate July eleven, eighteen hundred and fifty-four, the United States bound herself to protect them and their rights; and that whereas, that depredations of various kinds have been committed upon them and their lands, it is hereby agreed that the United States shall pay them, within twelve months from the ratification of these articles of treaty and convention, thirty thousand dollars as indemnity for timber that has been cut off their reservation by the whites, and nine thousand five hundred dollars as indemnity for ponies and cattle that have been stolen from them by the whites since their last treaty with the United States. It is further stipulated that should the Senate of the United States refuse this article, it shall in no wise affect the validity of the other articles, or prejudice the right of the Delawares to appeal to the Congress of the United States for the indemnities hereby agreed upon.

Vol. x. p. 1051.

United States to pay for certain depredations upon Indians.

Proviso.

It is further understood that, at the treaty between the Delawares and the United States, made September twenty-four, eighteen hundred and twenty-nine, the boundary of the reservation then set apart for them included the Half-breed Kansas lands; but it afterwards proved that the United States had previously set apart these lands for the Half-breed Kaws, and by that means they have been kept out of the use and benefit of said lands; it is, therefore, hereby agreed that a fair valuation shall be made by the United States upon such lands, under the direction of the Secretary of the Interior, and that the amount of said valuation shall be paid the Delawares.

Provisions of treaty of Sept. 24, 1829. Vol. vii. p. 327.

United States to pay for certain lands.

ARTICLE VII. In consideration of the long and faithful services of the chiefs of the Delaware nation, and of their interpreter, who is also a member of the nation, it is further agreed that the said chiefs and interpreter shall have allotted to each a tract of land, to be selected by themselves, and shall receive a patent in fee-simple therefor from the President of the United States, viz: John Connor, principal chief, six hundred and forty acres; Sar-cox-ie, chief of the Turtle band, three hundred and twenty acres; Rock-a-to-wha, chief of the Turkey band, three hundred and twenty acres; Ne-con-he-con, chief of the Wolf band, three hundred and twenty acres; and Henry Tiblow, interpreter, three hundred and twenty acres; the lines of each tract to conform to the legal subdivisions of survey. It is further agreed that, from the money as paid the Delaware tribe of Indians, in accordance with article number ten of this treaty, the chiefs of said tribe of Indians shall appropriate one thousand five hundred dollars as the annual salary of the councilmen of the said tribe of Indians.

The chiefs and interpreter each to have a tract of land.

John Connor, Sar-cox-ie, Rock-a-to-wha, Ne-con-he-con, Henry Tiblow.

Annual salary of councilmen.

Inconsistent stipulations invalid.

Expenses hereof to be borne by the Indians.

Interest to be paid April 1st and Oct. 1st.

ARTICLE VIII. Any stipulation in former treaties inconsistent with those embraced in the foregoing articles shall be of no force or effect.

ARTICLE IX. As these articles are entered into for the sole use and benefit of the Delaware Indians, it is understood that the expenses incident to carrying them into effect shall be defrayed from the funds of said Indians, held in trust for them by the United States.

ARTICLE X. The interest accruing to the Delawares under the former treaties, and that which may accrue under this, shall be paid on the first of April and October in each year.

Signature.

In testimony whereof, the said Thomas B. Sykes, commissioner as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinafore written.

THOMAS B. SYKES, <i>Commissioner,</i>		[SEAL.]
JOHN CONNOR, <i>Head Chief,</i>	his x mark.	[SEAL.]
SAR-COX-IE, or The Highest, <i>Assistant Chief,</i>		
	his x mark.	[SEAL.]
NE-CON-HE-CON, or Bounding Ahead, <i>Assistant Chief,</i>		
	his x mark.	[SEAL.]
ROCK-A-TO-WHA, or Sun Rise, <i>Assistant Chief,</i>		
	his x mark.	[SEAL.]
JAMES CONNOR, or Ah-la-a-chick,	his x mark.	[SEAL.]

Signed in the presence of —

HENRY TIBLOW, *United States Interpreter,*
 JAMES FINDLAY,
 WILLIAM G. BRADSHAW,
 SAMUEL PRIESTLEY,
 THOMAS S. GLADDING.

Ratification, June 27, 1860.

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-seventh of June, one thousand eight hundred and sixty, advise and consent to the ratification of the same, by a resolution and with an amendment in the words and figures following, to wit :

“IN EXECUTIVE SESSION,

“SENATE OF THE UNITED STATES, June 27, 1860.

“*Resolved,* (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the ‘articles of agreement and convention made and concluded at Sarcoxieville the thirtieth day of May, eighteen hundred and sixty, by Thomas B. Sykes, commissioner on the part of the United States, and certain chiefs of the Delaware tribe of Indians, with the following amendment :

Amendment to Article III., *ante*, p. 162.

Conditions upon which patents shall issue to the railroad.

At the end of article third, add : It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians or the United States, until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue shall issue only when the said Secretary shall be satisfied that the road has been, in like manner, completed and equipped to the western

boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. *And provided further*, That in case the said company shall fail to make payment for the lands or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall be disposed of by the Secretary of the Interior, at public auction, in quantities not exceeding one hundred and sixty acres; but, in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified: *And provided further*, That the said railroad company shall, finally, and in good faith, sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

In case of failure, &c. surplus lands to be disposed of.

Railroad to sell lands within seven years.

"Attest:

ASBURY DICKINS, *Secretary.*"

And whereas the foregoing amendment having been fully interpreted and explained to the chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the twenty-first day of July, one thousand eight hundred and sixty, give their free and voluntary assent in the words and figures following, to wit:

Amendment assented to.

We the undersigned chiefs, councillors, and headmen of the tribe of Delaware Indians on behalf of said tribe, now in full council assembled, having had fully explained to us the amendment made on the 27th day of June last, by the Senate of the United States, to the treaty made and concluded on the 30th of May last, at Sarcoxieville, on the Delaware reservation, by Thomas B. Sykes, commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-ie, chief of the Turtle band; Rock-a-to-wha, chief of the Turkey band, and assistant to the said head chief, chosen and appointed by the people; and James Connor, chosen by the said chiefs as delegate, which amendment is in the following words, viz:

AMENDMENT.

At the end of article third add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent, as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians nor the United States until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue to issue only when the said Secretary shall be satisfied that the road has been in like manner completed and equipped to the western boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. *And provided further*, That in case the said company shall fail to make payment for the lands, or fail to construct the road, as hereinbefore stipulated, within a reasonable time,

the surplus lands shall be disposed of by the Secretary of the Interior at public auction, in quantities not exceeding one hundred and sixty acres; but in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified. *And provided further*, That the said railroad company shall finally and in good faith sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof, so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

Do hereby accept and consent to the said amendments to the articles of agreements and convention aforesaid, and agree that the same shall be considered as a part thereof.

Signatures,
July 21, 1860.

In testimony whereof, we have hereunto set our hands and affixed our seals, this twenty-first day of July, Anno Domini 1860.

JOHN CONNOR, <i>Head Chief,</i>	his x mark.	[SEAL.]
SAR-COX-IE, <i>Chief of Turtle band,</i>	his x mark.	[SEAL.]
NE-CON-HE-CON, <i>Chief of Wolf band,</i>	his x mark.	[SEAL.]
ROCK-A-TO-WHA, <i>Chief of Turkey band,</i>	his x mark.	[SEAL.]
JAMES CONNOR, <i>Delegate,</i>	his x mark.	[SEAL.]

Witness : —

HENRY TIBLOW, *United States Interpreter,*
THOS. S. GLADDING,
SAMUEL PRIESTLEY,
WM. G. BRADSHAW.

I do hereby certify that the foregoing instrument of writing was fully explained by me to the Delaware tribe of Indians in council assembled in the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this twenty-first day of July, one thousand eight hundred and sixty.

THOS. B. SYKES, *U. S. Agent for the Delawares.*

Ratified and
proclaimed,
Aug. 22, 1860.

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 twenty-seventh of June, eighteen hundred and sixty, 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-second day of August, in the year of our Lord one thousand eight hundred [L. s.] and sixty, and of the Independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President :

WM. HENRY TRESNOT, *Acting Secretary of State.*

Convention between the United States of America and the Republic of Costa Rica, for the adjustment of claims. Signed at San José, July 2, 1860. Ratified by the President of the United States, November 9, 1861. Exchange of ratifications, November 9, 1861. Proclaimed by the President of the United States, November 11, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 2, 1860.
Ante, pp. 145, 615.

A PROCLAMATION.

WHEREAS a convention for the adjustment of claims of citizens of the United States against the Republic of Costa Rica was concluded between the United States of America and that Republic, and was signed by their respective Plenipotentiaries at San José on the second day of July, one thousand eight hundred and sixty, which convention, being in the English and Spanish languages, is, word for word, as follows :

Preamble.

Convention for the adjustment of claims of citizens of the United States against the Government of the Republic of Costa Rica.

Convencion para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de América, contra el Gobierno de la República de Costa Rica.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States, against Costa Rica, in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention ; and, for that purpose, appointed and conferred full powers, respectively, to wit :

La República de Costa Rica y los Estados Unidos de América, deseando terminar los reclamos de ciudadanos de los dichos Estados contra Costa Rica, de un modo que cimente la buena inteligencia y amistosas relaciones que felizmente existen entre las dos naciones, han resuelto arreglar tales reclamos por medio de una convencion ; y con este objeto, han nombrado y conferido amplios poderes, respectivamente :

The President of the United States, on Alexander Dimitry, Minister Resident of said United States, in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica on Manuel José Carazo and Francisco Maria Yglesias, who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles :

El Presidente Constitucional de la República de Costa Rica, á los Señores Don Manuel José Carazo, y Don Francisco Maria Yglesias, y el Presidente de los Estados Unidos, al Señor Don Alejandro Dimitry, Ministro Residente de dichos Estados Unidos, en la dicha República de Costa Rica, quienes, despues de haber cangeado sus plenos poderes, los cuales se encontraron en buena y debida forma, han convenido en los artículos siguientes :

Contracting parties.

ARTICLE I.

ARTICULO I^o.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising

Se ha convenido en que todos los reclamos de ciudadanos de los Estados Unidos contra el Gobierno de

Claims of citizens of the United States to be referred to board

of commissioner.

from injuries to their persons, or damages to their property, under any form whatsoever, through the action of authorities of the Republic of Costa Rica, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, at Washington, or to the diplomatic agents of said United States at San José, of Costa Rica, up to the date of the signature of this convention, shall, together with the documents in proof, on which they may be founded, be referred to a board of commissioners, consisting of two members, who shall be appointed in the following manner: One by the government of the United States of America, and one by the Government of the Republic of Costa Rica: *Provided, however,* that no claim of any citizen of the United States, who may be proved to have been a belligerent during the occupation of Nicaragua by the troops of Costa Rica, or the exercise of authority, by the latter, within the territory of the former, shall be considered as one proper for the action of the board of commissioners herein provided for.

Board how appointed.

Certain claims cannot be considered.

Vacancies in commission how filled.

In case of the death, absence, or incapacity, of either commissioner, or in the event of either commissioner's omitting, or ceasing to act, the Government of the United States of America, or that of the Republic of Costa Rica, respectively, or the Minister of the latter, in the United States, acting by its direction, shall forthwith proceed to fill the vacancy thus occasioned.

ARTICLE II.

Commissioners to meet at Washington in ninety days,

to take oath.

The commissioners so named shall meet at the city of Washington, within ninety days from the exchange of the ratifications of this convention; and, before proceeding to business, they shall, each of them, exhibit a solemn oath, made and subscribed before a competent authority, that they will carefully examine into, and impartially decide,

Costa Rica, provenientes de injurias á sus personas ó de perjuicios á su propiedad, bajo cualquiera forma que sea, por medio de la accion de las autoridades de la República de Costa Rica, cuyas exposiciones, solicitando la interposicion del Gobierno de los Estados Unidos, se han presentado al Departamento de Estado en Washington, ó á los agentes diplomáticos de dichos Estados Unidos en San José de Costa Rica, hasta la fecha en que se firmó esta convencion, serán sometidos junto con los documentos comprobantes en que puedan estar fundados, á una junta de comisionados, compuesta de dos miembros, los cuales serán nombrados del modo siguiente: Uno por el Gobierno de la República de Costa Rica, y otro por el Gobierno de los Estados Unidos de América; bien entendido que ningun reclamo de cualquiera ciudadano de los Estados Unidos, á quien se le haya probado haber sido uno de los beligerantes, durante la ocupacion de Nicaragua por las tropas de Costa Rica, ó durante el ejercicio de autoridad de esta dentro el territorio de aquella, se considerará ser de los que corresponden á la accion de la junta de comisionados que aquí se ha creado.

En caso de muerte, ausencia ó incapacidad de cualquiera de los comisionados, ó en el evento de que alguno de los comisionados falte ó cese de obrar, el Gobierno de la República de Costa Rica, ó el de los Estados Unidos, respectivamente, ó el Ministro del primero en los Estados Unidos, debidamente autorizado por su Gobierno, procederá inmediatamente á llenar la vacante así ocasionada.

ARTICULO 2º.

Los comisionados nombrados de esta manera, se reunirán en la ciudad de Washington, dentro noventa dias desde el cange de las ratificaciones de esta convencion; y ántes de ocuparse de su encargo, prestarán cada uno de ellos juramento solemne, hecho y suscrito ante una autoridad competente, de examinar cuidadosamente y decidir con im-

according to the principles of justice and of equity, and to the stipulations of treaty, upon all the claims laid before them, under the provisions of this convention, by the Government of the United States, and in accordance with such evidence as shall be submitted to them on the part of said United States and of the Republic of Costa Rica, respectively. And their oath, to such effect, shall be entered upon the record of their proceedings.

Said commissioners shall then proceed to name an arbitrator, or umpire, to decide upon any case or cases, concerning which they may disagree, or upon any point or points of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the arbitrator, or umpire, shall be appointed by the Minister of his Majesty the King of the Belgians, to the United States, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

ARTICLE III.

The arbitrator, or umpire, being appointed, the commissioners shall, without delay, proceed to examine and determine the claims which may be presented to them, under the provisions of this convention, by the Government of the United States, as stated in the preceding article; and they shall hear, if required, one person in behalf of each Government, on every separate claim.

Each Government shall furnish, upon request of either of the commissioners, such papers in its possession as may be deemed important to the just determination of any claims of citizens of the United States, referred to the board, under the provisions of the first article.

In cases, whether touching injuries to the person, limb, or life of any said citizens, or damages committed, as stipulated, in the first

parcialidad, segun los principios de justicia y equidad, y las estipulaciones del tratado, todos los reclamos que se les hayan presentado, segun lo dispuesto por esta convention, por el Gobierno de los Estados Unidos, y en conformidad con las pruebas que se les sometan de parte de la República de Costa Rica y de los Estados Unidos, respectivamente. Y sus juramentos para tales efectos serán insertados en los registros de sus actas.

Dichos comisionados procederán, en seguidas, á nombrar un arbitrador, ó tercero en discordia, que decida sobre cualquier caso ó casos, respecto á los cuales ellos puedan haber disentido, ó sobre algun punto ó puntos de diferencia que puedan surgir en el curso de sus procedimientos. Si ellos no pudieren convenirse en la eleccion, este arbitrador, ó tercero en discordia, será nombrado por el Ministro de S. M. el Rey de los Belgas en los Estados Unidos, á quien las dos altas partes contratantes invitarán para hacer tal nombramiento, y cuya eleccion será decisiva para ambas partes.

ARTICULO IIIº.

Despues de nombrado el arbitrador, ó tercero en discordia, los comisionados procederán, sin dilacion, á examinar y determinar los reclamos que se les hayan presentado, segun lo dispuesto en esta convention, por el Gobierno de los Estados Unidos, y en conformidad con el artículo precedente; y ellos oirán, si así se exigiere, á una persona de parte de cada Gobierno en cada reclamo separado.

Cada Gobierno suministrará, cuando lo exija alguno de los comisionados, todos aquellos papeles que tenga en su poder y puedan juzgarse importantes para la justa determinacion de alguno de los reclamos de ciudadanos de los Estados Unidos, sometidos á la junta de comisionados, conforme á lo dispuesto en el artículo primero.

En casos referentes á daños á la persona, miembro ó vida de alguno de dichos ciudadanos, ó á perjuicios causados, segun se ha estipulado en

Oath to be recorded.

Commissioners to name an umpire.

If they do not agree, who to make the appointment.

Mode of procedure of commissioners.

Each government, upon request, to furnish papers in regard to claims.

Amount of indemnity, how to be ascertained.

article, against their property, in which the commissioners may agree to award an indemnity, they shall determine the amount to be paid. In cases in which said commissioners cannot agree, the points of difference shall be referred to the arbitrator, or umpire, before whom each of the commissioners may be heard, and his decision shall be final.

ARTICLE IV.

Mode of payment of indemnity to claimants.

The commissioners shall issue certificates of the sums to be paid to the claimants, respectively, whether by virtue of the awards agreed to between themselves, or of those made by them, in pursuance of decisions of the arbitrator, or umpire; and the aggregate amount of said sums, decreed by the certificates of award made by the commissioners, in either manner above indicated, and of the sums also accruing from such certificates of award as the arbitrator, or umpire, may, under the authority hereinafter conferred by the seventh article, have made and issued, with the rate of interest stipulated in the present article, in favor of any claimant, or claimants, shall be paid to the Government of the United States, in the city of Washington, in equal semi-annual instalments. It is, however, hereby agreed, by the contracting parties, that the payment of the first instalment shall be made eight months from the termination of the labors of the commission; and, after each succeeding one, shall be made semi-annually, counting from the date of the first payment; and the whole payment of such aggregate amount, or amounts, shall be perfected within the term of ten years from the termination of said commission; and each of said sums shall bear interest (also payable semi-annually) at the rate of six per cent. per annum, from the day on which the awards, respectively, will have been decreed.

When first instalment to be paid.

Subsequent instalments.

Interest.

Provision by Costa Rica to meet payments.

To meet these payments, the government of the Republic of Costa

el artículo primero, contra su propiedad, por los cuales los comisionados acuerden alguna indemnización, ellos determinarán la suma que debe pagarse. En los casos en que dichos comisionados no puedan convenir, los puntos de diferencia serán sometidos al arbitrador ó tercero en discordia, ante quien cada uno de los comisionados puede ser oído, y la decisión de esta será final.

ARTICULO IV^o.

Los comisionados expedirán certificados de las sumas que han de pagarse á los reclamantes, respectivamente, ya sea en virtud de sus fallos convenidos entre ellos mismos, ó de aquellos que hayan dado á consecuencia de las decisiones del arbitrador, ó tercero en discordia; y el agregado total de dichas sumas, determinadas por los certificados de fallos dados por los comisionados, de cualquiera manera como ántes se ha indicado, y el de las sumas que resulten tambien de los certificados de fallos, que el arbitrador, ó tercero en discordia, haya dado en virtud del poder que se le confiere en el artículo séptimo, y expedidos con el interés estipulado en este artículo, en favor de cada reclamante ó reclamantes, se pagará al Gobierno de los Estados Unidos, en la ciudad de Washington, por semestres, en plazos iguales. Sin embargo, se conviene, por la presente, entre las partes contratantes, que el pago del primer plazo se verificará ocho meses despues de haber terminado sus trabajos la comision; y despues de haberse verificado de este modo el primer pago, el segundo y los siguientes se harán cada seis meses, contándose desde la fecha del primer pago; y la total cancelacion de la suma general se verificará dentro el término de diez años contados desde que terminó la dicha comision, y cada una de dichas sumas reconocerán un interés (tambien pagadero por semestres) á razon de seis por ciento por año desde el día en que los fallos respectivamente hayan sido pronunciados.

Para hacer frente á estos pagos, el Gobierno de la República de

Rica hereby specially appropriates fifty per cent. of the net proceeds of the revenues, arising from the customs of the said Republic; but if such appropriation should prove insufficient to make the payments as above stipulated, the Government of said Republic binds itself to provide other means for that purpose.

ARTICLE V.

The commission herein provided shall terminate its labors in nine months from and including the day of its organization. They shall keep an accurate record of all their proceedings, and they may appoint a secretary, versed in the knowledge of the English and of the Spanish languages, to assist in the transaction of their business. And, for the conduct of such business, they are hereby authorized to make all necessary and lawful rules.

ARTICLE VI.

The proceedings of this commission shall be final and conclusive, with respect to all the claims of citizens of the United States, which, having accrued prior to the date of this convention, may be brought before it for adjustment; and the United States agree forever to release the Government of the Republic of Costa Rica from any farther accountability for claims which shall be rejected, either by the board of commissioners, or by the arbitrator, or umpire aforesaid; or for such as, being allowed by either the board or the umpire, the Government of Costa Rica shall have provided for and satisfied in the manner agreed upon in the fourth article.

ARTICLE VII.

In the event, however, that upon the termination of the labors of said commission stipulated for in the fifth article of this convention, any case or cases should be pending before the umpire, and awaiting his decision, it is hereby understood and

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Costa Rica, afecta especialmente el cincuenta por ciento del producto neto de la renta de aduanas de la República; pero si este recurso no fuere suficiente para hacer los pagos, segun se ha estipulado, el Gobierno de dicha República se obliga á proveer de otros medios para este objeto.

ARTICULO V°.

La comision aquí establecida terminará sus trabajos en nueve meses, desde el dia de su organizacion, inclusive. Llevará un registro cuidadoso de todos sus actos, y tiene la facultad de nombrar un secretario versado en el conocimiento de las lenguas Española é Inglesa, para que la auxilie en el despacho de sus negocios; y para la expedicion de tales asuntos ella está, por la presente, autorizada para darse el reglamento legal que es necesario.

Commission, when to end.

Record.

Secretary.

Rules.

ARTICULO VI°.

Los actos de esta comision serán decisivos y finales con respecto á todos los reclamos de los ciudadanos de los Estados Unidos que, habiendo provenido ántes de la fecha de esta convencion, puedan ser presentados ante ella para su arreglo; y los Estados Unidos convienen en eximir para siempre al Gobierno de la República de Costa Rica, de cualquiera otra responsabilidad por reclamos, que serán rechazados, ya sea por la junta de comisionados, ó ya por el referido arbitrador ó tercero en discordia, ó por aquellos que, fallados por la junta de comisionados, ó por el arbitrador, el Gobierno de Costa Rica, proveyendo de los recursos necesarios, como queda estipulado en el artículo cuarto, satisfará de la manera convenida en dicho artículo.

Proceedings of commission to be conclusive as to certain claims.

Costa Rica released.

ARTICULO VII°.

En el caso de que al concluirse los trabajos de la referida comision, en el término señalado por el artículo quinto, algun negocio ó negocios quedáren pendientes ante el tercero en discordia, esperando su decision, queda aquí convenido y

Provision for cases pending before umpire at the termination of the commission.

agreed by the two contracting parties that, though the board of commissioners may, by such limitation, have terminated their action, said umpire is hereby authorized and empowered to proceed to make his decision or award in such case or cases pending as aforesaid; and, upon his certificate thereof, in each case, transmitted to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, together with the rate of interest specified by the fourth article, such decision or award shall be taken and held to be binding and conclusive, and it shall work the same effect as though it had been made by both the commissioners under their own agreement, or by them upon decision of the case or of the cases, respectively, pronounced by the umpire of said board, during the period prescribed for its sessions: *Provided, however,* That a decision on every case that may be pending at the termination of the labors of the board shall be given by the umpire within sixty days from their final adjournment; and that at the expiration of the said sixty days the authority and power hereby granted to said umpire shall cease.

Umpire to decide in sixty days.

ARTICLE VIII.

Pay of commissioners, of umpire, incidental expenses, &c.

Each government shall pay its own commissioner; but the umpire, as well as the incidental expenses of the commission, including the defrayal of the services of a secretary, who may be appointed under the fifth article, shall be paid one half by the United States, and the other half by the Republic of Costa Rica.

ARTICLE IX.

Convention, how and when to be approved, &c.

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 the said States; and by the President of the Republic of Costa Rica, with the

entendido por las partes contratantes, que aunque la junta de comisionados por tal limitacion haya terminado su accion, el dicho tercero en discordia queda por la presente autorizado con poder bastante para proceder á dar su decision ó fallo en el caso ó casos pendientes como se ha dicho ántes; y en virtud de su certificado en cada caso, transmitido á cada uno de los dos Gobiernos, mencionando la suma que debe indemnizarse, si así se ha admitido por él, junto con el interés especificado por el artículo cuarto, tal decision ó fallo se tendrá por final y obligatorio, y producirá los mismos efectos como si hubiera sido dado por ambos comisionados por convenio de ellos, ó por ellos mediante una decision del caso ó de los casos, respectivamente, pronunciada por el tercero en discordia de dicha junta, durante el periodo señalado para sus sesiones. Bien entendido, sin embargo, que una decision en cada uno de los casos que puedan estar pendientes á la terminacion de los trabajos de la junta de comisionados, deberá darse por el tercero en discordia dentro el término de sesenta dias desde su final suspension; y que á la espiracion de los dichos sesenta dias cesarán el poder y la autoridad que por la presente se otorgan al dicho tercero en discordia.

ARTICULO VIIIº.

Cada gobierno pagará á su comisionado; pero el arbitrador, lo mismo que los gastos ocasionados por la comision, inclusive el del pago de los servicios de un secretario, que podrá ser nombrado segun el artículo quinto, serán pagados mitad por la República de Costa Rica, y mitad por los Estados Unidos.

ARTICULO IXº.

La presente convencion será aprobada y ratificada por el Presidente de la República de Costa Rica, con el consentimiento y la aprobacion del Supremo Poder Legislativo de dicha República; y por el Presidente de los Estados Unidos de

consent and approbation of the Supreme Legislative Power of said Republic; and the ratifications shall be exchanged in the city of Washington, within the space of eight months from the date of the signature hereof, or sooner if possible.

In faith whereof, and by virtue of our respective full powers, we, the undersigned, have signed the present convention, in duplicate, and have hereunto affixed our seals.

Done at the city of San José, on the second day of July, in the year one thousand eight hundred and sixty, and in the eighty-fourth year of the independence of the United States of America, and of the independence of Costa Rica the thirty-ninth.

ALEX'R DIMITRY, [L. s.]
MANUEL J. CARAZO, [L. s.]
FRAN'CO M. YGLESIAS, [L. s.]

América, con la anuencia y el consentimiento del Senado de los dichos Estados; y las ratificaciones serán cangeadas en la ciudad de Washington, en el término de ocho meses, contados desde la fecha en que fuere firmada, ó ántes si fuere posible.

En fé de lo cual, y en virtud de nuestros respectivos plenos poderes, nosotros, los infraescritos, hemos firmado por duplicado la presente convencion, y la hemos sellado con nuestros respectivos sellos.

Fecha en la ciudad de San José, á los dias del mes de Julio del año de mil ochocientos sesenta, trigésimonono de la independencia de Costa Rica, y de la independencia de los Estados Unidos de América el octogésimo cuarto.

Signature.

MANUEL J. CARAZO, [L. s.]
FRAN'CO M. YGLESIAS, [L. s.]
ALEX'R DIMITRY, [L. s.]

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the 9th instant, the time specified for that purpose by the ninth article having been extended by the contracting parties:

Ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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.

Proclamation.

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 eleventh day of November, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Republic of Venezuela. August 27, 1860. Amity, Commerce, Navigation, and surrender of Fugitives. Concluded at Caracas, August 27, 1860. Ratified by the President of the United States, February 26, 1861. Exchange of Ratifications, August 9, 1861. Proclaimed by the President of the United States, Sept. 25, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS a Treaty of Amity, Commerce, and Navigation, and for the surrender of fugitive criminals, between the United States of America and the Republic of Venezuela, was concluded and signed at Caracas, on the twenty-seventh day of August, one thousand eight hundred and sixty, which Treaty being in the English and Spanish languages, is word for word as follows: Preamble.

The United States of America and the Republic of Venezuela, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, 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 amity, commerce and navigation, and for the surrender of fugitive criminals. For this purpose, they have appointed as their plenipotentiaries, to wit: the President of the United States, Edward A. Turpin, Minister Resident near the Government of Venezuela; and the President of Venezuela, Pedro de Las Casas, Secretary of State in the Department of Foreign Relations, who, after a communication of their respective full powers, have agreed to the following articles:

ARTICLE I.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republics of the United States of America and Venezuela, and between their respective countries, territories, cit-

La República de Venezuela y los Estados Unidos de América, igualmente animados del deseo de mantener las cordiales relaciones que existen entre ambos países, de estrechar, si es posible, sus lazos de amistad, y de aumentar por todos los medios que están á su alcance las relaciones comerciales de sus respectivos ciudadanos, mutuamente han resuelto celebrar un convenio general de amistad, comercio y navegación, y de entrega de reos prófugos. Con este fin han nombrado por sus plenipotenciarios á saber: el Presidente de Venezuela, á Pedro de Las Casas, Secretario de Estado en el Despacho de Relaciones Exteriores; y el Presidente de los Estados Unidos, á Eduardo A. Turpin, Ministro Residente cerca del Gobierno de Venezuela, los cuales, después de haberse comunicado sus respectivos plenos poderes, han convenido en los artículos siguientes: Contracting parties.

ARTICULO I.

Quieren las altas partes contratantes que continúe habiendo paz firme, inviolable y universal, y amistad verdadera y sincera entre las Repúblicas de Venezuela y los Estados Unidos de América, y entre sus respectivos países, territorios, ciudades, villas y poblaciones sin Peace and friendship.

ies, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables; which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures, which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other shall not be confiscated or sequestrated.

ARTICLE II.

Exemption
from compulsory
military service,
loans, &c.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE III.

Right to reside,
transact business,
&c.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general

excepcion de personas, ni lugares. Si, desgraciadamente, ambas naciones se vieren envueltas en guerra, una contra otra, se concederá el término de seis meses despues de la declaracion de ella á los comerciantes y otros ciudadanos y habitantes respectivamente, por cada parte, para que en ese tiempo tengan libertad de retirarse con sus efectos y muebles; que tendrán derecho de llevarse, enviar fuera, ó vender, como les plazca, sin el menor impedimento; durante dicho término de seis meses, no serán cogidos sus efectos y mucho menos sus personas; por el contrario, los pasaportes que se les dieren, serán válidos durante el tiempo necesario á su vuelta, y comprenderán sus buques y los efectos que deseen llevar consigo ó enviar fuera, sirviéndoles de salvo-conducto contra los insultos y capturas que los buques privados de guerra intenten contra sus personas y efectos; y no se confiscarán, ni secuestrarán el dinero, las deudas, las acciones de los fondos públicos, ó de los bancos, ni ningunos otros bienes muebles ó raíces que pertenezcan á los ciudadanos de una parte en los territorios de la otra.

ARTICULO II.

Los ciudadanos de cada una de las altas partes contratantes residentes ó establecidos en el territorio de la otra, estarán exentos de todo servicio militar forzado, de mar ó de tierra, y de todo préstamo forzoso, ó exacciones ó requisiciones militares; ni serán compelidos á pagar contribuciones cualesquiera mayores ú otras que las que pagan ó pagáren los ciudadanos naturales.

ARTICULO III.

Se permitirá á los ciudadanos de las partes contratantes entrar, morar, establecerse y residir en todas las partes de dichos territorios, y los que deseen dedicarse á negocios, tendrán derecho para tomar en alquiler y ocupar almacenes, siempre que se sometan á las leyes, así

as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail, as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defence of their interests and rights such advocates, attorneys, and other agents as they may think proper.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief. Nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose, provided that, in so doing, they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country dying in the territory of the other, may be interred either in the ordinary cemeteries, or in such others as may be selected for that purpose by their own government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them,

generales como especiales, relativas á los derechos de viajar, residir, ó traficar. Mientras se conformen con las leyes y reglamentos vigentes, tendrán libertad de manejar ellos mismos sus propios negocios, con sujecion á la jurisdiccion de cada parte, asi con respecto á la consignacion y venta de sus mercancías por mayor ó menor, como con respecto á la carga, descarga y despacho de sus buques. También podrán emplear aquellos agentes ó corredores que crean conveniente, y en todos estos casos serán tratados como los ciudadanos del país donde residan; entendiéndose, sin embargo, claramente que tambien en cuanto á la venta por mayor ó menor estarán sujetos á tales leyes y reglamentos. Tendrán abiertos los tribunales de justicia en las causas en que puedan ser partes, en los mismos términos que las leyes y uso del país concedan á los ciudadanos naturales; para lo cual podrán emplear en defensa de sus intereses y derechos aquellos abogados, procuradores y otros agentes que crean conveniente.

Right to employ agents, &c.,

to have access to judicial tribunals.

ARTICULO IV.

Los ciudadanos de cada una de las altas partes contratantes residentes en la otra, gozarán de la mas perfecta libertad de conciencia, sin ser molestados de ningun modo por su creencia religiosa. Ni serán de ninguna manera incomodados ni perturbados en el ejercicio de su culto religioso en casas particulares, ó en las capillas y lugares que elijan al efecto, siempre que observen el decoro debido á las leyes, usos y costumbres del país. Se conviene asi mismo en que los ciudadanos de un país que mueran en el territorio del otro, puedan ser enterrados, ó en los cementerios comunes, ó en otros que sean elejidos á ese fin con el consentimiento de las autoridades locales, por su propio gobierno, ó por sus amigos ó representantes personales. Todas esos cementerios y las procesiones funerales, en su ida ó en su vuelta, seran protegidas de violacion ó perturbacion.

Liberty of conscience, &c.

Cemeteries.

shall be protected from violation or disturbance.

ARTICLE V.

Right to dispose of personal property.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves, or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated, shall be subject to pay, in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be [finally] decided by the judicial tribunals of the country in which it is situated.

Right of succession.

Real estate.

When on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit, shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues, than if he were a citizen of the country wherein such real estate is situated.

ARTICLE VI.

Imports and duties.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into

ARTICULO V.

Los ciudadanos de cada una de las altas partes contratantes, dentro de la jurisdiccion de la otra, tendrán poder para disponer de sus bienes muebles por venta, donacion, testamento, ó de otro modo; y sus representantes personales, siendo ciudadanos de la otra parte contratante, sucederán en sus bienes muebles, ya sea por testamento ó *ab intestato*. Podrán tomar posesion de ellos, bien sea por sí mismos, ó por otros que hagan sus veces, segun su voluntad, y disponer de los mismos, pagando solo aquellos derechos que estuvieren sujetos á pagar en iguales casos los ciudadanos del pais en donde estuvieren situados los dichos bienes muebles. A falta de representante personal se cuidará de los bienes del mismo modo que se cuidaria con arreglo á las leyes de los bienes de un natural en caso semejante, mientras el legítimo dueño tome providencias para asegurarlos. Si se suscitare cuestion entre los reclamantes sobre la legítima propiedad de los bienes, aquella será definitivamente decidida por los tribunales de justicia del pais donde se halláren estos situados.

Cuando al morir alguna persona que tenga bienes raices, dentro del territorio de una parte, ellos pasarían segun el derecho de la tierra, á un ciudadano de la otra, si no lo inhabilitára su calidad de extrangero, se le concederá el mayor plazo que permitan las leyes del pais donde estuvieren situados, para disponer de ellos, y no será sometido, cuando lo haga, á otros ni mas altos derechos, que los que debería pagar, si fuera ciudadano del pais en que tales bienes raices esten situados.

ARTICULO VI.

Las altas partes contratantes convienen en que cualquiera clase de productos, manufacturas, ó mercancías de cualquier pais estrangero que puedan ser, en cualquier tiempo

the United States in their own vessels, may also be imported in the vessels of Venezuela, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States or a vessel under the flag of Venezuela. And reciprocally whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Venezuela in her own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of Venezuela, or under the flag of the United States.

Whatever can be lawfully exported or re-exported by one party in its own vessels; to any foreign country, may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other, than are or shall be payable in the same ports by national vessels.

ARTICLE VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens.

But vessels of either country shall be allowed to discharge a part of their cargoes at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall

legalmente importadas en Venezuela en sus propios buques, puedan tambien ser importadas en los buques de los Estados Unidos, y en que no se impondrán, ni cobrarán otros ni mas altos derechos de tonelada ó por el cargamento de los buques, ya sea que se haga la importacion en buque que lleve la bandera de Venezuela ó en buque que lleve la bandera de los Estados Unidos. Y reciprocamente cualquier clase de productos, manufacturas, ó mercancías de cualquier pais extranjero, que puedan ser en cualquier tiempo legalmente importadas en los Estados Unidos en sus propios buques, podrán tambien ser importadas en buques de Venezuela y no se impondrán ni cobrarán otros ni mas altos derechos de tonelada, ó por el cargamento del buque, bien se haga la importacion en buque que lleve la bandera de Venezuela, ó la de los Estados Unidos.

Todo lo que legalmente puede esportarse ó re-esportarse por una parte en sus propios buques, para cualquier pais extranjero, podrá de la misma manera ser esportado ó re-esportado en las buques de la otra. Y se cobrarán y concederán los mismos derechos, premios, y descuentos, sea que la esportacion ó re-esportacion se haga en buques de la una ó de la otra. Ni se impondrán en los puertos de una parte á buques de la otra, otros ni mas altos derechos de cualquier género que los que paguen ó pagáren en los mismos puertos buques nacionales.

ARTICULO VII.

El precedente artículo no es aplicable al comercio de cabotage de las partes contratantes, que respectivamente y esclusivamente reserva cada una á sus propios ciudadanos.

Pero se permitirá á los buques de cualquiera de los paises descargar una parte de sus cargamentos en un puerto habilitado, y pasar á otro puerto ó puertos habilitados de los territorios de la otra á descargar el resto, sin pagar otros ni mas altos derechos de puerto, ni de tonelada que los que pagarian buques nacionales en semejantes casos; en-

Imports and duties.

Exports.

Coasting trade reserved to citizens.

be conceded to any foreign vessels by the laws of both countries.

tendiendose esto mientras las leyes de ambos paises permitan dichos actos á buques extranjeros.

ARTICLE VIII.

National character of vessels.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of Venezuela, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ARTICULO VIII.

Para cabal inteligencia de las estipulaciones precedentes se ha convenido en que todo buque perteneciente esclusivamente á ciudadano ó ciudadanos de Venezuela, y cuyo capitan sea tambien ciudadano de ella, y supuesto que dicho buque haya cumplido con todos los demás requisitos establecidos por la ley para adquirir su nacionalidad, aunque su construccion y tripulacion sean extranjeras, será considerado para todos los efectos de este tratado como buque Venezolano.

ARTICLE IX.

No other or higher duties.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Venezuela, or of her fisheries; and no higher or other duty shall be imposed on the importation into Venezuela 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 or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Venezuela, nor in Venezuela, 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 other foreign country.

No prohibition.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Venezuela and her fisheries, from or to the ports of the United States or Venezuela, which shall not equally extend to every other foreign country. If, however, either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall im-

ARTICULO IX.

No se impondrán otros ni mas altos derechos á la importacion en Venezuela de cualquier artículo, produccion ó manufactura de los Estados Unidos ó de sus pesquerías, ni se impondrán otros ni mas altos derechos á la importacion en los Estados Unidos de cualquier artículo produccion ó manufactura de Venezuela ó de sus pesquerías, que los que se paguen ó pagáren por igual artículo produccion ó manufactura de cualquier otro pais extranjero ó de sus pesquerías.

No se impondrán otros ni mas altos derechos ni cargas en Venezuela á la esportacion de cualquier artículo para los Estados Unidos, ni en los Estados Unidos á la esportacion de cualquier artículo para Venezuela, que los que se paguen ó pagáren á la esportacion de igual artículo para cualquier otro pais extranjero.

No se impondrá ninguna prohibicion á la importacion ó esportacion de cualquier artículo produccion ó manufactura de Venezuela ó de sus pesquerías, ó de los Estados Unidos ó de las suyas que procedan de los puertos de Venezuela, ó de los Estados Unidos ó que se destinen á ellos que no se estienda igualmente á todos los demas paises extranjeros. Sin embargo, si cualquiera de las dos partes concediere en lo su-

Privileges of most favored nation.

mediately become common to the other party, freely, where it shall be freely granted to such other nation, or for the same equivalent, when the grant shall be conditional.

ARTICLE X.

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

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the jurisdiction of the other, their respective citizens shall receive as well for themselves as for their vessels and effects the same assistance which would be due to the inhabitants of the country where the accident happened, and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels.

It is understood nevertheless that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

cesivo á otra nacion algun favor particular en punto á navegacion ó comercio, inmediatamente se hará comun á la otra parte, libremente, si la concesion se hubiese hecho libremente, ó dando el mismo equivalente, si la concesion fuere condicional.

ARTICULO X.

Si alguna de las altas partes contratantes impusiere en lo sucesivo derechos diferenciales á los productos de cualquier otra nacion, la otra parte tendrá libertad para determinar por sí, la manera de acreditar el origen de aquellos productos suyos que se destinen al pais por el cual se hubieren impuesto los derechos diferenciales.

Discriminating duties.

ARTICULO XI.

Cuando algun buque de cualquiera de las partes naufragare, encallare ó sufriende, otra averia en las costas, ó dentro de la jurisdiccion de la otra, sus respetivos ciudadanos recibirán para sí, y sus buques y efectos, la misma ayuda que se debería á los habitantes del pais donde ocurrió el accidente, y tendrán que pagar las mismas cargas y derechos de salvamento que dichos habitantes habrían de pagar en igual caso.

Wrecked, &c., vessels.

Si las reparaciones que requiera un buque encallado hicieren necesaria la descarga del todo ó parte de su cargamento, no se pagarán derechos de aduana, cargas, ni honorarios por el cargamento que se sacare, sino los que paguen en el mismo caso buques nacionales. Se entiende, sin embargo que, si mientras el buque se esté reparando, se desembarcare el cargamento y se guardare en un depósito destinado para la recepcion de géneros cuyos derechos no se han pagado, el cargamento quedará sujeto á las cargas y honorarios que legalmente se deban á los que cuidan tales almacenes.

Repairs.

ARTICLE XII.

Rights of neutrals.

It shall be lawful for the citizens of either country to sail with their ships and merchandise, (contraband goods always excepted,) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places be effectively blockaded, besieged, or invested.

Blockade.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, (if not contraband,) be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper; provided the same be not blockaded, besieged, or invested.

Notice.

Right to leave.

Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIII.

Contraband of war.

In order to regulate what shall be deemed contraband of war, there

ARTICULO XII.

Será lícito á los ciudadanos de cualquiera de los dos países navegar con sus buques y mercancías (esceptuando siempre los géneros de contrabando) de un puerto cualquiera, á los del enemigo de la otra, y navegar y traficar con sus buques y mercancías, con perfecta seguridad y libertad, de los países, puertos y lugares de los que sean enemigos de una de las partes, sin oposicion ni molestia, y pasar, no solo directamente de los lugares y puertos mencionados del enemigo, á puertos y lugares neutrales, sino tambien de un lugar perteneciente á un enemigo, á otro lugar enemigo, ya sea que estén ó no bajo la jurisdiccion de la misma potencia; á menos que tales puertos ó lugares estén efectivamente bloqueados, sitiados, ó embestidos.

Y por cuanto frecuentemente sucede que navegan buques para un puerto ó lugar perteneciente á un enemigo sin saber que aquel esté sitiado, bloqueado ó embestido, se conviene en que pueda hacerse volver de tal puerto ó lugar á todo buque que se halle en estas circunstancias; pero no será detenida, ni confiscada parte alguna de su cargamento, (no siendo contrabando,) á menos que despues de la intimacion de semejante bloqueo ó ataque, intentáre otra vez entrar; mas le sera permitido ir á cualquier otro puerto ó lugar que juzgue conveniente, con tal que este no se halle bloqueado, sitiado ó embestido. Ni se impedirá á ningun buque de cualquiera de las partes que haya entrado en tal puerto ó lugar, antes de estar efectivamente sitiado, bloqueado, ó embestido por la otra, salir de él con su cargamento, ni, si fuere hallado allí despues de la reduccion y entrega del lugar, estará sujeto á confiscacion el buque, ni su cargamento, sino que serán restituidos á sus dueños.

ARTICULO XIII.

A fin de arreglar lo que haya de juzgarse contrabando de guerra, se

shall be comprised under that denomination, gunpowder, saltpetre, petards, matches, balls, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannons, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship unless they are soldiers, and in actual service of the enemy.

ARTICLE XV.

In time of war the merchant ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports but likewise their certificates, showing that their goods are not of the quality of those which

comprenderá en esa denominacion, ^{Contraband of war.} la pólvora, salitre, petardas, mechas, balas, bombas, granadas, carcassas, picas, alabardas, espadas, cinturones, pistolas y sus fundas, sillas y arneses de caballería, cañones, morteros con sus cureñas y afustes, y generalmente toda especie de armas, municiones de guerra, é instrumentos á propósito para el uso de tropas; todos los cuales artículos, cuando quiera que se destinen al puerto de un enemigo, se declaran por la presente, contrabando, y justos objetos de confiscacion; pero se considerarán libres y de ninguna manera contaminados por los géneros prohibidos, el buque cargado de ellos, y el resto del cargamento, ya pertenezcan al mismo dueño ó á diversos.

ARTICULO XIV.

Se estipula aquí, que los buques ^{Free ships make free goods.} libres darán libertad á los géneros, y que se ha de considerar libre y exento, todo lo que se hallare á bordo de los buques pertenecientes á los ciudadanos de cualquiera de las partes contratantes; aunque toda la carga ó parte de ella pertenezca á enemigos de una ú otra, exceptuándose siempre los géneros de contrabando de guerra. Se conviene tambien del mismo modo, en que se estenderá la misma libertad á las personas que se encuentren abordo de buques libres, con el efecto de que, aunque ellas sean enemigos de cualquiera de las partes, no deban ser estraidos de los buques libres, á no ser militares y estar en actual servicio del enemigo.

Persons.

ARTICULO XV.

En tiempo de guerra los buques ^{Merchant ships on the high seas.} mercantes pertenecientes á ciudadanos de cualquiera de las partes contratantes, destinados á algun puerto del enemigo de una de ellas, y respecto á cuyo viaje y artículos de cargamento hubiere justos motivos de sospecha, tendrán obligacion de exhibir, así en alta mar como en los puertos ó radas, no solo sus pasaportes, sino tambien sus certificados para demostrar que sus géneros no son de la cualidad de los especifica-

are specified to be contraband in the thirteenth article of the present convention.

dos como contrabando en el artículo décimo-tercero de la presente convencion.

ARTICLE XVI.

ARTICULO XVI.

Passports for ships of neutrals.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage unless the quantity of the contraband goods be greater than can conveniently be received on board the ship-of-war or privateer, in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

No other paper required.

Contraband.

If there are no passports.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated,

Y para evitar las capturas fundadas en leves sospechas, é impedir los daños consiguientes, se conviene en que cuando una parte estuviere en guerra y la otra permaneciere neutral, se darán á los buques de la parte neutral, pasaportes de los cuales aparezca que los buques pertenecen realmente á ciudadanos de la parte neutral; estos pasaportes les servirán para cualquier número de viajes, pero se renovarán de año en año, entendiéndose esto, si acaso el buque volviese á su país dentro del espacio de un año. Si los buques estan cargados, no solo irán provistos de los pasaportes arriba mencionados, sino tambien de certificados tales que por ellos se conozca si llevan géneros de contrabando; y no se requerira ningun otro papel, no obstante cualquier uso ú ordenanza en contrario. Y si no constáre de dichos certificados, que hai abordo géneros de contrabando, se permitirá á los buques proseguir sus viajes. Si constáre de los certificados que hai abordo de tal buque géneros de contrabando, y su comandante ofreciere entregarlos, se aceptará la oferta, se dará un recibo de ellos y quedará el buque en libertad de continuar su viaje; á menos que, la cantidad de los géneros de contrabando sea mayor que la que convenientemente pueda recibirse abordo del buque de guerra, público ó privado; caso en el cual el buque será llevado, para que los entregue, como en todos los demas de justa detencion, al puerto mas inmediato, cómodo y seguro.

Si algun buque no estuviere provisto del pasaporte o certificados que se requieren, segun lo dicho, podrá un juez ó tribunal competente examinar la causa, y si se viere de otros documentos ó pruebas, admisibles segun el uso de las naciones, que el buque pertenece á los ciudadanos ó súbditos de la parte neutral, no será confiscado, sino puesto en lib-

but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure, and the passport remain in full force.

ARTICLE XVII.

If the ships of the citizens of either of the parties shall be met with on the high seas, by any ship-of-war or privateer of the other, for the avoiding of any disorder, the said ships-of-war or privateers shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

ARTICLE XVIII.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective

ertad con su cargamento (escepto los géneros de contrabando) y se le permitirá seguir su viaje.

Si el capitán de un buque nombrado en el pasaporte, llegare á morir, ó faltare por cualquiera otra causa, y fuere puesto otro en su lugar, gozarán, sin embargo, de igual seguridad el buque y su cargamento, y el pasaporte conservará toda su fuerza.

If master of ship dies.

ARTICULO XVII.

Si se encontráren los buques de los ciudadanos de cualquiera de las partes navegando en alta mar, por algun buque de guerra público ó privado de la otra, para evitar cualquier desórden dichos buques de guerra públicos ó privados permanecerán fuera de tiro de cañón y podrán enviar sus botes abordo del buque mercante que encontráren, y entrar en él hasta el número de dos ó tres hombres solamente, á los cuales, el capitán ó comandante del buque exhibirá su pasaporte concerniente á la propiedad del buque. Y se ha convenido espresamente en que en ningun caso se exigirá á la parte neutral, que vaya abordo del buque examinador con el fin de exhibir sus papeles ó para que se le haga algun otro exámen sea el que fuere.

Examination of vessels by ships of war.

ARTICULO XVIII.

Las altas partes contratantes convienen espresamente en que las estipulaciones arriba mencionadas relativas á la conducta que ha de observarse en el mar por los cruceros de la parte beligerante con los buques de la parte neutral, solamente se aplicarán á buques que naveguen sin convoi, y que cuando dichos buques fueren convoyados, queriendo las partes observar todos los miramientos debidos á la bandera que despliegan los buques públicos que los protegen, no será lícito visitarlos, sino que los respectivos cruceros considerarán como enteramente suficiente la declaracion verbal que haga el comandante del convoi, de que los buques que convoya pertenecen á la nacion cuya

Ships sailing with convoy not to be visited.

cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

ARTICLE XIX.

Duty in case of
captured vessels.

In all cases where vessels shall be captured, or detained to be carried into port, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge, or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XX.

Master, &c. of
captured ship not
to be removed,
&c.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated; they shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and

Crew and pas-
sengers.

bandera lleva él, y que no tienen á su bordo géneros de contrabando; obligándose recíprocamente ambas partes á no admitir bajo la protección de sus convoyes, buques que tengan á su bordo géneros de contrabando destinados á un enemigo.

ARTICULO XIX.

En todos los casos en que se capturáren ó detuviéren buques para conducirlos á un puerto con motivo de que llevan géneros de contrabando, el captor dará de los papeles del buque que retenga un recibo que pondrá al pié de una copia de ellos; y no será lícito romper ni abrir los cuarteles, arcas, baules, cubas, fardos ni vasos hallados abordo, ni sacar la menor porcion del cargamento, á menos que se lleve á tierra, y á presencia de los empleados competentes los cuales harán de el un inventario. Ni será lícito vender, permutar ni enajenar de ningun modo dichos artículos de contrabando, á menos que haya habido procedimiento legal y que el juez ó jueces competentes hayan pronunciado contra ellos sentencia de confiscacion.

ARTICULO XX.

Y para que se cuide convenientemente en dicho tiempo de guerra el buque y carga, y se impida su hurto, se conviene en que no será lícito quitar de abordo de ningun buque capturado, á su capitán, comandante, ni sobrecargo, durante el tiempo que estuviere el buque en el mar, despues de la captura, ó mientras penden los procedimientos contra él, el cargamento ó cualquiera cosa que le concierna. Y en todos los casos en que se capturáre, ó cojiere, y se retuviere para que se adjudique, algun buque de los ciudadanos de cualquiera de las partes, se dará hospitalidad á sus empleados, pasajeros y tripulacion; ellos no serán encarcelados, ni privados de parte alguna de sus vestidos, ni de la posesion y uso de su dinero, en cuanto no exceda de

for the sailors and passengers one hundred dollars each.

ARTICLE XXI.

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

ARTICLE XXII.

And that more abundant care may be taken for the security of the citizens of the contracting parties, and to prevent their suffering injuries, all commanders of ships-of-war and privateers, and all others the said citizens shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars, or of nine thousand four hundred dollars Venezuelan currency, or if said ship be

quinientos pesos por cabeza tratándose del capitán, sobrecargo, y piloto, ni de cien pesos por cada uno de los marineros y pasajeros.

ARTICULO XXI.

Se conviene ademas en que en todos los casos que ocurran tan solo los tribunales establecidos para causas de presas, en el país á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante tribunal de cualquiera de las partes pronunciare sentencia contra algun buque, ó géneros, ó propiedad, reclamados por los ciudadanos de la otra parte, la sentencia, ó decreto hará mencion de las razones ó motivos en que se haya fundado aquella; y se entregará sin demora alguna al comandante ó agente de dicho buque si lo reclamáre, un testimonio auténtico de la sentencia ó decreto, y de todo el proceso, pagando por él los derechos legales.

Courts for prize causes.

Decree.

ARTICULO XXII.

Y para que se ponga aún mayor cuidado en la seguridad de los ciudadanos de las partes contratantes, y se impida que sufran injurias, todos los comandantes de buques de guerra públicos y privados, y todos los demas ciudadanos se abstendrán de causar ningun daño á los de la otra parte, ó de cometer algun ultraje contra ellos, y si lo contrario hicieren, serán castigados y tambien obligados á satisfacer y reparar con sus personas y bienes todos los daños y perjuicios que ocasionáren, cualquiera que se sea su naturaleza.

Commanders of ships-of-war and privateers responsible for damages.

Por esta causa todos los comandantes de buques de guerra privados, antes de recibir sus despachos tendrán en lo sucesivo obligacion de dar, ante juez competente, suficiente seguridad á lo menos con dos fiadores responsables que no tengan interes en el buque, cada uno de los cuales juntamente con dicho comandante de "mancomun et in solidum" quedará obligado con la suma de siete mil pesos fuertes, ó nueve mil cuatrocientos pesos sencillos, ó si el

Commanders of privateers to give bonds, &c.

provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or eighteen thousand eight hundred dollars Venezuelan currency, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during her cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and, further, that in all cases of aggressions, said commission shall be revoked and annulled.

ARTICLE XXIII.

Prizes, &c. not to pay duties,

When the ships-of-war of the two contracting parties or those belonging to their citizens which are armed in war shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships-of-war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nations.

not to be arrested.

Limitation.

Enemies' privateers.

It shall not be lawful for any foreign privateers who have commissions from any prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that prince or State from which they have received their commissions.

buque estuviere provisto de mas de ciento cincuenta marineros, ó soldados, con la suma de catorce mil pesos fuertes, ó diez y ocho mil ochocientos pesos sencillos, á satisfacer todos los daños é injurias que dicho buque de guerra particular, ó sus empleados, ó marineros, ó cualquiera de ellos hagan ó cometan durante su crucero contra el tenor de esta convencion ó de las leyes é instrucciones por las cuales deben arreglar su conducta; y ademas se les revocará y anulará dicha patente en todos los casos en que cometan agresiones.

ARTICULO XXIII.

Cuando se admitan con sus presas en los puertos de cualquiera de las dos partes los buques de guerra de ellas ó los pertenecientes á sus ciudadanos que estén armados en guerra, dichos buques públicos, ó privados, como tampoco sus presas no serán obligados á pagar ningun derecho á los empleados del lugar, jueces, ni ningunos otros; ni serán detenidas ni embargadas tales presas cuando lleguen á los puertos de cualquiera de las partes y entren en ellos, ni sobre su legalidad harán ningun examen los empleados del lugar; sino que tales buques de guerra podrán en cualquier tiempo izar las velas y partir y llevarse sus presas á los lugares indicados en sus patentes que sus comandantes deberán mostrar. Entiendese sin embargo que los privilegios conferidos en este artículo no se extenderán mas allá de los que se concedan por ley, ó por tratado con las naciones mas favorecidas.

ARTICLE XXIV.

ARTICULO XXIV.

No será lícito á ningunos armadores extranjeros que hayan recibido patente de cualquier príncipe ó estado que sea enemigo de cualquiera de las dos naciones, equipar sus buques en los puertos de la otra; ni vender, ni de ninguna manera permutar sus presas, ni se les permitirá comprar provisiones, sino las que sean necesarias para ir al próximo puerto del príncipe ó estado de que hayan recibido sus patentes.

ARTICLE XXV.

No citizen of Venezuela shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Venezuela, or any of them, or the property of any of them, from any prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other consuls or vice-consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said consuls or vice-consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a consular agent, to reside in any ports or commercial places of the latter, such consul or agent shall continue to be regarded, notwithstanding his quality of a foreign consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in

ARTICULO XXV.

De ningun príncipe ó estado con quien los Estados Unidos esten en guerra, solicitarán ni tomarán los ciudadanos de Venezuela patentes ni letras de marca, para armar ningun buque ó buques y salir á corso contra los dichos Estados Unidos ó alguno de ellos, ó contra los ciudadanos, pueblos ó habitantes de dichos Estados Unidos ó alguno de ellos; ni contra los bienes de ningun de sus habitantes; ni ningun ciudadano ni habitante de los Estados Unidos, ó alguno de ellos, solicitará ni tomará de ningun príncipe ó estado con que Venezuela esté en guerra patentes ni letras de marca para armar algun buque ó buques y salir á corso contra los ciudadanos ó habitantes de dicha República, ó alguno de ellos, y si algun individuo de cualquiera de las dos naciones tomáre tales patentes ó letras de marca, será castigado conforme á sus respectivas leyes.

Citizens of one power not to use letters of marque against the other.

ARTICULO XXVI.

Las altas partes contratantes se conceden recíprocamente la libertad de tener en los puertos de la otra cónsules ó vice cónsules nombrados por ellas mismas, los cuales gozarán de los propios privilegios y facultades que los de la nacion mas favorecida; pero, si algunos de dichos cónsules ó vice cónsules ejercieren el comercio, estarán sujetos á las mismas leyes y usos á que estuviéren sujetos en el mismo lugar los particulares de su nacion.

Consuls and vice-consuls.

Se entiende que, siempre, que cualquiera de las dos partes contratantes elijiere á un ciudadano de la otra por agente consular con residencia en puertos ó plazas comerciales de la última, tal cónsul ó agente continuará siendo considerado, no obstante su calidad de cónsul extranjero, como ciudadano de la nacion á que pertenece, y consiguientemente estará sometido á las leyes y reglamentos á que en el lugar de su residencia lo estuviéren los naturales. Sin embargo, esta obliga-

When consular agent is a citizen.

no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

Consuls and vice-consuls to be arbitrators,

The said consuls and vice-consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

to arrest deserters, &c.

The said consuls and vice-consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships-of-war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the consuls and vice-consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Proceedings.

cion en ningun respecto embarazará el ejercicio de sus funciones consulares, ni afectará la inviolabilidad de los archivos consulares.

Dichos cónsules y vice cónsules tendrán como tales el derecho de servir de jueces arbitradores en las diferencias que se susciten entre los capitanes y tripulaciones de los buques pertenecientes á la nacion cuyos intereses estan puestos á su cuidado, sin intervencion de las autoridades locales, á ménos que se requiera la asistencia de ellas, ó que la conducta de las tripulaciones o del capitan turbe el orden ó la tranquilidad del pais. Se entiende sin embargo, que esta especie de juicio ó arbitramento no privará á las partes contendientes del derecho que tienen para recurrir, cuando vuelvan á su pais, á la autoridad judicial de este.

Dichos cónsules y vice cónsules tendrán la facultad de requerir la asistencia de las autoridades locales para el arresto y prision de los desertores de los buques de guerra y mercantes de su pais. A este fin, se dirigirán á los tribunales, jueces y empleados competentes, y reclamarán por escrito tales desertores, probando con la exhibicion de los registros de los buques, los roles de las tripulaciones ó cualesquiera otros documentos oficiales, que tales individuos formaban parte de aquella; y probado así esta demanda, no se negará la entrega. Tales desertores, cuando sean arrestados, serán puestos á la disposicion de los cónsules y vice cónsules, y podrán ser encerrados en las cárceles públicas á solicitud y espensas de los que los reclámen para ser enviados á los buques á que pertenezcan ó á otros del mismo pais. Pero si no fueren mandados dentro de tres meses contados desde el dia de su arresto, serán puestos en libertad, y no volverán á ser arrestados por la misma causa. Si se viere sin embargo que el desertor ha cometido algun crimen ó delito, se deferirá su entrega hasta que el tribunal donde penda su causa haya pronunciado sentencia y se haya llevado esta á ejecucion.

ARTICLE XXVII.

The United States of America and the Republic of Venezuela, on requisitions made in their name through the medium of their respective diplomatic and 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; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ARTICLE XXVIII.

Persons shall be delivered up, according to the provisions of this 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; the counterfeiting of money; 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 XXIX.

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

ARTICULO XXVII.

La República de Venezuela y los Estados Unidos de América, en virtud de requisitorias que se hagan en su nombre, por el órgano de sus respectivos agentes diplomáticos y consulares, entregarán á la justicia las personas á quienes imputandose los crímenes enumerados en el artículo siguiente cometidos dentro de la jurisdicción de la parte requirente, buscaren asilo ó fueren encontrados dentro de los territorios de la otra; con tal que se haga esto solamente cuando el hecho de la comision del crimen esté acreditado de modo que justificase la aprehension y sometimiento á juicio de las personas acusadas, si se hubiese cometido el crimen en el pais donde se hallen, en todo lo cual los tribunales de dicho pais procederán y decidirán conforme a sus leyes.

Fugitives from justice.

Evidence of crime.

ARTICULO XXVIII.

Conforme á las disposiciones de esta convencion, serán entregadas las personas á quienes se impute alguno de los crímenes siguientes, á saber: Homicidio voluntario, (incluyendo el asesinato, el parricidio, el infanticidio, y el envenenamiento;) conato de homicidio; fuerza hecha á muger; falsificacion; fabricacion de moneda falsa; incendio; robo con violencia, intimidacion, ó entrada violenta en una casa habitada; piratería; peculado ó hurto cometido por personas alquiladas ó asalariadas en detrimento de los que las emplean, cuando estos crímenes esten sujetos á castigo infamante.

Crimes for which surrender is allowed.

ARTICULO XXIX.

Por parte de cada pais, la entrega será hecha solamente de orden del ejecutivo. Los gastos de detencion y entrega hechos en virtud de los artículos precedentes, correrán á cargo de la parte reclamante.

Executive alone to surrender, &c.

Expenses, &c.

ARTICLE XXX.

Not to apply to 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 XXXI.

Convention to continue eight years.

This convention is concluded for the term of eight years, dating from 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, 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.

Notice to terminate.

ARTICLE XXXII.

When and where to be ratified.

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 ratifications shall be exchanged at Caracas, as soon as circumstances shall admit.

Signature.

In faith whereof the respective plenipotentiaries have signed the foregoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Date.

Done in duplicate, at the city of Caracas, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty.

E. A. TURPIN. [L. s.]
PEDRO DE LAS CASAS. [L. s.]

Ratification.

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 Caracas on the ninth day of August last:

Publication.

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

ARTICULO XXX.

Las disposiciones de los artículos anteriores relativos á la entrega de reos prófugos, no se aplicarán á delitos cometidos antes de esta fecha, ni á los de carácter político.

ARTICULO XXXI.

Esta convencion se celebra por el término de ocho años contados desde el canje de las ratificaciones; y si un año antes de espirar ese plazo, ninguna de las partes contratantes hubiere anunciado á la otra, por medio de una notificacion oficial, su voluntad de detener los efectos de dicha convencion, esta continuará obligatoria por doce meses mas, y asi en adelante de año en año, hasta que terminen los doce meses que seguirán á semejante declaracion, sea cual fuere el tiempo en que tenga efecto.

ARTICULO XXXII.

Esta convencion será sometida por ambas partes á la aprobacion y ratificacion de las respectivas autoridades competentes de cada una de las contratantes, y las ratificaciones, canjeadas en Carácas luego que las circunstancias lo permitan.

En fé de lo cual los respectivos plenipotenciarios han firmado y sellado los precedentes artículos en Español y en Ingles.

Hecho por duplicado en la ciudad de Carácas á veinte siete de Agosto, del año del Señor de mil ocho cientos y sesenta.

PEDRO DE LAS CASAS. [L. s.]
E. A. TURPIN. [L. s.]

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 twenty-fifth day of September, in the year of our Lord one thousand eight hundred and [L. s.] sixty-one, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Arapahoe and Cheyenne Indians of the Upper Arkansas River. Concluded, February 18, 1861. Ratified, with amendment, August 6, 1861. Amendment accepted, October 29, 1861. Proclaimed, December 5, 1861.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Feb. 18, 1861.

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

WHEREAS a treaty was made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, commissioners on the part of the United States, and the hereinafter-named chiefs and delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, they being duly authorized thereto by said tribes, which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, commissioners on the part of the United States, and the following named chiefs and delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz.: Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians.

Contracting parties.

ARTICLE 1st. The said chiefs and delegates of said Arapahoe and Cheyenne tribes of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas River and extending westwardly along the said river to the mouth of Purgatory River; thence along up the west bank of the Purgatory River to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas River, five miles east of the mouth of the Huerfano River, would intersect said northern boundary of New Mexico; thence due north from that point on said boundary to the Sandy Fork to the place of beginning.

Cession of lands.

Boundaries.

The Arapahoes and Cheyennes, being desirous of promoting settled habits of industry and enterprise amongst themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the tract of country contained within the boundary above described, shall be set apart and retained by them for the purposes aforesaid.

Tenure of lands.

According to an understanding among themselves, it is hereby agreed between the United States and the said tribes that the said reservation be surveyed and divided.

Reservation to be surveyed and divided.

TREATY WITH THE ARAPAHOE

shall be surveyed and divided by a line to be run due north from a point on the northern boundary of New Mexico, fifteen miles west of the Purgatory River, and extending to the Sandy Fork of the Arkansas River, which said line shall establish the eastern boundary of that portion of the reservation, to be hereafter occupied by the Cheyennes, and the western boundary of that portion of said reservation to be hereafter occupied by the Arapahoes.

Assignment in
severalty of lands
to members of
tribe,

to agent of
tribes,

for schools.
Location of
lands.

Lands owned
in common.

Name of reser-
vation.
Laws.

Assignment to
be under direc-
tion of Secretary
of Interior.

Certificates.

Lands not to be
alienated, except,
&c.
to be exempt,
&c.

Disposition in
case of death, &c.

ARTICLE 2d. Out of the lands so set apart and retained there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of forty acres, to include, in every case, as far as practicable, a reasonable portion of timber and water; one hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent, for the time being, of said tribes; and one hundred and sixty acres shall also be reserved out of each division of the retained tract for the establishment and support of schools for the education of the youth of the tribes. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned in common by the tribe occupying that portion of the reservation within the limits of which said parcels of land and water may be included; but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute and be known as the Reservation of the Arapahoes and Cheyennes of the Upper Arkansas; and all laws which have been or may be passed by the Congress of the United States regulating trade and intercourse with Indian tribes, shall have full force and effect over the same, and no white person, except as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of the central superintendency, or of the agent of the tribes.

ARTICLE 3d. The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose, shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the respective bands of Arapahoes and Cheyennes, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE 4th. In consideration of the foregoing cession, relinquishment, and agreements, and for the purpose of establishing the Arapahoes and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes in the quiet and peaceable possession of the said tract of land so reserved for their future home, and also their persons and property thereon, during good behavior on their part. 2d. To pay to them, or expend for their benefit, the sum of thirty thousand dollars per annum for fifteen years; that is to say, fifteen thousand dollars per annum for each tribe for that number of years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; making four hundred and fifty thousand dollars in annuities in the period of fifteen years, of which sums the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what objects such expenditures 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. Their annuities 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. It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals, &c., referred to in this article, as also the cost and expense of breaking up and fencing land, building houses, store-houses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of four hundred and fifty thousand dollars, to be paid to or expended for the benefit of the Arapahoes and Cheyennes as annuities.

Stipulations on the part of the United States.

Protection of persons and property.

Annuities.

Aged and infirm.

Annuities may be discontinued.

Purchase of stock, agricultural implements, &c.

ARTICLE 5th. To provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, the United States agree to expend therefor a sum not exceeding five thousand dollars per annum for five years; and it is agreed that all articles of goods and provisions, stock, implements, lumber, machinery, &c., referred to in this treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of the United States.

Mills and mechanic shops.

ARTICLE 6th. The Arapahoes and Cheyennes of the Upper Arkansas, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages; and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for that purpose: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

All members of the tribe to participate.

To come in within one year.

Further aid.

ARTICLE 7th. Should any further aid from time to time be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties or articles of agreement and convention, and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

President and Congress may modify, &c. for-
mer treaties.

Expenses of
this treaty.

ARTICLE 8th. All the expenses connected with and incident to the making of this agreement and the carrying out its provisions shall be defrayed by the United States, except as otherwise herein provided.

Roads, &c. to
have right of
way.

ARTICLE 9th. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States.

Existing an-
nuities to be con-
tinued, &c.

ARTICLE 10th. It is also agreed by the United States that the annuities now paid to the Arapahoes and Cheyennes, under existing treaties or articles of agreement and convention, shall be continued to them until the stipulations of said treaties or articles of agreement and convention relating to such annuities shall be fulfilled.

Proprietors of
Denver city, &c.
to enter land, &c.

ARTICLE 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre.

Instrument,
when to be ob-
ligatory.

ARTICLE 12th. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

Signature.

In testimony whereof, the said Commissioner[s] as aforesaid, and the said Chiefs and Delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

A. G. BOONE,

U. S. Ind. Agt. and Commissioner.

F. B. CULVER,

Comr. and Spec. Agt.

On the part of the Arapahoes.

HO-HA-CA-CHE,	his x mark, or Little Raven.
AC-KER-BA-THE,	his x mark, or Storm.
CHE-NE-NA-E-TE,	his x mark, Shave-Head.
MA-NA-SA-TE,	his x mark, Big Mouth.

On the part of the Cheyennes.

MO-TA-VA-TO,	his x mark, Black Kettle.
VO-KI-VOKAMAST,	his x mark, White Antelope.
AVO-NA-CO,	his x mark, Lean Bear.
O-NE-A-HA-KET,	his x mark, Little Wolf.

NA-KO-HAIS-TAH, his x mark, Tall Bear.
 A-AM-A-NA-CO, his x mark, Left Hand, or Namos.

JOHN S. SMITH, *U. S. Interpreter.*
 ROBERT BENT, *U. S. Interpreter.*

Witnesses to the signatures :

JOHN SEDGWICK, *Major of Cavalry.*
 R. RANSOM, Jr., *Lt. of Cavalry.*
 J. E. B. STUART, *1st Lt. 1st Cavalry.*
 JOHN WHITE, *Clerk to the Indian signatures.*

P. S. And it is further understood, before signing the above treaty, that it was the particular request and wish of the Chiefs and Councillors in general convention, in consideration of Robert Bent being one of their half-breed tribe, that he should have, as a gift from the nation, six hundred and forty acres of land, covering the valley and what is called the Sulphur Spring, lying on the north side of the Arkansas River and about five miles below the Pawnee Hills, and they wish the general government to recognize and confirm the same ; and that Jack Smith, son of John S. Smith, who is also a half-breed of said nation, shall have six hundred and forty acres of land, lying seven miles above Bent's Old Fort, on the north side of the Arkansas River, including the valley and point of rock, and respectfully recommend the general government to confirm and recognize the same.

Gift to Robert Bent,

to Jack Smith

A. G. BOONE,
Com. and Ind. Agt.
 F. B. CULVER,
Comr. and Spec. Agt.

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 sixth day of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit :

Ratification.

" IN EXECUTIVE SESSION,
 " SENATE OF THE UNITED STATES, August 6, 1861.

" *Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz.: Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians, with the following amendment, viz.:

Amendment.

" Strike out the eleventh article, in the following words :

" ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and twenty-five cents per acre."

Attest :

J. W. FORNEY, *Secretary.*

TREATY WITH THE ARAPAHOE

And whereas the foregoing amendment having been fully interpreted and explained to the Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, in full council assembled, on the [twenty-ninth day of October, one thousand eight hundred and sixty-one,] they did thereunto give their free and voluntary assent in the words and figures following, to wit :

Assent to
amendment.

We, the undersigned Chiefs, Councillors, Head Men, and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, on behalf of said tribes, now in full council assembled, having had fully explained to us the amendment made on the 6th day of August, 1861, by the Senate of the United States, to the treaty made and concluded on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs, Councillors, and Head Men of the Arapahoe and Cheyenne confederated tribes of Indians, viz. : Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians ; which amendment is in the following words, viz. :

Strike out the eleventh article, in the following words :

"ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre."

In testimony whereof, we have hereunto set our hands and affixed our seals this 29th day of October, 1861.

Signed on the part of the Arapahoes.

HO-HA-CA-CHE,	his x mark, or Little Raven.
AC-KER-BA-THE,	his x mark, or Storm.
CHE-NE-NA-E-TE,	his x mark, or Shave-Head.
MA-NA-CA-TE,	his x mark, or Big Mouth.

On the part of the Cheyennes.

ME-TU-RA-TO,	his x mark, or Black Kettle.
VO-KI-ROKAMAST,	his x mark, or White Antelope.
AVO-NACÓ,	his x mark, or Lean Bear.
OHI-A-HA-KET,	his x mark, or Little Wolf
NA-KO-HARSTULE,	his x mark, or Tall Bear.
HANO-A-NA-CO,	his x mark, or Left Hand, or Namos.

Witness :

A. G. BOONE, *Agt., &c., and Commissioner.*
 ELMER OTIS, *Capt. 4th Cav., Comdg.*
 J. M. WARREN, *2d Lieut. 8th Inf.*
 JOHN H. JANEWAY, *Asst. Surg., U. S. A.*
 JOHN S. SMITH, *U. S. Interpreter.*

Ratification.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth day of August, one thousand eight hundred and sixty-one, 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 hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this fifth day of December, [L. s.] in the year of our Lord, one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-sixth. Proclaimed.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: March 6, 1861.

WHEREAS a treaty was made and concluded at the Great Nemaha Agency, in the Territory of Nebraska, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, United States Indian Agent, on the part of the United States, and Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee, chiefs and delegates of the Indians known as the Sacs and Foxes of Missouri, duly authorized thereto by said Indians, and No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse, chiefs and delegates of the Indians known as the Iowa tribe, duly authorized thereto by said Indians, in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the office of the Great Nemaha Agency, Nebraska Territory, on the sixth day of March, A. D. one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, U. S. Indian agent, on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee; and the following named delegates of the Iowa tribe, viz: No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse; they being duly authorized thereto by their respective tribes.

Contracting parties.

ARTICLE I. The Sacs and Foxes of Missouri hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to lands within their present reservation, described as follows, viz: beginning at the mouth of the south fork of the Great Nemaha river, and thence up the southwest bank of the Great Nemaha, with its meanders, to the mouth of the west fork; thence up the west fork, with its meanders, to the line of the 40° of parallel on the west bank of creek or fork, where is established the southwest corner of the Sac and Fox reserve, by erecting a stone monument, from which the following references bear, viz: A large cottonwood tree, 3 feet in diameter, bears S. 44° 00' E. 1.05 chains; a rock bears N. 30° 00' W. 50 links; another rock bears N. 50° 00' west 50 links; and another rock bears due north 1 chain; thence east, along the line of the 40° of parallel to the west bank of the south fork of the Great Nemaha river, distance fourteen miles twenty-seven chains and sixty links, where is established the southeast corner of the Sac and Fox reserve, by erecting a stone pile with a black walnut post in the centre of it, from which a white elm, two feet in diameter, bears S. 33° 00' E. 22 links, and marked with the letters S. E. Cor. for the southeast corner, and another elm, 18 inch[e]s in diameter, bears S. 39° 00' E. 1.05 chains, and marked SE C B SE., for the southeast corner, bearing, and distance; and another black walnut, 9 inch[e]s in diameter, bears S. 15° 00' E. 85 links, and thence down the south fork, with its meanders, to the point of beginning, estimated to contain 32,098 acres, 3 roods and 35 perches.

Cession of reservation to the United States.

Boundaries.

ARTICLE II. The aforesaid lands shall be surveyed in conformity with the system governing the survey of the public lands; and the same shall be sold, under the direction of the Secretary of the Interior, in parcels

Lands to be surveyed and sold at auction.

not exceeding one hundred and sixty acres each, to the highest bidder for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, provided no bid shall be favorably considered which may be less than one dollar and twenty-five cents per acre. And should

Improvements.

any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for Government purposes, the proposals therefor must state the price for both the land and improvements. The proceeds of the sales thereof, after deducting therefrom the expenses of surveying the lands and all other expenses incident to the negotiation of these articles of convention and the proper execution thereof, the balance shall be applied as follows, viz: one half shall be held in trust by the United States for the benefit of the Sacs and Foxes of Missouri, and interest thereon, at the rate of five per centum per annum, shall be paid annually, with the other funds to be paid said tribe, in the same manner as stipulated in the treaty of May 18th, 1854; and the other half of said balance shall be applied as hereinafter specified.

Proceeds of sale.

Vol. x. p. 1074.

Iowas cede to the United States lands for the Sacs and Foxes.

ARTICLE III. The Iowa tribe of Indians, parties to this agreement, hereby cede, relinquish and convey to the United States, for the use and benefit of the Sacs and Foxes of Missouri, for their permanent home, all that part of their present reservation lying and being west of Nohearts creek, and bounded as follows, viz: Beginning at a point where the southern line of the present Iowa reserve crosses Nohearts creek; thence with said line to the south fork of the Nemaha, (commonly known as Walnut creek;) thence down the middle of said south fork, with the meanders thereof, to its mouth, and to a point in the middle of the Great Nemaha river; thence down the middle of said river to a point opposite the mouth of Nohearts creek; and thence, in a southerly direction with the middle of said Nohearts creek, to the place of beginning. And it is hereby understood and agreed that, in full consideration for said cession, the United States shall hold in trust, for the use and benefit of the Iowas, the one half of the net proceeds of the sales of the lands described in the second article of this agreement, and interest thereon, at the rate of five per centum per annum, shall be paid to the Iowa tribe in the same manner as their annuities are paid under the treaty of May 17th, 1854. The reservation herein described shall be surveyed and set apart for the exclusive use and benefit of the Sacs and Foxes of Missouri, and the remainder of the Iowa lands shall be the tribal reserve of said Iowa Indians, for their exclusive use and benefit.

Boundaries.

Vol. x. p. 1069.

Joseph Tesson to select a quarter-section of land.

ARTICLE IV. The Sacs and Foxes of Missouri being anxious to make full satisfaction for a just claim which Joseph Tesson holds against said tribe, it is hereby agreed by the parties to this convention that said claimant shall select a quarter-section or one hundred and sixty acres of land, to include his present residence and improvements, to be located in one body, in conformity with the legal subdivisions of the public surveys, which tract of land shall be received by him in full payment of said claim, estimated at about eight hundred dollars, and all other claims or rights of every character whatsoever against said tribe; and when a relinquishment shall have been executed by said claimant in favor of said tribe for all claims that he may have against them, a patent shall be issued to him for said tract of land in fee simple.

Certain chiefs may select each a quarter-section of land.

The following chiefs shall be entitled to select each a quarter-section or one hundred and sixty acres of land in one body, in conformity with the public surveys, to include their present residences and improvements, viz: Pe-te-ok-a-ma, Ne-sour-quoit, and Mo-less; and George Gomess, a member of the Sac and Fox tribe, shall select in like manner one eighth of a section or eighty acres of land in one body, to include his improvements, and patents shall be issued therefor in favor of said persons in fee simple.

Grants for pur-

ARTICLE V. In order to encourage education among the aforesaid

tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable school-house, and dwelling-house for the school teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes, so long as the President of the United States may deem advisable. And for the benefit of the Iowa tribe of Indians there shall be expended, in like manner, at the discretion of the President, the sum of three hundred dollars per annum, for school purposes, which two last mentioned sums shall be paid out of the funds to be appropriated for the civilization of Indians.

ARTICLE VI. There shall be set apart in one body, under the direction of the Commissioner of Indian Affairs, one section, or six hundred and forty acres of land, in harmony with the public surveys, so as to include the agency dwelling, agency office, council house, school-house, teacher's dwelling, blacksmith's dwelling and shops, and such farming land as may be necessary for the use of the school, agency, and employees thereat.

ARTICLE VII. No person not a member of either of the tribes, parties to this convention, shall go upon the reservations or sojourn among the Indians without a license or written permit from the agent or superintendent of Indian affairs, except Government employees or persons connected with the public service. And no mixed blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties, unless they return to and unite permanently with said tribes, and reside upon the respective reservations within six months from the date of this convention.

ARTICLE VIII. It is hereby understood and agreed by the contracting parties hereto that the stipulations of the treaty with the Sacs and Foxes of Missouri of May 18th, 1854, and the treaty with the Iowa Indians of the 17th of May, 1854, which may not be inconsistent with these articles of convention, shall have full force and effect upon the contracting parties hereto.

ARTICLE IX. This instrument shall be obligatory upon the respective parties hereto, whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said commissioner as aforesaid, and the said chiefs and delegates of the Sacs and Foxes of Missouri, and [of the] Iowa tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

D. VANDERSLICE, <i>U. S. Indian Agent.</i>	[L. S.]
PE-TE-OK-A-MA, his x mark.	[L. S.]
NE-SOUR-QUOIT, his x mark.	[L. S.]
MO-LESS, his x mark.	[L. S.]
SE-SE-AH-KEE, his x mark.	[L. S.]
<i>Sac[s] and Foxes of Mo.</i>	
NO-HEART, his x mark.	[L. S.]
NAG-GA-RASH, his x mark.	[L. S.]
MAH-HEE, his x mark.	[L. S.]
TO-HEE, his x mark.	[L. S.]
TAH-RA-KEE, his x mark.	[L. S.]
THUR-O-MONY, his x mark.	[L. S.]
WHITE-HORSE, his x mark.	[L. S.]

Iowa Indians.

Signed in the presence of —
GEORGE GOMESS, his x mark, *U. S. Interpreter for Sac[s] and Foxes of Mo.*
HARVEY W. FORMAN, witness to signing by George Gomess.
KIRWAN MURRAY, *U. S. Interpreter for Iowa Indians.*

HARVEY W. FORMAN.
JOHN W. FORMAN.
JOSEPHUS UTT.

Ratification
with amendment.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of February, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution and with an amendment in the words and figures following, to wit:

IN THE SENATE OF THE UNITED STATES,
February 6th, 1863.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention concluded at the Great Nemaha Agency, Nebraska Territory, the 6th March, 1861, between Daniel Vanderslice, United States Indian Agent, and delegates of the Sacs and Foxes of Missouri, with the following amendments, viz:

Insert the following as additional articles:

Toll-bridge.

ARTICLE X. The Secretary of the Interior may expend a sum not exceeding three thousand five hundred dollars, (\$3,500,) out of the proceeds of the sales of said lands, at any time he may deem it advisable for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Roy's Ferry, for the use of the Iowa Indians; and a like sum of three thousand five hundred dollars, (\$3,500,) out of the proceeds of the sales of said lands, for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Wolf Village, for the use of the Sacs and Foxes of Missouri.

Tolls.

Toll shall be charged and collected for the use of said bridges at such rates and under such rules and regulations as may be established by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior; the proceeds of such tolls to be expended as follows: 1st, in making necessary repairs on said bridges; 2d, for the use of said tribes respectively.

Annuities,

how may be
paid.

ARTICLE XI. It is further stipulated that, whenever Congress shall by law so provide, all annuities due and to become due and payable to the said tribes of Indians under this treaty, and under all other previous treaties, may be paid in specific articles, clothing, agricultural implements, and such other articles as Congress shall direct.

Attest:

J. W. FORNEY, *Secretary.*

Amendment
assented to.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter-named chiefs and delegates of the Sac and Fox and the Iowa tribes of Indians, they did, on the fourth day of March, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, we do hereby agree to and ratify the same.

Done at the Great Nemaha Agency, Nebraska Territory, on this fourth day of March A. D. 1863.

PE-TE-OK-E-MA, his x mark.
NE-SOUR-QUOIT, his x mark.
MO-LESS, his x mark.
Sac[s] and Foxes of Mo.
NAG-GA-RASH, his x mark.
MA-HEE, his x mark.

TO-HEE,	his x mark.
THUR-O-MONY,	his x mark.
TAH-RA-KEE,	his x mark.
	<i>Iowa Indians.</i>

In the presence of —

JOHN A. BURBANK, *U. S. Ind. Agent.*

GEORGE GOMESS, his x mark, *U. S. Interpreter for Sac[s] and
Foxes of Mo.*

H. M. ROBINSON.

D. W. ALLISON.

ELISHA DORION, his x mark, *Interpreter for Iowa Indians.*

J. W. WASHBURN.

M. GRIFFIN.

Now, therefore, be it known that I, ABRAHAM LINCOLN, Pres-
ident of the United States of America, do, in pursuance of the advice
and consent of the Senate, as expressed in their resolution of the sixth
day of February, one thousand eight hundred and sixty-three, accept,
ratify, and confirm said treaty, with the amendment as aforesaid.

Proclaimed by
the President.

In testimony whereof I have hereto signed my name and caused the
seal of the United States to be affixed.

[L. s.] Done at the city of Washington, this twenty-sixth day of March,
in the year of our Lord one thousand eight hundred and sixty-
three, and of the Independence of the United States the eighty-
seventh.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

*Treaty between the United States and the Delaware Tribe of Indians.
Concluded July 2, 1861. Ratified, August 6, 1861. Proclaimed,
October 4, 1861.*

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

July 2, 1861.

Preamble.

WHEREAS a treaty or agreement was made and concluded at Leavenworth City, Kansas, on the second day of July, one thousand eight hundred and sixty-one, between the United States of America and the Delaware tribe of Indians, relative to certain lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to bonds executed to the United States by the said company for the payment of the said Indians, which treaty or agreement, with the preliminary and incidental papers necessary to the full understanding of the same, is in the following words, to wit:

Whereas, by the treaty of May 30, 1860, between the United States and the Delaware tribe of Indians, it is provided that the surplus lands of said Delaware, not included in their "home reserve," should be surveyed and appraised under direction of the Secretary of the Interior; and that in order to aid in the construction of a railroad near and through their said "home reserve," the Leavenworth, Pawnee, and Western Railroad Company of Kansas, duly organized and incorporated under the laws of said territory, should have the right to purchase such surplus lands at such appraised value — on condition, however, that after paying for said lands, said company should only receive title to one half of them on completing and equipping, within a reasonable time, twenty-five (25) miles of said railroad from Leavenworth City westward; and should only receive title to the remaining half of said lands on completing and equipping said road, within a reasonable time, to the western boundary of the "Delaware Reserve;" and that in case said company should fail to pay for said lands, or having paid, should forfeit the same, or any part thereof, before receiving title, by failing to construct either the first or the second section of said road within such reasonable time, then the lands so forfeited, or not paid for, should be sold in quantities not exceeding one hundred and sixty (160) acres, at not less than such appraised value; the proceeds of such sale, subject to a certain contingent deduction, to be invested by the President of the United States in "safe and profitable stocks," for the benefit of said Delaware Indians:

Certain lands
pledged by rail-
road company to
secure its bonds.

And whereas said surplus lands, to the amount of 223,966⁷⁸/₁₀₀ acres, have been duly surveyed and appraised at an aggregate valuation of two hundred and eighty-six thousand seven hundred and forty-two and ¹⁵/₁₀₀ (\$286,742¹⁵/₁₀₀) dollars:

And whereas the said Leavenworth, Pawnee, and Western Railroad Company has executed, under their corporate seal, and by the hand of Thomas Ewing, Jr., their agent, their twenty-nine (29) several bonds, all of even date herewith, and numbered from one to twenty-nine, inclusive, for sums amounting in the aggregate to \$286,742¹⁵/₁₀₀, being the amount of the valuation of said surplus lands as above stated, twenty-eight (28) of which said bonds are for the sum of ten thousand (\$10,000) dollars

each, and one is for the sum of six thousand and seven hundred and forty-two and $\frac{15}{100}$ (\$6,742 $\frac{15}{100}$) dollars, and payable in ten (10) years after their date, at the office of the Assistant Treasurer of the United States, in the city of New York, to the Commissioner of Indian Affairs of the United States or bearer, with interest at the rate of six per cent. per annum, payable annually at the same place on interest warrants attached to said bonds, which said bonds have been delivered by said company to Archibald Williams, judge of the United States Court for the District of Kansas, and have been by him received and receipted for as agent of the United States for that purpose specially appointed, in accordance with the instructions of the President of the United States of June 10, 1861, hereto attached and made part hereof, and for the consideration and use in said instructions set forth:

Now, therefore, to secure the payment of said bonds and every part thereof, and of all interest to become due thereon, according to the terms thereof, the Leavenworth, Pawnee, and Western Railroad Company, by its agent hereto specially authorized by resolution of the board of directors of said company of April 11, 1861, a certified copy of which said resolution is hereto attached, hereby agrees with the United States, as trustee for said Delaware tribe of Indians, that in case said company shall at any time hereafter neglect or fail to pay the whole or any part of the interest on all or any one of said bonds, or shall neglect or fail to pay the whole or any part of the principal of all or any one of said bonds, when any such payment, either of principal or of interest, shall become due and payable, then the said Railroad Company shall be deemed and held to have forfeited all right and title of any kind whatever to the one hundred thousand (100,000) acres of land herein described, to wit:

List of lands.

DESCRIPTION.	Section.	Township.	Range.	Meridian.	DESCRIPTION.	Section.	Township.	Range.	Meridian.
				P. M.					P. M.
Southeast quarter	2	10	17 E.	6th	South half	25	10	19 E.	6th
Section	12	10	17 E.	6th	Section	26	10	19 E.	6th
West half	13	10	17 E.	6th	Section	28	10	19 E.	6th
East half	14	10	17 E.	6th	West half	30	10	19 E.	6th
Section	24	10	17 E.	6th	Section	32	10	19 E.	6th
West half	25	10	17 E.	6th	Section	34	10	19 E.	6th
Section	36	10	17 E.	6th	Section	36	10	19 E.	6th
South half	3	10	18 E.	6th	South half	2	10	20 E.	6th
South half	4	10	18 E.	6th	South half	4	10	20 E.	6th
Section	9	10	18 E.	6th	S. W. quarter	5	10	20 E.	6th
East half	19	10	18 E.	6th	S. E. quarter	6	10	20 E.	6th
East half	24	10	18 E.	6th	Section	8	10	20 E.	6th
North half	25	10	18 E.	6th	Section	10	10	20 E.	6th
East half	26	10	18 E.	6th	Section	12	10	20 E.	6th
West half	28	10	18 E.	6th	Section	14	10	20 E.	6th
East half	30	10	18 E.	6th	West half	15	10	20 E.	6th
West half	32	10	18 E.	6th	Section	17	10	20 E.	6th
Section	35	10	18 E.	6th	East half	19	10	20 E.	6th
South half	1	10	19 E.	6th	East half	20	10	20 E.	6th
South half	3	10	19 E.	6th	West half	21	10	20 E.	6th
South half	5	10	19 E.	6th	Section	22	10	20 E.	6th
East half	7	10	19 E.	6th	Section	24	10	20 E.	6th
Section	9	10	19 E.	6th	Section	26	10	20 E.	6th
Section	11	10	19 E.	6th	Section	28	10	20 E.	6th
Section	13	10	19 E.	6th	Section	30	10	20 E.	6th
Section	15	10	19 E.	6th	Section	32	10	20 E.	6th
Section	17	10	19 E.	6th	Section	34	10	20 E.	6th
East half	19	10	19 E.	6th	Section	36	10	20 E.	6th
West half	20	10	19 E.	6th	Section	8	10	21 E.	6th
Section	22	10	19 E.	6th	Section	10	10	21 E.	6th
East half	23	10	19 E.	6th	Section	12	10	21 E.	6th
Section	24	10	19 E.	6th	Section	13	10	21 E.	6th

DESCRIPTION.	Section.	Township.	Range.	Meridian.	DESCRIPTION.	Section.	Township.	Range.	Meridian.
				P. M.					P. M.
Section	15	10	21 E.	6th	East half	33	11	19 E.	6th
Section	17	10	21 E.	6th	West half	34	11	19 E.	6th
Section	19	10	21 E.	6th	North half	35	11	19 E.	6th
Section	21	10	21 E.	6th	Section	36	11	19 E.	6th
Section	23	10	21 E.	6th	South half	1	11	20 E.	6th
Section	25	10	21 E.	6th	South half	2	11	20 E.	6th
Section	27	10	21 E.	6th	South half	3	11	20 E.	6th
Section	29	10	21 E.	6th	South half	4	11	20 E.	6th
Section	31	10	21 E.	6th	East half	7	11	20 E.	6th
Section	33	10	21 E.	6th	South half	8	11	20 E.	6th
Section	35	10	21 E.	6th	South half	9	11	20 E.	6th
Section	7	10	22 E.	6th	N. W. quarter ..	13	11	20 E.	6th
Section	9	10	22 E.	6th	S. W. quarter ..	15	11	20 E.	6th
Section	11	10	22 E.	6th	North half	17	11	20 E.	6th
Section	13	10	22 E.	6th	East half	18	11	20 E.	6th
Section	15	10	22 E.	6th	East half	19	11	20 E.	6th
Section	17	10	22 E.	6th	North half	20	11	20 E.	6th
Section	19	10	22 E.	6th	West half	21	11	20 E.	6th
Section	21	10	22 E.	6th	East half	22	11	20 E.	6th
Section	23	10	22 E.	6th	South half	23	11	20 E.	6th
Section	25	10	22 E.	6th	South half	24	11	20 E.	6th
Section	27	10	21 E.	6th	Section	25	11	20 E.	6th
Section	29	10	22 E.	6th	South half	26	11	20 E.	6th
Section	31	10	22 E.	6th	East half	27	11	20 E.	6th
Section	33	10	22 E.	6th	East half	33	11	20 E.	6th
Section	35	10	22 E.	6th	Section	34	11	20 E.	6th
Section	7	10	23 E.	6th	Section	36	11	20 E.	6th
Section	9	10	23 E.	6th	South half	1	11	21 E.	6th
Section	11	10	23 E.	6th	South half	3	11	21 E.	6th
Section	19	10	23 E.	6th	South half	5	11	21 E.	6th
South half	1	11	17 E.	6th	East half	7	11	21 E.	6th
South half	12	11	17 E.	6th	Section	8	11	21 E.	6th
North half	13	11	17 E.	6th	Section	10	11	21 E.	6th
South half	24	11	17 E.	6th	Section	12	11	21 E.	6th
South half	2	11	18 E.	6th	South half	13	11	21 E.	6th
South half	4	11	18 E.	6th	Section	14	11	21 E.	6th
East half	6	11	18 E.	6th	West half	15	11	21 E.	6th
East half	7	11	18 E.	6th	Section	17	11	21 E.	6th
Section	8	11	18 E.	6th	East half	18	11	21 E.	6th
Section	10	11	18 E.	6th	East half	19	11	21 E.	6th
Section	12	11	18 E.	6th	East half	20	11	21 E.	6th
Section	14	11	18 E.	6th	West half	21	11	21 E.	6th
West half	15	11	18 E.	6th	Section	22	11	21 E.	6th
East half	17	11	18 E.	6th	South half	27	11	21 E.	6th
East half	18	11	18 E.	6th	Section	28	11	21 E.	6th
West half	20	11	18 E.	6th	West half	29	11	21 E.	6th
East half	22	11	18 E.	6th	East half	30	11	21 E.	6th
West half	23	11	18 E.	6th	East half	31	11	21 E.	6th
West half	24	11	18 E.	6th	Section	32	11	21 E.	6th
East half	25	11	18 E.	6th	Section	34	11	21 E.	6th
South half	1	11	19 E.	6th	Section	3	11	22 E.	6th
South half	3	11	19 E.	6th	Section	5	11	22 E.	6th
South half	5	11	19 E.	6th	East half	7	11	22 E.	6th
East half	7	11	19 E.	6th	West half	8	11	22 E.	6th
Section	9	11	19 E.	6th	Section	9	11	22 E.	6th
Section	11	11	19 E.	6th	Section	15	11	22 E.	6th
Section	13	11	19 E.	6th	Section	17	11	22 E.	6th
Section	15	11	19 E.	6th	East half	18	11	22 E.	6th
Section	17	11	19 E.	6th	Section	1	12	19 E.	6th
East half	18	11	19 E.	6th	East half	2	12	19 E.	6th
East half	19	11	19 E.	6th	South half	12	12	19 E.	6th
Section	21	11	19 E.	6th	N. E. quarter ..	13	12	19 E.	6th
Section	23	11	19 E.	6th	Section	1	12	20 E.	6th
Section	25	11	19 E.	6th	Section	3	12	20 E.	6th
East half	24	11	19 E.	6th	Section	5	12	20 E.	6th
Section	27	11	19 E.	6th	East half	6	12	20 E.	6th
Section	29	11	19 E.	6th	East half	7	12	20 E.	6th
East half	30	11	19 E.	6th	Section	9	12	20 E.	6th

List of lands.

DESCRIPTION.	Section.	Township.	Range.	Meridian.	DESCRIPTION.	Section.	Township.	Range.	Meridian.
				P. M.					P. M.
Section	11	12	20 E.	6th	East half.....	19	12	20 E.	6th
Section	12	12	20 E.	6th	Section	21	12	20 E.	6th
Section	14	12	20 E.	6th	North half	29	12	20 E.	6th
East half.....	15	12	20 E.	6th	S. E. quarter....	21	12	20 E.	6th
East half.....	18	12	20 E.	6th	Section	16	12	20 E.	6th

156½ sections, or 100,000 acres.

When United States may take possession.

And immediately on such failure, the United States may take possession of and sell said lands for the exclusive benefit of said Delaware Indians.

And in case said company shall forfeit the one hundred thousand (100,000) acres above described, it shall thereupon also forfeit all its right and title to all the lands purchased by it from said Indians, not earned and patented at the date of such forfeiture.

Company entitled to patent.

And said company further agree that, on the completion of the first section of said road, it shall only be entitled to a patent for one half of the lands not pledged for the payment of said bonds; and on the completion of said second section it shall have a patent for only the remaining half; and that no patent shall issue to it for any of the lands so pledged, until after said bonds and the interest warrants attached shall all and every part of them have been fully and promptly paid and cancelled.

In witness whereof, the said Leavenworth, Pawnee, and Western Railroad Company, by Thomas Ewing, Jr., their agent aforesaid, have executed this instrument and attached thereto the seal of said company, this 2d day of July, 1861.

[SEAL.] The Leavenworth, Pawnee, and Western Railroad Company,
by their agent,

THOMAS EWING, Jr.

Acknowledgment.

State of Kansas, Leavenworth county, ss.

On this second day of July, A. D. 1861, before me, the undersigned authority, a Notary Public in and for the county aforesaid, in the State aforesaid, personally came Thomas Ewing, Jr., agent of the Leavenworth, Pawnee, and Western Railroad Company, to me personally known to be the identical person who signed the foregoing instrument of writing, and whose name is thereto affixed as grantor, and he acknowledged the same to be his own voluntary act and deed.

[SEAL.] Witness my hand and notarial seal, this 2d day of July,
A. D. 1861.

W. S. VAN DOREN, *Notary Public,*
Leavenworth county, Kansas.

Authority of agent of road to make conveyance.

At a called meeting of the Board of Directors of the Leavenworth, Pawnee, and Western Railroad Company, on Monday, July 1st, 1861, at the office of A. J. Isacks, in Leavenworth city, Kansas, was present, Jas. C. Stone, Amos Rees, Thomas Ewing, Jr., and Thomas S. Gladding.

Resolved, That Thomas Ewing, Jr., be authorized and directed, as agent of the company, to make, execute, and deliver to Archibald Williams, as agent of the United States, the bonds and interest warrants of the company for \$286,742¹⁵/₁₀₀, payable in ten years from their date, with 6 per cent. interest, payable annually, payable to the Commissioner of Indian Affairs, or bearer, at the office of the Assistant Treasurer of the United States in the city of New York; and also to make and execute

to the United States, and cause to be recorded and delivered to said Williams, as such agent, a mortgage of the company on the one hundred thousand acres of Delaware Indian lands, described in the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, of May 29th, 1861; such mortgage to contain all the conditions prescribed in the paper signed by the President of the United States, of June 10th, 1861, the terms of which are hereby accepted by the company.

I hereby certify that at a meeting of the Board of Directors of the Leavenworth, Pawnee, and Western Railroad Company, held at the office of A. J. Isacks, in the city of Leavenworth, in the State of Kansas, on the 1st day of July, 1861, the foregoing proceedings were had and recorded on the journal of the company; and that the same is a true and correct transcript of the same from the journal of said company.

In testimony whereof, I hereunto sign my name and affix the official seal of the company.

[SEAL.]

THOS. S. GLADDING,
Secretary L. P. & W. R. R. Co.

Whereas, by the treaty of Sarcoxieville, amended by the United States Senate, and finally ratified by the President of the United States on the 22d day of August, 1860, a principal object of both parties was the construction of a certain contemplated railroad therein named; and to that end the Leavenworth, Pawnee, and Western Railroad Company were to pay into the United States Treasury, in gold or silver coin, a sum of money, afterwards ascertained to be \$286,742¹⁵/₁₀₀, as the appraised value of certain lands in Kansas belonging to the Delaware tribe of Indians; which sum of money, after expending a sufficient part of it to enable the Indians to commence agricultural pursuits under favorable circumstances, was to be, by the President for said Indians, invested in safe and profitable stocks: And whereas the said railroad company is not able to pay said sum of money within time, according to said treaty; and whereas the President is of opinion that it is not for the interest of either party that said object of the treaty shall fail, but not knowing what would be the desire of said Indians on this point, nor knowing whether any part of said sum would be needed to enable the Indians to commence agricultural pursuits under favorable circumstances, but supposing it probable that no part of it would be so needed, as said Indians now have over fifty thousand dollars lying idle in the United States Treasury: Therefore—

Railroad company to execute bonds and mortgage.

It is directed by the President that said Railroad Company may execute their bonds, with interest-warrants or coupons attached, according to the forms hereto annexed, the principal of which bonds shall amount to the aggregate sum of \$286,742¹⁵/₁₀₀, and deposit the same with Archibald Williams, of Kansas, hereby appointed to receive and receipt for the same, to be by him transmitted to the Commissioner of Indian Affairs for the use of said Indians; and also shall, in due and proper form, execute a mortgage upon one hundred thousand acres of the land contemplated in and by said treaty to aid in the construction of said railroad, the said one hundred thousand acres to be the lands designated in the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 29, 1861; said mortgage to be conditioned for the full payment of said bonds, both as to interest and principal, and that on any failure to pay either when due all right and interest of said Railroad Company in and to said mortgaged land, and also to all such of said land not mortgaged as shall not at that time be earned and patented according to said treaty, shall be forfeited, and said land again become the absolute property of the United States in trust for said Indians; and said mortgaged lands to be in no event patented to said

until said bonds, principal

TREATY WITH THE DELAWARES. JULY 2, 1861.

and interest, shall be fully paid. And upon said bonds being so made and deposited, and said mortgage being so executed and duly recorded in Leavenworth county, Kansas, all matters, so far as not necessarily varied by this arrangement, shall proceed in conformity to said treaty, as if the money had been paid by said Railroad Company and had been invested by the President in said railroad bonds: *Provided always*, that this arrangement shall be of no effect until Archibald Williams, Judge of the United States Court for the District of Kansas, shall have endorsed a certificate upon this paper that he has carefully examined the same, and also the bonds and mortgage offered in compliance with its provisions, and has found that bonds and mortgage do in fact comply with and fulfil said provisions; and also that he has had before him the chiefs and headmen named in said treaty, as John Connor, Sar-cox-ie, Ne-con-he-con, and Rock-a-to-wha, and has fully explained to them the nature and effect of this departure from the terms of said treaty, and that they freely assented to the same.

ABRAHAM LINCOLN.

JUNE 10, 1861.

Form of Bond.

Form of Bond.

\$10,000.

No. 1.

Know all men by these presents: That the Leavenworth, Pawnee, and Western Railroad Company is held and bound to the United States, as trustee for the Delaware tribe of Indians, in the sum of ten thousand dollars, to be paid to the Commissioner of Indian Affairs, or bearer, at the office of the Assistant Treasurer of the United States, in the city of New York, in ten years from the date hereof, on the surrender of this bond, with interest on said sum from the same date, at six per cent. per annum, payable annually at the same office, on the surrender, as they severally fall due, of the annexed interest warrants. This bond being one of twenty-nine bonds for sums amounting in the aggregate to \$290,560, the payment of which, with the interest warrants attached, is secured by mortgage of even date herewith on one hundred thousand acres of the land acquired by said company, under the conditions and provisions of the treaty between the United States and the Delaware tribe of Indians of May 30, 1860.

In witness whereof the Leavenworth, Pawnee, and Western Railroad Company, by Thomas Ewing, Jr., their agent, have signed this obligation, and have attached thereto their corporate seal this 14th day of May, 1861.

[SEAL.] The Leavenworth, Pawnee, and Western Railroad Company,
by

THOMAS EWING, Jr.,
Their Agent.

Of Warrant.

Form of Warrant.

The Leavenworth, Pawnee, and Western Railroad Company promises to pay to the Commissioner of Indian Affairs of the United States or bearer, on the 14th day of May, 1862, at the office of the Assistant Treasurer of the United States, in the city of New York, six hundred dollars, interest due that day on their bond No. 1.

The Leavenworth, Pawnee, and Western Railroad Company,
by

THOMAS EWING, Jr.,
Their Agent.

Office of Register of Deeds, County of Leavenworth, State of Kansas, ss. Certificate of
register of deeds,

I, W. S. Van Doren, Register of Deeds within and for the county aforesaid, do hereby certify that the within and foregoing instruments of writing were received by me for record this second day of July, A. D. 1861, at 3½ o'clock p. m., and that the same are duly recorded in Book P, for recording mortgages, at page 230, &c.

[SEAL.] In testimony whereof, I have hereunto set my hand and official seal of office, the day and year aforesaid.

W. S. VAN DOREN, *Register of Deeds.*

I, Archibald Williams, judge of the United States court for the district of Kansas, do hereby certify that I have carefully examined the within paper signed by the President of the United [States,] and have also examined and approved the bonds and mortgage offered by the Leavenworth, Pawnee, and Western Railroad Company in compliance with its provisions, and have accepted said bonds and mortgage, and receipted to said company for the same, as agent of the United States, and caused said mortgage to be duly recorded in the office of the Recorder of Deeds for Leavenworth county, Kansas. of Judge of
District Court.

And I do further certify, that I have had before me the chiefs and headmen therein named, as John Connor, Sar-cox-ie, and Ne-con-he-con, and also James Connor, who was the delegate at large of said tribe, in making the treaty of 1860, and read to them the said paper signed by the President, and fully explained to them the nature and effect of the proposition set forth in said paper; and that, after they had fully discussed the proposition, John Connor, in English, and James Connor, Sar-cox-ie, and Ne-con-he-con, through the said John Connor and other interpreters, declared that they understood it thoroughly, and each freely assented to the same; and that evidence has been presented to me by John Connor and other chiefs of said tribe, by which I am satisfied that Rock-a-to-wha died several months ago, and that no chief has been appointed in his place.

Given under my hand at Leavenworth city, Kansas, this 2d day of July, 1861.

ARCHIBALD WILLIAMS.

And whereas the said treaty or agreement having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with amendments, in the words and figures following, to wit: Ratification.

"IN EXECUTIVE SESSION,

"SENATE OF THE UNITED STATES, August 6, 1861.

"*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty or agreement between the United States of America and the Delaware tribe of Indians relative to certain lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to bonds executed to the United States by the said company for the payment of the said Indians, done the second day of July, eighteen hundred and sixty-one:

"*Provided*, That the provisions of this treaty shall not be held to apply to any lands not heretofore surveyed and appraised and not included within the limits of said reserve, nor any lands included in any fort or reservation for military purposes:

"*Provided further*, That if twenty-five miles of said railroad, from

Leavenworth city westwardly, is not completed and equipped within *five* years from the ratification hereof, said company shall thereupon forfeit all right, title, and interest, legal and equitable, in and to all and every part of said lands; and if the remaining section to the western boundary of the said reserve be not completed and equipped within *three years* from the date fixed for the completion of said first section, said company shall thereupon forfeit all right, title, and interest, legal and equitable, in and to all of said lands not theretofore earned and patented.

"*Provided further*, That in the event of a failure of the said Railroad Company to pay the annual interest accruing upon the bonds, secured as above, within thirty days after the same falls due at the end of any year, then and in such case the contract included in this treaty shall be rescinded and shall be of no binding efficacy upon either party thereto.

"*Provided further*, That no part of said lands shall be patented to said Railroad Company until the money price for such part shall have been fully paid therefor.

"*And provided*, That this treaty shall not go into operation and be binding on them until accepted by the Indians thus amended.

"Attest:

J. W. FORNEY, *Secretary.*"

And whereas WILLIAM P. DOLE, commissioner of Indian affairs, was designated by the Executive to present the treaty, as above amended, to the Indians, through their chiefs and headmen, for their acceptance, and to take such acceptance, if freely given, with the signatures of said Indian chiefs and headmen, and to certify his proceedings therein to the Executive; and the foregoing amendments having been fully interpreted and explained to the chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the second day of September, one thousand eight hundred and sixty-one, give their free and voluntary assent in the words and figures following, to wit:

We, the undersigned, chiefs, councillors, and headmen of the Delaware tribe of Indians, acting for and on behalf of said tribe, this day in full council assembled, having had read and carefully explained and interpreted to us the within and foregoing treaty or agreement between the United States of America and the Delaware tribe of Indians, concluded on [the] 2d day of July, 1861, together with the within and foregoing amendments thereto, made by the Senate of the United States on the 6th day of August, 1861, do hereby accept and consent to said treaty as so amended.

In witness whereof, we have hereunto set our hands and affixed our seals this 2d day of September, 1861.

JOHN CONNOR, Head Chief, his x mark. [L. s.]

NE-CON-HE-CON, Chief of the Wolf Band, his x mark. [L. s.]

SAR-COX-IE, Chief of the Turtle Band, his x mark. [L. s.]

JAMES CONNOR, Delegate, his x mark. [L. s.]

CHARLES JOURNEYCAKE. [L. s.]

Signed and sealed in presence of—

ISAAC GOLMARKE, *U. S. Int.*

F. JOHNSON.

H. B. BRANCH, } (As to Sar-cox-ie.)

W. G. COFFIN,

I hereby certify that the foregoing treaty or agreement between the United States and the Delaware tribe of Indians, concluded on the 2d day of July, 1861, together with the foregoing amendments thereto, made by

the Senate of the United States on the 6th day of August, 1861, were read and fully explained by me to said Indians, except Sar-cox-ie, through Isaac Journeycake, the United States interpreter, and to Sar-cox-ie through Charles Journeycake; and that the delegate, chiefs, councillors, and headmen above named, on behalf of said tribe, this day, in council assembled, did freely accept and consent to said treaty, together with said amendments, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this 2d September, 1861.

WM. P. DOLE, *Commissioner Indian Affairs.*

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth of August, one thousand eight hundred and sixty-one, accept, ratify, and confirm said treaty, with the amendments, as aforesaid.

Ratification.

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 October, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the King of Hanover, concerning the Abolition of the Stade or Brunshausen Dues. Concluded November 6th, 1861. Ratifications exchanged at Berlin, April 29th, 1862. Proclaimed by the President of the United States, June 17th, 1862. Nov. 6, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS a special Treaty between the United States of America, and his Majesty the King of Hanover, concerning the abolition of the Stade or Brunshausen Dues, was concluded and signed by their respective Plenipotentiaries at Berlin, on the 6th day of November last, which Treaty is word for word as follows:

Preamble.

Special Treaty concerning the Abolition of the Stade or Brunshausen Dues.

The United States of America and his Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries, have resolved to conclude a special treaty, to the end to free the navigation of the Elbe from the tolls known under the designation of the Stade or Brunshausen dues, and have for that purpose conferred full powers: the President of the United States of America upon Mr. Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Prussia, and his Majesty the King of Hanover upon his Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, the Lieutenant Colonel and Extraordinary Aide-de-Camp, Mr. August Wilhelm Von Reitzenstein, Knight Commander of the second class of the Royal Guelphic Order, etc., who, after having exchanged their full powers, and having found them to be in due and proper form, have concluded the following articles:

Contracting parties.

Plenipotentiaries.

ARTICLE I. His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation —

1. To abolish completely and forever the toll hitherto levied on the cargoes of American vessels ascending the Elbe, and passing the mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen dues;

Stade or Brunshausen dues to be abolished;

2. To levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels ascending or descending the Elbe, in place of those dues, the abolition of which is agreed upon in the preceding paragraph;

3. Nor to subject hereafter, under any pretext whatever, American vessels ascending or descending the Elbe to any measure of control regarding the dues that are hereby abolished.

and not to be renewed.

ARTICLE II. His Majesty the King of Hanover obligates himself moreover to the United States of America —

1. To provide as hitherto, and to the extent of the existing obligations, for the maintenance of the works that are necessary to the free navigation of the Elbe;

Works necessary to free navigation of the Elbe to be maintained without charge upon American vessels.

2. Not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American marine any charge whatever, in lieu and place of the Stade or Brunshausen dues.

The United States to pay as indemnity 60,353 thalers.

ARTICLE III. By way of damage and compensation for the sacrifices imposed upon his Majesty the King of Hanover by the above stipulations, the United States of America agree to pay to his Majesty the King of Hanover, who accepts the same, the sum of sixty thousand three hundred and fifty-three thalers, Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen dues.

Indemnity to be paid to, &c.

ARTICLE IV. The sum of sixty thousand three hundred and fifty-three thalers courant, stipulated in article III, shall be paid at Berlin into the hands of such person as shall have been authorized by his Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided.

Interest to be paid thereon.

In consideration of the fact that the stipulations contained in articles I and II have already been applied to the American flag since the first day of July, 1861, the United States of America agree to pay besides, and [at] the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October, 1861.

Treaty to be executed as soon as possible.

ARTICLE V. The execution of the obligations contained in the present treaty is especially subordinated to the accomplishment of such formalities and rules as are established by the Constitutions of the high contracting Powers; and the compliance with these formalities and rules be brought about within the shortest delay possible.

Former treaty to remain in force, except article I, paragraph 3.

ARTICLE VI. The treaty of commerce and navigation concluded between the United States of America and his Majesty the King of Hanover, on the tenth day of June, 1846, shall continue to remain in force, with the exception of the stipulation contained in paragraph 3, article I, which shall cease to have effect after the present treaty shall have been ratified.

Ratifications, when to be exchanged.

ARTICLE VII. This treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin within six months from the present date, or sooner, if possible.

Date.

In faith whereof, the respective Plenipotentiaries have signed the above articles, both in the English and German languages, and they have thereunto affixed their seals.

Done in duplicate at Berlin the sixth day of November, in the year of our Lord one thousand eight hundred and sixty-one, and the independence of the United States of America the eighty-sixth.

N. B. JUDD.

WILHELM AUGUST VON REITZENSTEIN.

[L. S.]
[L. S.]

Protocol.

PROTOCOL.

Dues to be maintained until, &c.

It remains understood that, until the execution of the stipulations contained in article V. and VII. of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally, by way of precaution, to maintain the dues which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandise transported in American vessels. Until, however, all the Powers, parties to the general treaty of the 22d day of June, 1861, concerning the abolition of the Stade or Brunshausen dues, shall have fulfilled the engagements contained in the articles VI. and VII. of the last named treaty, it shall have power to require of American vessels a proof of their nationality, without thereby causing them a delay or detention.

Done at Berlin, the 6th November, 1861.

N. B. JUDD.

WILHELM AUGUST VON REITZENSTEIN.

[L. S.]
[L. S.]

Proof of nationality of American vessels may be required until, &c.

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Berlin, on the twenty-ninth of April last, by Norman B. Judd, Envoy Extraordinary and Minister Plenipotentiary of the United States, and Baron August Wilhelm Von Reitzenstein, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of Hanover, on the part of their respective Governments : Exchange of ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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. Proclamation by the President.

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 seventeenth day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President :

F. W. SEWARD, *Acting Secretary of State.*

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Nov. 15, 1861.

WHEREAS a treaty was made and concluded at the Pottawatomie agency, on the Kansas River, in the State of Kansas, on the fifteenth day of November, one thousand eight hundred and sixty-one, between William W. Ross, commissioner on the part of the United States, and the chiefs, braves, and headmen of the Pottawatomie nation of Indians, on the part of said nation;

Preamble.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, by its resolution of the fifteenth day of April, one thousand eight hundred and sixty-two, advise and consent to the ratification of said treaty with certain amendments;

And whereas said nation of Indians did, on the seventeenth day of April, one thousand eight hundred and sixty-two, by a committee composed of Shawque, (chief,) To-penubbee, (chief,) We-weh-seh, (chief,) Me-yenco, (chief,) and Shomen, (brave,) appointed to transact all their national business between them and the agent of the United States and the Indian Department, and by Jos. N. Bourassa, George L. Young, B. H. Bertrand, M. B. Beaubien, L. H. Ogee, John Tipton, and Lewis View, in the presence of Clark W. Thompson, (Superintendent of Indian Affairs for the Northern Superintendency,) Lewis S. Hayden, John B. Gordon, and Elisha Goddard, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid; which treaty, as amended by the Senate and assented to by said committee and others, is word for word as follows:

Contracting parties.

Articles of a treaty made and concluded at the agency on the Kansas River, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-one, by and between Wm. W. Ross, commissioner on the part of the United States, and the undersigned chiefs, braves, and headmen of the Pottawatomie nation, on behalf of said nation.

ARTICLE I. The Pottawatomie tribe of Indians believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of five hundred and seventy-six thousand acres, which was acquired by them for the sum of \$87,000, by the fourth article of the treaty between the United States and the said Pottawatomies, proclaimed by the President of the United States on the 23d day of July, 1846, and to allot lands in severalty to those of said tribe who have adopted the customs of the whites and desire to have separate tracts assigned to them, and to assign a portion of said reserve to those of the tribe who prefer to hold their lands in common: it is therefore agreed by the parties hereto that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, the expense whereof shall be paid out of the sales of lands hereinafter provided for, and the quantity of land hereinafter provided to be set apart to those of the tribe

Pottawatomies' reservation in Kansas to be disposed of,

to be surveyed,

Reservation to be set apart in severalty, remainder. who desire to take their lands in severalty, and the quantity hereinafter provided to be set apart for the rest of the tribe in common; and the remainder of the land, after the special reservations hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

Census of the tribe to be taken. ARTICLE II. It shall be the duty of the agent of the United States for said tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common, designating chiefs and headmen, respectively; each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind. And thereupon there shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief at the signing of the treaty, one section; to each headman, one half section; to each other head of a family, one quarter section; and to each other person eighty acres of land, to include, in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee or leased or otherwise disposed of only to the United States, or to persons then being members of the Pottawatomie tribe and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person to whom they are issued shall be deemed to have relinquished all right to any portion of the lands assigned to others in severalty, or to a portion of the tribe in common, and to the proceeds of sale of the same whensoever made.

Assignments of land.

Certificates to be issued.

Exemption from levy, &c.

To whom lands may be sold, &c.

Receipt of certificates to be relinquished, &c.

The President may cause lands to be granted in fee to certain male adults,

and payments to be made.

Such persons to become citizens and to cease to be members of tribe,

to take oath of allegiance.

Undivided quantities to be

ARTICLE III. At any time hereafter when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provisions of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons, cause the lands severally held by them to be conveyed to them by patent in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in cash or in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty. And on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: *Provided*, That, before making any such application to the President, they shall appear in open court in the district court of the United States for the District of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

ARTICLE IV. To those members of said tribe who desire to hold their lands in common there shall be set apart an undivided quantity suf-

ficient to allow one section to each chief, one half section to each head-man, and one hundred and sixty acres to each other head of a family, and eighty acres of land to each other person, and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the treaty of one thousand eight hundred and forty-six. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to the lands assigned in severalty and in the proceeds of sales thereof whenever made.

ARTICLE V. The Pottawatomies believing that the construction of the Leavenworth, Pawnee, and Western railroad from Leavenworth City to the western boundary of the former reserve of the Delawares is now rendered reasonably certain, and being desirous to have said railroad extended through their reserve, in the direction of Fort Riley, so that the value of the lands retained by them may be enhanced, and the means afforded them of getting the surplus product of their farms to market, it is provided that the Leavenworth, Pawnee, and Western Railroad Company shall have the privilege of buying the remainder of their lands within six months after the tracts herein otherwise disposed of shall have been selected and set apart, provided they purchase the whole of such surplus lands at the rate of one dollar and twenty-five cents per acre.

And if said company make such purchase it shall be subject to the considerations following, to wit: They shall construct and fully equip a good and efficient railroad from Leavenworth City to a point half-way between the western boundary of the said former Delaware reserve and the western boundary of the said Pottawatomie reserve, (being the first section of said road,) within six years from the date of such purchase, and shall construct and fully equip such road from said last-named point to the western boundary of said Pottawatomie reserve, (being the second section of said road,) within three years from the date fixed for the completion of said first section; and no patent or patents shall issue to said company or its assigns for any of said lands purchased until the first section of said railroad shall have been completed and equipped, and then for not more than half of said lands, and no patent or patents shall issue to said company or its assigns for any of the remaining portion of said lands until said second section of said railroad shall have been completed and equipped as aforesaid; and before any patents shall issue for any part of said lands payment shall be made for the lands to be patented at the rate of one dollar and twenty-five cents per acre; and said company shall pay the whole amount of the purchase-money for said lands in gold or silver coin, to the Secretary of the Interior of the United States, in trust for said Pottawatomie Indians, within nine years from the date of such purchase, and shall also in like manner pay to the Secretary of the Interior of the United States, in trust as aforesaid, each and every year, until the whole purchase-money shall have been paid, interest from date of purchase, at six per cent. per annum, on all the purchase-money remaining unpaid.

And if said company shall fail to complete either section of such railroad in a good and efficient manner, or shall fail to pay the whole of the purchase-money for said land within the times above prescribed, or shall fail to pay all or any part of the interest upon said purchase-money each year as aforesaid within thirty days from the date when such payment of interest shall fall due, then the contract or purchase shall be deemed and held absolutely null and void, and shall cease to be binding on either of the parties thereto, and said company and its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been before the date of such forfeiture earned and patented pursuant to the provisions of this treaty.

The Leavenworth, Pawnee, and Western railroad may purchase certain land.

Price.

Terms of purchase.

Patents to contain condition.

And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the land described in such patent, except so much as shall be necessary for the working of the road, within five years from the issuing of such patent.

Right of way.

And said company shall have the perpetual right of way over the lands of the Pottawatomies not sold to it for the construction and operation of said railroad, not exceeding one hundred feet in width, and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of said road, making compensation for any damages to improvements done in obtaining such material, and for any damages arising from the location or running of said road to improvements made before the road is located. Such damages and compensation, in cases where said company and the persons whose improvements are injured or property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with six per cent. interest thereon from the date when the same shall have been ascertained and demanded.

In case the railroad company shall forfeit any lands, &c.

And in case said company shall not purchase said surplus lands, or, having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than one dollar and twenty-five cents per acre, and shall sell the same, in quantities not exceeding one hundred and sixty acres, at auction to the highest bidder for cash, at not less than such appraised value.

Conveyance of land to John F. Diel, John Summacker, and M. Gerillain in trust for school and church purposes for Catholic Mission.

Condition.

ARTICLE VI. There shall be selected by the Commissioner of Indian Affairs three hundred and twenty acres of land, including the church, school-houses, and fields of the St. Mary's Catholic Mission, but not including the buildings and enclosures occupied and used by persons other than those connected with the mission, without the consent of such persons, which shall be conveyed by the Secretary of the Interior to John F. Diel, John Summacker, and M. Gerillain, as trustees for the use of the society under whose patronage and control the church and school have been conducted within the last fourteen years; on condition, however, that, so long as the Pottawatomie nation shall continue to occupy its present reservation, or any portion thereof, the said land shall be used and its products devoted exclusively to the maintenance of a school and church for their benefit. And there shall be reserved and conveyed in like manner, and upon like conditions, three hundred and twenty acres of land, including the Baptist Mission buildings and enclosures, such conveyances to be made to such persons as may be designated by the Baptist Board of Missions.

Reservation for Baptist Mission.

Annual interest of improvement fund,

ARTICLE VII. By article eight of the treaty of June 5th, 1846, between the United States and the Pottawatomie Indians, it is stipulated "that the annual interest of their improvement fund shall be paid out promptly and fully for their benefit at their new homes. If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottawatomie nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons, or the purchase of implements or machines, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid, at the time of the general payment of annuities."

how hereafter to be paid.

It is hereby agreed that the interest arising from said improvement fund shall, in all cases hereafter, be paid in such machines and implements as will be useful to the people in their agricultural pursuits, as

long as the nation shall desire it to be done, except that the shops and mechanics and physicians, now sustained by the funds of the nation, shall continue to be maintained, as at this time, for one year after this treaty shall have been ratified.

ARTICLE VIII. If at any time hereafter any band or bands of the Pottawatomie nation shall desire to remove from the homes provided for them in this treaty, it shall be the duty of the Secretary of the Interior to have their proportionate part of the lands which may be assigned to the tribe appraised and sold, and invest such portion of the proceeds thereof as may be necessary in the purchase of a new home for such band or bands, leaving the remainder, should any remain after paying the expense of their removal, to be invested in six per cent. bonds of the United States, for the benefit of such band or bands. Such band or bands so removed shall continue to receive their proportion of the annuities of the tribe.

Provision if any bands desire to remove.

ARTICLE IX. No provision of this treaty shall be so construed as to invalidate any claim heretofore preferred by the Pottawatomies against the United States arising out of previous treaties.

Former claims to hold good.

ARTICLE X. It is hereby agreed that the Commissioner of Indian Affairs shall set apart, for the benefit of said allottees, their equal pro rata share of the improvement fund of the tribe, which sum so set apart may be expended in whole or in part by the said Commissioner, and under his direction, for agricultural purposes, as he shall from time to time deem expedient and for the welfare of the said Indians.

Agricultural purposes.

ARTICLE XI. Should the Senate reject or amend any of the above articles such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified by the Senate and approved by the President.

When articles of treaty to take effect.

WM. W. ROSS,

Commissioner on behalf of United States.

SHAW-GUEE, (chief,)	his x mark.
WE-WE-SAY, (chief,)	his x mark.
JOS. LAFROMBOISE, (chief,)	his x mark.
MU-ZHE, (chief,)	his x mark.
MKOME-DA, (chief,)	his x mark.
MYEAN-KO, (speaker,)	his x mark.
A. B. BURNETT.	
N-WA-KTO, (brave,)	his x mark.
WAH-BEA-SHKUK,	his x mark.
SHO-NIM, (brave,)	his x mark.
PAUCE-JE-YAH, (chief,)	his x mark.
KA-PSHKUH-WID, (brave,)	his x mark.
MUIS-NO-OGIH-MAH,	his x mark.
KA-ME-GAS,	his x mark.
MO-ZO-BA-NET,	his x mark.
WAH-SAH-TO, (chief,)	his x mark.
SHAW-WE, (chief,)	his x mark.
BOURIE,	his x mark.
NAH-NEAM-NUK-SHKUK,	his x mark.
PA-MAH-ME,	his x mark.
KAH-DOT,	his x mark.
MINK,	his x mark.
PETER THE GREAT,	his x mark.
M-TOM-MA, (brave,)	his x mark.
ZA-KTO,	his x mark.
AIN-NA-BY-AH,	his x mark.

WAH-SHA,	his x mark.
WHITE,	his x mark.
WAH-NUK-KE	his x mark.
BAH-BE-JMAH,	his x mark.
ONAK-SA, (second,)	his x mark.
NOM-MAH-KSHKUK,	his x mark.
THOMAS EVANS.	
PETER MOOSE,	his x mark.
JAS. LEVIA,	his x mark.
TQUAH-KET,	his x mark.
WAHS-MEG-GUEA,	his x mark.
PAME-BO-GO,	his x mark.
A-YEA-NAH-BE,	his x mark.
NAH-DUEA,	his x mark.
NAU-WAH-GA,	his x mark.
PAHS-KAH-WE,	his x mark.
WAHB-NA-MID,	his x mark.
MOZ-WA-NWAH,	his x mark.
THOS. L. McKENNEY.	
ZA-GAH-KNUK,	his x mark.
CHE-GUEAH-MKUH-GO, (brave,)	his x mark.
AIN-WAISH-KE,	his x mark.
MSQUAH-MKE,	his x mark.
MKO-NUIH,	his x mark.
OKETCH-GUM-ME,	his x mark.
WE-ZOS,	his x mark.
A-SAH-SAHNG-GAH,	his x mark.
BUCK,	his x mark.
M. B. BEAUBIEN.	
L. H. OGEE.	
LEWIS VIEW,	his x mark.
B. H. BERTRAND.	
SHOP-KUK, (speaker,)	his x mark.
GEORGE FORTIER.	his x mark.
ODAH-WAHS,	his x mark.
LITTLE AMERICAN,	his x mark.
PUK-KE,	his x mark.
NAH-GE-ZHICK,	his x mark.
OKETCH-GUM-ME,	his x mark.
JE-GUEAH-KYAH,	his x mark.
BAPT. LeCLERE,	his x mark.
LEON BERTRAND,	his x mark.
BZUG-NAH,	his x mark.
BEAU-MO,	his x mark.
KE-YO-KUM,	his x mark.
MUK-KOSE,	his x mark.
WA-ME-GO,	his x mark.
KA-BEAME-SA,	his x mark.
ONAK-SA,	his x mark.
FRANK BOURBONNIE,	his x mark.
BESCUE BOURBONNIE,	his x mark.
ELI G. NADEAU.	
CHARLES VIEAN.	
TO-TO-QUA,	her x mark.
MESSAH,	her x mark.
OTTER-WOMAN,	her x mark.
MARY JUTIONS,	her x mark.
PNAH-ZUEA,	her x mark.

LOUIS BLACKBIRD,
JOS. N. BOURASSA, *U. S. Inter'r.*

his x mark.

Signed in presence of—

L. R. PALMER.
S. M. FERGUSON.
C. N. GRAY.
JOHN D. LUSBY.

Ratification.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, having seen the aforesaid amendments of the Senate, and the assent thereto of the said committee and others of the Pottawatomie nation of Indians, 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 sixty-two, accept, ratify, and confirm said treaty with the amendments as aforesaid.

Signature

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 nineteenth day of April, in the year of our Lord one thousand eight hundred and sixty-two,
[L. s.] and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Republic of Mexico for the Extradition of Criminals. Concluded at Mexico, December 11, 1861. Ratifications exchanged at Mexico, May 20, 1862. Proclaimed by the President of the United States, June 20, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: December 11,
1861.

A PROCLAMATION.

WHEREAS a treaty between the United States of America and the Republic of Mexico, for the extradition of criminals, was concluded and signed at the city of Mexico on the eleventh day of December, one thousand eight hundred and sixty-one, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is, word for word, as follows :

Preamble.

Treaty between the United States of America and the United Mexican States for the Extradition of Criminals.

Tratado entre los Estados Unidos Mexicanos y los Estados Unidos de América para la extradición de criminales.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective plenipotentiaries, that is to say :

Los Estados Unidos Mexicanos y los Estados Unidos de América habiendo juzgado conveniente para la mejor administración de justicia y para evitar crímenes dentro de sus respectivos territorios y jurisdicciones, que las personas acusadas de los crímenes que se enumeran en seguida, siendo fugitivas de la justicia, sean bajo ciertas circunstancias recíprocamente entregadas, han determinado celebrar un Tratado con tal objeto, y han nombrado como sus respectivos Plenipotenciarios, á saber :

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a Deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles :

El Presidente de los Estados Unidos Mexicanos, á Sebastian Lerdo de Tejada, ciudadano de los mismos Estados y Diputado al Congreso de la Union; y El Presidente de los Estados Unidos de América á Tomas Corwin, ciudadano de los Estados Unidos y su Enviado Extraordinario y Ministro Plenipotenciario cerca del Gobierno Mexicano. Quienes, despues de haberse comunicado recíprocamente sus respectivos plenos poderes, hallándolos en buena y debida forma, han convenido en los artículos siguientes :

Plenipotentiaries.

ARTICLE I.

Persons accused of certain crimes, committed, &c. to be delivered up on requisition.

What proof required.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present treaty, committed within the jurisdiction of the requiring party, shall seek an 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 that the laws of the country in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Crimes committed in the frontier States of either nation, requisition how made.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or through the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Crimes for which delivery is to be made.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accessories, or accomplices, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) assault with intent to commit murder; mutilation; piracy; arson; rape; kidnapping, defining the same to be

ARTICULO I.

Conviene las partes contratantes en que haciéndose la requisición en su nombre, por medio de sus agentes diplomáticos respectivos, entregarán á la justicia las personas acusadas de los crímenes enumerados en el artículo tercero de este Tratado, cometidos dentro de la jurisdicción de la parte demandante, y que hayan buscado asilo ó se encuentren dentro de los territorios de la otra.

Bien entendido, que esto solo tendrá lugar, cuando el hecho de la perpetración del crimen se evidencie de tal manera, que según las leyes del país donde se encuentren las personas fugitivas ó acusadas, serian legítimamente arrestadas y enjuiciadas si en él se hubiese cometido el crimen.

ARTICULO II.

En el caso de crímenes cometidos en los Estados ó Territorios fronterizos de las dos partes contratantes, podrá hacerse la requisición por medio de los agentes diplomáticos respectivos, ó por medio de la principal autoridad civil de los mismos Estados ó Territorios, ó por medio de la principal autoridad civil ó judicial de los distritos ó partidos de los límites de la frontera, que para ese objeto pueda estar debidamente autorizada por la principal autoridad civil de los mismos Estados ó Territorios fronterizos, ó cuando por alguna causa esté suspensa la autoridad civil del Estado ó Territorio, por medio del jefe superior militar que mande el mismo Estado ó Territorio.

ARTICULO III.

Serán entregadas, con arreglo á lo dispuesto en este Tratado, las personas acusadas, como principales, auxiliares ó cómplices, de alguno de los crímenes siguientes, á saber: el homicidio voluntario, incluyendo el asesinato, el parricidio, el infanticidio y el envenenamiento: el asalto con intención de cometer homicidio: la mutilación: la piratería: el incendio: el rapto: el plagio, defi-

the taking and carrying away of a free person by force or deception; forgery, including the forging or making, 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; the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny, of cattle, or other goods and chattels, of the value of twenty-five dollars or more, when the same is committed within the frontier States or Territories of the contracting parties.

ARTICLE IV.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or, if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Govern-

niéndolo el aprehender y llevar consigo á una persona libre por fuerza ó engaño: la falsificación, incluyendo el hacer ó forjar, ó introducir á sabiendas, ó poner en circulación moneda falsa, ó billetes de banco, ú otro papel corriente como moneda, con intencion de defraudar á alguna persona ó personas: la introduccion ó fabricacion de instrumentos para hacer moneda falsa, ó billetes de banco, ú otro papel corriente como moneda: la apropiacion, ó peculado, de caudales públicos: el robo, definiéndolo el tomar de la persona de otro con fuerza é intencion criminal, efectos ó moneda de cualquiera valor, por medio de violencia ó intimidacion: el allanamiento, entendiéndose por esto, el descerrajar ó forzar é introducirse á la casa de otro con intencion criminal; y el crimen de abigeato ó ratería de efectos ó bienes muebles del valor de veinte y cinco pesos, ó mas, cuando este crimen se cometa dentro de los Estados ó Territorios fronterizos de las partes contratantes.

ARTICULO IV.

Por parte de cada pais, la extradicion de los fugitivos de la justicia solo se podrá hacer por orden del Ejecutivo del mismo, escepto el caso de crímenes cometidos dentro de los límites de los Estados ó Territorios fronterizos, encuyo último caso, la extradicion se podrá ordenar por la principal autoridad civil de ellos, ó por la principal autoridad civil ó judicial de los distritos ó partidos de los límites de la frontera, que para ese objeto pueda estar debidamente autorizada por la principal autoridad civil de los mismos Estados ó Territorios, ó cuando por alguna causa esté suspensa la autoridad civil del Estado ó Territorio, se podrá ordenar la extradicion por el gefe superior militar que mande el mismo Estado ó Territorio.

Surrender to be made only by executive, except, &c.

ARTICULO V.

Todos los gastos de la detencion y extradicion, ejecutadas en virtud de las disposiciones precedentes, serán erogados y pagados por el Go-

Expenses of detention and delivery, how to be borne.

ment or authority of the frontier State or Territory in whose name the requisition shall have been made.

ARTICLE VI.

Political offences not included.

Fugitive slaves.

Slaves.

Past offences.

Citizens not to be surrendered.

The provisions of the present treaty shall not be applied in any manner to any crime or offence of a purely political character, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE VII.

Treaty, how long to continue;

how terminated.

This treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE VIII.

Ratifications when to be exchanged.

The present treaty shall be ratified in conformity with the constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Signature.

Done in the city of Mexico, on the eleventh day of December, in the year of our Lord one thousand

bierno, ó la autoridad del Estado ó Territorio fronterizo, en cuyo nombre haya sido hecha la requisición.

ARTICULO VI.

Las disposiciones del presente tratado de ningun modo se aplicarán á los crímenes ó delitos de un carácter puramente político; tampoco comprenden la devolucion de los esclavos fugitivos, ni la entrega de los criminales que hayan tenido la condicion de esclavos en el lugar en donde se cometió el delito, al tiempo de cometerlo, estando esto espresamente prohibido por la Constitucion de México; tampoco se aplicarán de ningun modo las disposiciones del presente Tratado á los crímenes enumerados en el artículo tercero, cometidos ántes de la fecha del cange de las ratificaciones del mismo.

Ninguna de las partes contratan tes queda obligada por las estipulaciones de este Tratado á hacer la extradicion de sus propios ciudadanos.

ARTICULO VII.

Este tratado continuará en vigor hasta que sea abrogado por las partes contratantes, ó por una de ellas; pero no podrá ser abrogado sino por mútuo consentimiento, á ménos que la parte que desee abrogarlo dé aviso á la otra con doce meses de anticipacion.

ARTICULO VIII.

El presente tratado será ratificado con arreglo á las constituciones de los dos países, y las ratificaciones se cangearán en la ciudad de México dentro de seis meses de esta fecha, ó ántes si fuere posible.

En testimonio de lo cual, nosotros, los Plenipotenciarios de los Estados Unidos Mexicanos y de los Estados Unidos de América, hemos firmado y sellado el presente.

Hecho en la Ciudad de México, el día once de Diciembre del año de Nuestro Señor mil ochocientos se

eight hundred and sixty-one, the eighty-sixth of the independence of the United States of America, and the forty-first of that of the United Mexican States.

THOMAS CORWIN. [L. s.]

SEB'N LERDO DE TEJADA, [L. s.]

senta y uno; el cuadragésimo primero de la independencia de los Estados Unidos Mexicanos y el octogésimo sexto de la de los Estados Unidos de América.

SEB'N LERDO DE TEJADA. [L. s.]

THOMAS CORWIN. [L. s.]

And whereas the said Treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Mexico on the twentieth ultimo :

Ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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.

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

[L. s.] Done at the City of Washington, this twentieth of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Postal Convention between the United States of America and the Republic of Mexico. Concluded at Mexico, December 11, 1861. Ratifications exchanged at Mexico, May 20, 1862. Proclaimed by the President of the United States, June 20, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: December 11,
1861.

A PROCLAMATION.

WHEREAS a Postal Convention between the United States of America and the Republic of Mexico was concluded and signed at the city of Mexico on the eleventh day of December, one thousand eight hundred and sixty-one, which Convention, being in the English and Spanish languages, is, word for word, as follows:

Preamble

Postal Convention between the United States of America and the United Mexican States.

Convencion Postal entre los Estados Unidos Mexicanos y los Estados Unidos de América.

The United States of America and the United Mexican States, being desirous of drawing more closely the friendly relations existing between the two countries and of facilitating the prompt and regular transmission of correspondence between their respective territories, have resolved to conclude a Postal Convention, and have named as their Plenipotentiaries, that is to say: the President of the United States of America has appointed Thomas Corwin, a citizen of the United States and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government, and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States and a deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Los Estados Unidos Mexicanos y los Estados Unidos de América, deseando estrechar las relaciones amistosas que existen entre los dos países y facilitar la transmission pronta y regular de la correspondencia entre sus respectivos territorios, han determinado celebrar una Convencion Postal, y han nombrado como sus Plenipotenciarios, á saber:

El Presidente de los Estados Unidos Mexicanos á Sebastian Lerdo de Tejada, ciudadano de los mismos Estados y Diputado al Congreso de la Union; y El Presidente de los Estados Unidos de América á Tomas Corwin, ciudadano de los Estados Unidos y su Enviado Extraordinario y Ministro Plenipotenciario cerca del Gobierno Mexicano;

Plenipotenciarios.

Quienes, despues de haberse comunicado reciprocamente sus respectivos plenos poderes, hallándolos en buena y debida forma, han convenido en los artículos siguientes:

ARTICLE I.

ARTICULO I.

There shall be charged upon all letters, newspapers, reviews, or other periodical publications, printed pamphlets, or other printed matter,

Se cobrará por todas las cartas, gacetas, revistas ú otras publicaciones periódicas, folletos impresos ú otros impresos, ya sean conducidos

Sea rates of Postage,

conveyed either by United States or by Mexican vessels, between a port in the United States of America and a port in Mexico, the following sea rates of postage, that is to say :

on letters, 1. Upon all letters not exceeding half an ounce in weight, the rate of seven cents ; and upon all letters weighing more than half an ounce, an additional rate of seven cents for each additional half ounce or fraction thereof.

on newspapers, 2. Upon every newspaper, daily or other, the rate of one cent.

periodicals and pamphlets. 3. Upon reviews or other periodical publications, printed pamphlets, or other printed matter, the rate of one cent for every ounce or fraction of an ounce weight.

Newspapers, &c. to be sent in narrow bands. The said newspapers, reviews, or other periodical publications, printed pamphlets, or other printed matter, shall be sent in narrow bands or covers, open at the sides or ends, so that they may be easily examined, subject to the laws and regulations of each country, respectively.

ARTICLE II.

United States inland postage on mail matter to Mexico. There shall be charged by the post office of the United States of America upon all letters, newspapers, printed pamphlets, or other printed matter mailed in the United States and forwarded to Mexico by sea, whether by United States or by Mexican vessels, such rates of inland postage as are now or may hereafter be established by the laws of the United States, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Inland and sea postage to be prepaid. Such prepayment shall be certified by the appropriate stamps of the United States post office, and the postage so paid shall belong exclusively to the United States of America.

by stamps, to belong to the United States. There shall be charged by the post office of the United Mexican States upon all letters, newspapers, printed pamphlets, or other printed matter mailed in Mexico and for-

Mexican inland postage on mail matter for the United States. Las oficinas de correos de los Estados Unidos Mexicanos cobrarán por todas las cartas, gacetas, folletos impresos ú otros impresos, puestos en el correo en México y enviados por mar á los Estados Unidos de América, ya sea por buques Mexicanos ó de los Estados Unidos, los portes de tierra que están establecidos ahora ó que puedan establecerse en lo sucesivo por las leyes de México, y el porte de mar prescrito en el artículo primero, cuyos portes de tierra y de mar se combinarán en un solo porte, que se pagará siempre adelantado.

por buques de los Estados Unidos Mexicanos ó de los Estados Unidos de América, entre un puerto de México y un puerto de los Estados Unidos de América, los siguientes portes de mar, à saber :

1°. Por todas las cartas que no escedan de media onza de peso, el porte de siete centavos ; y por todas las cartas que pesen mas de media onza, el porte adicional de siete centavos por cada media onza adicional ó fraccion de ella.

2°. Por cada gaceta, diaria ó no diaria, el porte de un centavo.

3°. Por las revistas ú otras publicaciones periódicas, folletos impresos ú otros impresos, el porte de un centavo por cada onza ó fraccion de una onza de peso.

Dichas gacetas, revistas ú otras publicaciones periódicas, folletos impresos ú otros impresos, deberán enviarse con fajas ó cubiertas, angostas, abiertas, por los lados ó extremos, para que puedan fácilmente ecsaminarse, sujetándose á las leyes y reglamentos de cada país, respectivamente.

ARTICULO II.

Las oficinas de correos de los Estados Unidos Mexicanos cobrarán por todas las cartas, gacetas, folletos impresos ú otros impresos, puestos en el correo en México y enviados por mar á los Estados Unidos de América, ya sea por buques Mexicanos ó de los Estados Unidos, los portes de tierra que están establecidos ahora ó que puedan establecerse en lo sucesivo por las leyes de México, y el porte de mar prescrito en el artículo primero, cuyos portes de tierra y de mar se combinarán en un solo porte, que se pagará siempre adelantado.

Este pago adelantado se certificará por medio de los sellos correspondientes de las oficinas de correos de los Estados Unidos Mexicanos, y pertenecerá esclusivamente á México.

Las oficinas de correos de los Estados Unidos de América cobrarán por todas las cartas, gacetas, folletos impresos ú otros impresos, puestos en el correo en los Estados Unidos

warded to the United States of America by sea, whether by Mexican or by United States vessels, such rates of inland postage as are now or may hereafter be established by the laws of Mexico, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Such prepayment shall be certified by the appropriate stamps of the post office of the United Mexican States, and the postage so paid shall belong exclusively to Mexico.

ARTICLE III.

Upon all letters, newspapers, printed pamphlets, or other printed matter received in the United States of America from Mexico by sea, there will be charged by the United States such rates of inland postage as are now, or may hereafter be, established by the laws of the United States, which shall be collected at the place of destination, and shall belong exclusively to the United States of America, and vice versa, upon all letters, newspapers, printed pamphlets, or other printed matter received in Mexico from the United States of America by sea, there will be charged by Mexico such rates of inland postage as are now, or may hereafter be, established by the laws of Mexico, which shall be collected at the place of destination, and shall belong exclusively to Mexico.

ARTICLE IV.

All letters, newspapers, printed pamphlets, or other printed matter mailed in the United States of America, and addressed to any place in the United Mexican States, or vice versa, when not conveyed by sea, shall be charged with the rate of inland postage of the country from which such mail matter is sent, which shall be prepaid, and with the inland postage of the country receiving, which shall be collected at the place of destination.

y enviados por mar á México, ya sea por buques de los Estados Unidos ó de México, los portes de tierra que están establecidos ahora ó que puedan establecerse en lo sucesivo por las leyes de los Estados Unidos, y el porte de mar prescrito en el artículo primero, cuyos portes de tierra y de mar se combinarán en un solo porte, que se pagará siempre adelantado.

Este pago adelantado se certificará por medio de los sellos correspondientes de las oficinas de correos de los Estados Unidos, y pertenecerá esclusivamente á los Estados Unidos de América.

ARTICULO III.

Por todas las cartas, gacetas, folletos impresos ú otros impresos que se reciban en México de los Estados Unidos de América por mar, cobrará México los portes de tierra que están establecidos ahora ó que puedan establecerse en lo sucesivo por las leyes de México, cuyos portes se escigirán en el lugar del destino, y pertenecerán esclusivamente á México; y vice versa, por todas las cartas, gacetas, folletos impresos ú otros impresos que se reciban en los Estados Unidos de América de México por mar, cobrarán los Estados Unidos los portes de tierra que están establecidos ahora ó que puedan establecerse en lo sucesivo por las leyes de los Estados Unidos, cuyos portes se escigirán en el lugar del destino, y pertenecerán exclusivamente á los Estados Unidos de América.

ARTICULO IV.

Por todas las cartas, gacetas, folletos impresos ú otros impresos, puestos en el correo en los Estados Unidos Mexicanos y dirigidos á algun lugar de los Estados Unidos de América, ó vice versa, cuando no sean enviados por mar, se cobrará el porte de tierra del país de que procedan, cuyo porte se pagará adelantado, y se cobrará el porte de tierra del país que los reciba, cuyo porte se pagará en el lugar de su destino.

Inland and sea postage to be prepaid

by stamps,

to belong to Mexico.

United States inland postage on mail matter from Mexico,

where to be collected and to whom to belong.

Postage in Mexico on mail matter from the United States,

where collected and to whom to belong.

Postage on mail matter not conveyed by sea.

Such postage shall belong respectively to the country collecting the same.

Tales portes pertenecerán respectivamente al país que los cobre

ARTICLE V.

Mail matter not to be detained;

to be forwarded speedily and delivered promptly.

All letters, newspapers, printed pamphlets, or other printed matter mailed in the one country for the other, or received in the one country from the other, whether by land or sea conveyance, shall be free from any detention or inspection whatever, and shall in the one case be forwarded by the most speedy means to their destination, and in the other be promptly delivered to the respective persons to whom they are addressed, being subject in their transmission to the laws and regulations of each country, respectively.

ARTICLE VI.

Provision in case of steam or other mail packets.

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, whether under subvention from the United States or from Mexico, the contracting parties agree to receive at those ports all mailable matter, and to forward it as directed, the destination being to some regular post office of either country, charging thereupon only the rates established by the present convention.

Mails to be made up at regular intervals.

Mails for the United States of America shall be made up at regular intervals by the Mexican post office, and dispatched to ports of the United States; and, in the same manner, mails for Mexico shall be made up at regular intervals by the United States post office, and dispatched to ports in Mexico.

ARTICLE VII.

Closed mails through Mexico.

The United Mexican States engage to grant to the United States of America the transit, in closed mails, free from any postage, duties,

ARTICULO V.

Todas las cartas, gacetas, folletos impresos ú otros impresos, puestos en el correo de uno de los dos países para el otro, ó recibidos en un país del otro, ya sean enviados por tierra ó por mar, estarán libres de cualquiera detencion ó inspeccion, y en el primer caso, serán enviados por los medios mas violentos á su destino, y en el otro caso, entregados prontamente á las personas á quienes sean dirigidos, estando sujetos en su trasmision á las leyes y reglamentos de cada país, respectivamente.

ARTICULO VI.

Tan pronto como los vapores ú otros paquetes correos, con bandera de cualquiera de las dos partes contratantes, hayan comenzado á correr entre sus respectivos puertos de entrada, bien sea con subvencion de México ó de los Estados Unidos, las partes contratantes recibirán en dichos puertos toda la correspondencia y la remitirán segun vaya dirigida, siempre que su destino sea para alguna oficina regular de correos de cualquiera de los dos países, cobrando solamente los portes establecidos por la presente convention.

Las balijas para México se cerrarán á intervalos regulares en las oficinas de correos de los Estados Unidos de América, despachándolas para los puertos de México; y del mismo modo, las balijas para los Estados Unidos se cerrarán á intervalos regulares en las oficinas de correos de México, despachándolas para los puertos de los Estados Unidos.

ARTICULO VII.

Los Estados Unidos de América convienen en conceder á los Estados Unidos Mexicanos el tránsito en balijas cerradas, libres de cualquiera

imposts, detention, or examination whatever, through the United Mexican States, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United States of America, or any of their possessions or territories, to any other possession or territory of the United States of America, or to any foreign country, or from any foreign country, or possession or territory of the United States of America, to the United States of America, their possessions or territories.

A mail agent of the United States of America shall be permitted to accompany the closed mails in their transit.

The United States of America, on their part, engage to grant to the United Mexican States the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United States of America, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United Mexican States, or any of their possessions or territories, to any other Mexican possession or territory, or to any foreign country, or from any foreign country, or Mexican possession or territory, to the United Mexican States, their possessions or territories.

A mail agent of Mexico shall be permitted to accompany the closed mails in their transit.

ARTICLE VIII.

The means of making the transit of closed mails, under the stipulations of article seventh of the present Convention, shall be arranged between the general post office department of the two countries, subject to the approbation of each Government, respectively.

ARTICLE IX.

In case of the misfortune of war between the two nations, the mail

porte, derechos, impuestos, detencion ó exámen, por medio de los Estados Unidos de América ó de alguna de sus posesiones ó territorios, de las cartas, gacetas, folletos impresos ú otros impresos, enviados de los Estados Unidos Mexicanos, ó de alguna de sus posesiones ó territorios, para alguna otra posesion ó territorio Mexicano, ó para algun pais extranjero, ó de algun pais extranjero, ó posesion ó territorio Mexicano, para los Estados Unidos Mexicanos, sus posesiones ó territorios.

Un empleado de correo de México podrá acompañar las balijas cerradas en su tránsito.

Mail agent.

Los Estados Unidos Mexicanos, por su parte, convienen en conceder á los Estados Unidos de América el tránsito el balijas cerradas, libres de cual quiera porte, derechos, impuestos, detencion ó exámen, por medio de los Estados Unidos Mexicanos ó alguna de sus posesiones ó territorios, de las cartas, gacetas, folletos impresos ú otros impresos, enviados de los Estados Unidos de América, ó de alguna de sus posesiones ó territorios, para alguna otra posesion ó territorio de los Estados Unidos de América, ó para algun pais extranjero, ó de algun pais extranjero, ó posesion ó territorio de los Estados Unidos de América, para los Estados Unidos de América, sus posesiones ó territorios.

Un empleado de correos de los Estados Unidos de América podrá acompañar las balijas cerradas en su tránsito.

Closed mails
through the United States

Mail agent.

ARTÍCULO VIII.

Los medios de hacer el tránsito de las balijas cerradas, con arreglo á las estipulaciones del artículo sétimo de la presente Convencion se arreglarán entre las administraciones generales de correos de los dos paises, sujetándose á la aprobacion de cada gobierno, respectivamente.

ARTÍCULO IX.

En el caso desgraciado de guerra entre las dos Naciones, el servicio

Transit of
closed mails to
be arranged.

Provision in
case of war be-
tween the two
nations.

service of the two post offices shall continue without impediment or molestation until six weeks after a notification shall have been made on the part of either of the two Governments and delivered to the other, that the service is to be discontinued; and in such case the mail packets of the two countries shall be permitted to return freely, and under special protection, to their respective ports.

ARTICLE X.

Regulations,
&c., to be settled,
&c.

The respective post office regulations and rates of postage of each of the contracting parties shall be communicated to, and all matters of detail arising out of the stipulations of this convention shall be settled between the General Post Office Departments of the two republics as soon as possible after the exchange of the ratifications of the present convention.

Details may be
modified.

It is also agreed that the measures of detail referred to in this article may be modified by the two General Post Office Departments whenever, by mutual consent, those Departments shall have decided that such modifications would be beneficial to the post office service of the two countries; and Mexico proposes, so soon as her means of internal transportation will permit, to reduce her present rates of inland postage.

Inland postage
in Mexico to be
reduced.

ARTICLE XI.

Convention
how long to con-
tinue.

The present convention shall continue in force until it shall be abrogated by the mutual consent of the two contracting parties, or until one of them shall have given twelve months' previous notice to the other of a desire to abrogate it.

ARTICLE XII.

Ratifications,
when to be ex-
changed.

This convention shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

de las dos administraciones de correos continuará sin impedimento ni molestia, hasta seis semanas despues de que se haga por parte de uno de los dos gobiernos, y se entregue al otro, la notificacion de que se suspende el servicio, y en tal caso, se permitirá que los paquetes correos de los dos países retornen libremente y bajo especial proteccion á sus puertos respectivos.

ARTICULO X.

Se comunicarán los respectivos reglamentos de correos, asi como las tarifas de los portes de cada una de las partes contratantes, y todos los puntos de pormenores que se originen de las estipulaciones de esta convencion se determinarán entre las administraciones generales de correos de las dos Repúblicas, tan pronto como fuere posible despues del cange de las ratificaciones de la presente convencion.

Igualmente, se conviene en que todas las medidas de los pormenores indicados en este artículo podrán modificarse por las dos administraciones generales de correos, siempre que dichas administraciones resuelvan por mútuo consentimiento que tales modificaciones sean benéficas al servicio de correos de los dos países; y México se propone rebajar sus tarifas actuales de portes de tierra, tan pronto como lo permitan sus medios de trasporte interior.

ARTICULO XI.

La presente convencion continuará en vigor hasta que sea abrogada por mútuo consentimiento de las dos partes contratantes, ó hasta que una de ellas haya dado aviso á la otra de su deseo de abrogarla con doce meses de anticipacion.

ARTICULO XII.

Esta convencion será ratificada con arreglo á las Constituciones de los dos países, y las ratificaciones se cangerán en la ciudad de México, dentro de seis meses de esta fecha, ó antes si fuere posible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, in the eighty-sixth year of the independence of the United States of America, and in the forty-first of that of the United Mexican States.

THOMAS CORWIN, [L. s.]
SEB'N LERDO DE TEJADA, [L. s.]

En testimonio de lo cual, nosotros, los Plenipotenciarios de los Estados Unidos Mexicanos y de los Estados Unidos de América, firmamos y sellamos la presente.

Hecha en la ciudad de México, el día once de Diciembre del año de Nuestro Señor mil ochocientos sesenta y uno; el cuadragésimo primero de la Independencia de los Estados Unidos Mexicanos, y el octogésimo sexto de la de los Estados Unidos de América.

SEB'N LERDO DE TEJADA, [L. s.]
THOMAS CORWIN, [L. s.]

Signature.

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 Mexico on the twentieth ultimo :

Ratification.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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.

Proclamation.

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

[L. s.] Done at the city of Washington, this twentieth day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty of Commerce and Navigation between the United States and the Ottoman Empire. Concluded at Constantinople, February 25, 1862. Ratifications exchanged at Constantinople, June 5, 1862. Proclaimed by the President of the United States, July 2, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Feb. 25, 1862.

A PROCLAMATION.

Whereas a treaty of commerce and navigation between the United States of America and the Ottoman Empire was concluded and signed by their respective plenipotentiaries at Constantinople on the twenty-fifth day of February last, which treaty, in the English language, is word for word as follows :

Preamble.

Treaty of Commerce and Navigation between the United States of America and the Ottoman Empire.

The United States of America on the one part, and His Imperial Majesty the Sultan of the Ottoman empire on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have named as their respective plenipotentiaries, that is to say : The President of the United States of America, Edward Joy Morris, minister resident at the Sublime Porte; and His Imperial Majesty the Sultan of the Ottoman empire, his highness Mehemed Emin Aali Pacha, minister of foreign affairs, decorated with the imperial orders of the Ottomanich in Brilliants, Majidich, and order of Merit of the First Class, and the grand crosses of several foreign orders ; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :

Contracting parties.

Plenipotentiaries.

ARTICLE I. All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify ; and it is, moreover, expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

Rights under former treaties confirmed, except, &c.

Privileges of most favored nation to be granted to the United States.

ARTICLE II. The citizens of the United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman empire and its possessions, (whether for the purposes of internal trade or of exportation,) all articles, without any exception whatsoever, the produce or manufacture of the said empire and possessions ; and the Sublime Porte having, in virtue of the second article of the convention of commerce, of the 16th of August, 1838, with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other articles whatsoever, as well as all "permits" (tezkerahs) from the local governors, either for the purchase of any article, or for its removal from one place to another when purchased, any attempt to compel the citizens of

Citizens of United States may purchase all articles, &c.

Permits from local governors no longer allowed.

the United States of America to receive such "permits" from the local governors shall be considered as an infraction of this treaty, and the Sublime Porte shall immediately punish with severity any viziers, or other officers, who shall have been guilty of such misconduct, and shall render full justice to citizens of the United States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

Internal duties
in Turkey.

ARTICLE III. If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens, or their agents, shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favored class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman empire.

Export duties
from Turkey.

ARTICLE IV. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the contracting parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

Eight per cent.
export duty may
be charged.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding eight per cent., calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands within any part of the Ottoman empire.

To be reduced.

It is furthermore agreed, that the duty of eight per cent. above mentioned will be annually reduced by one per cent. until it shall be, in this manner, finally reduced to a fixed duty of one per cent. ad valorem, destined to cover the general expenses of administration and control.

Transport
duties and
prohibitions.

ARTICLE V. No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Imperial Majesty, of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the contracting parties, into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

Import duties
not to exceed
eight per cent.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the empire and possessions of His Imperial Majesty the Sultan, shall in no case exceed one fixed rate of eight per cent. ad valorem, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be calculated upon the value of such articles

at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first custom-house they may reach, if brought by land.

If these articles, after having paid the import duty of eight per cent., are sold either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman empire, but should be reexported within the space of six months, the same shall be considered as merchandise in transit by land, and be treated as is stated hereinafter in Article XII. of this treaty; the administration of the customs being bound to restore, at the time of their reexportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of eight per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the article above cited.

ARTICLE VI. It is understood that any article the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachia, or into the principality of Servia, which shall pass through any other part of the Ottoman empire, will not be liable to the payment of customs duty until it reaches those principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those principalities, but destined for some other part of the Ottoman empire, will not be liable to the payment of customs duty until such article reaches the first custom-house under the direct administration of the Sublime Porte. Imports for principalities.

The same course shall be followed with respect to any article the produce or manufacture of those principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman empire, intended for exportation; such articles will be liable to the payment of customs duties—the former to the custom-house of the aforesaid principalities, and the latter to the Ottoman custom-house; the object being that neither import nor export duties shall in any case be payable more than once.

ARTICLE VII. The subjects and citizens of the contracting parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks. Citizens of each country to enjoy equal privileges as to warehousing, &c.

ARTICLE VIII. All articles which are, or may be, legally importable into the United States of America, in vessels of the United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally importable into the dominions and possessions of His Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of the United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed in the dominions and possessions of either of the contracting parties on the exportation of any article which is, or may be, legally exportable therefrom, whether such exportation shall take place in Ottoman or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the contracting parties, or of any third power. Imports in Ottoman vessels.

ARTICLE IX. No duties of tonnage, harbor, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or Duties, &c., not to exceed those charged on other national vessels.

under whatever denomination, levied in the name or for the profit of government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally, and under the same conditions, be imposed in the like cases on national vessels in general.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive and whatever may be their place of destination.

Meaning of
word "vessels."

ARTICLE X. All vessels, which, according to the laws of the United States, are to be deemed vessels of the United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this treaty, be deemed vessels of the United States and Ottoman vessels, respectively.

Goods of the
United States
passing through
the Dardanelles.

ARTICLE XI. No charge whatsoever shall be made upon goods of the United States, being the produce or manufacture of the United States of America, whether in vessels of the United States, or other vessels, nor upon any goods the produce or manufacture of any other foreign country carried in vessels of the United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the custom-house, called transit magazines; and in any other places where there is no entrepot, they shall be placed under the charge of the administration of the customs.

Certain duties
reduced from
three per cent. to
two per cent.

ARTICLE XII. The Sublime Porte, desiring to grant, by means of gradual concessions, all facilities in its power to transit by land, it is stipulated and agreed that the duty of three per cent. levied up to this time on articles imported into the Ottoman empire, in their passage through the Ottoman empire to other countries, shall be reduced to two per cent. payable as the duty of three per cent. has been paid hitherto, on arriving in the Ottoman dominions; and at the end of eight years, to be reckoned from the day of the exchange of the ratifications of the present treaty, to a fixed and definite tax of one per cent., which shall be levied, as is to be the case with respect to Ottoman produce exported, to defray the expense of registration.

The Sublime Porte, at the same time, declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

United States
citizens to have
same rights, &c.,
as foreign sub-
jects.

ARTICLE XIII. Citizens of the United States of America, or their agents, trading in goods the produce or manufacture of foreign countries, shall be subject to the same taxes, and enjoy the same rights, privileges, and immunities, as foreign subjects dealing in goods the produce or manufacture of their own country.

Tobacco and
Salt.

ARTICLE XIV. An exception to the stipulations laid down in the Vth Article shall be made in regard to tobacco in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included among those which the citizens of the United States of America are permitted to import into the Ottoman dominions.

Citizens of the United States, however, or their agents, buying or selling tobacco or salt for consumption in the Ottoman empire, shall be subject to the same regulations and shall pay the same duties as the most favored Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above mentioned, no duty whatsoever shall in future be levied on those articles when exported from the Ottoman empire by citizens of the United States.

Citizens of the United States shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported to the proper custom-house authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

ARTICLE XV. It is understood between the two contracting parties that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman empire of gunpowder, cannon, arms of war, or military stores, but such prohibition will not come into operation until it shall have been officially notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited shall, on being imported into the Ottoman empire, be subject to the local regulations, unless the legation of the United States of America shall think fit to apply for a special license, which will in that case be granted, provided no valid objection thereto can be alleged. Gunpowder, in particular, when allowed to be imported will be liable to the following stipulations:

Importation of gunpowder, &c., may be prohibited.

Gunpowder.

1. It shall not be sold by citizens of the United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of the United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depots, or fitting places designated by the government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present article.

ARTICLE XVI. The firmans required for merchant vessels of the United States of America, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

Firmans for merchant vessels.

ARTICLE XVII. The captains of merchant vessels of the United States, laden with goods destined for the Ottoman empire, shall be obliged, immediately on their arrival at the port of their destination, to deposit in the custom-house of said port a true copy of their manifest.

Custom-house rules.

ARTICLE XVIII. Contraband goods will be liable to confiscation by the Ottoman treasury; but a report, or proces verbal, of the alleged act of contraband, must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband, unless the fraud with regard to them shall be duly and legally proved.

Contraband goods.

ARTICLE XIX. All merchandise, the produce or manufacture of the Ottoman dominions and possessions, imported into the United States of America, shall be treated in the same manner as the like merchandise, the produce and manufacture of the most favored nation.

Commercial rights, to be same as those of any foreign power.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by the subjects, vessels, commerce, or navigation of any foreign power in the United States of America, shall be equally granted to, and exercised and enjoyed by the subjects, vessels, commerce, and navigation of the Sublime Porte.

ARTICLE XX. The present treaty, when ratified, shall be substituted for the commercial convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of the United States of America has been heretofore placed, and shall continue in force for 28 [twenty-eight] years from the day

Present treaty to be substituted for former.

of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other, at the end of 14 [fourteen] years, (that time being fixed, as the provisions of this treaty will then have come into full force,) notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of 21 [twenty-one] years.

The present treaty shall receive its execution in all and every one of the provinces of the Ottoman empire; that is to say, in all the possessions of His Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the united principalities of Moldavia and Wallachia.

Construction of
this treaty.

ARTICLE XXI. It is always understood that the government of the United States of America does not pretend, by any article in the present treaty, to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient treaties or by the present treaty to citizens of the United States or their merchandise.

Commissioners
to settle tariff
of duties.

ARTICLE XXII. The high contracting parties have agreed to appoint, jointly, commissioners for the settlement of a tariff of custom-house duties, to be levied in conformity with the stipulations of the present treaty, as well upon merchandise of every description, being the produce or manufacture of the United States of America, imported into the Ottoman empire, as upon articles of every description the produce or manufacture of the Ottoman empire and its possessions, which citizens of the United States or their agents are free to purchase in any part of the Ottoman empire for exportation to the United States or to any other country. The new tariff, to be so concluded, shall remain in force during seven years, dating from the date of the exchange of the ratifications.

Each of the contracting parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the seventh year, neither the one nor the other of the contracting parties shall avail itself of this right the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years.

When to be
ratified.

ARTICLE XXIII. The present treaty shall be ratified and the ratifications shall be exchanged at Constantinople in three calendar months, or sooner, if possible, and shall be carried into execution when ratified.

Done at Constantinople, on the twenty-fifth day of February, 1862.

EDWARD JOY MORRIS, [L. s.]
AALI, [L. s.]

Exchange of
ratifications.

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Constantinople, on the fifth ultimo, by Edward Joy Morris, Minister Resident of the United States at the Sublime Porte, and by his Highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs of His Imperial Majesty the Sultan of the Ottoman Empire, on the part of their respective Governments:

Proclamation.

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

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

[L. s.] Done at the City of Washington, this second day of July, in the
year of our Lord one thousand eight hundred and sixty-two,
and of the Independence of the United States the eighty-
sixth.

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

Treaty between the United States of America and the Kansas Tribe of Indians. Concluded at the Kansas Agency, in Kansas, March 13, 1862. Ratified, with Amendment, February, 6, 1863. Amendment assented to, February 26, 1863. Proclaimed by the President of the United States, March 16, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: March 13, 1862.

WHEREAS a Treaty was made and concluded at the Kansas agency, in the State of Kansas, on the thirteenth day of March, in the year of our Lord eighteen hundred and sixty-two, by and between H. W. Farnsworth, commissioner on the part of the United States, and the hereinafter named chiefs and headmen of the Kansas tribe of Indians, representing said Indians and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

Whereas a treaty was made and concluded at the Kansas agency, in the then Territory, but now State, of Kansas, on the fifth day of October, A. D. 1859, by and between Alfred B. Greenwood, commissioner on the part of the United States, and the chiefs and headmen representing the Kansas tribe of Indians, and authorized by said tribe for that purpose; which treaty, after having been submitted to the Senate of the United States for its constitutional action thereon, was duly accepted, ratified, and confirmed by the President of the United States, on the seventeenth day of November, A. D. 1860, with an amendment to the fourth article thereof, which amendment, first proposed and made by the Senate on the twenty-seventh day of June, A. D. 1860, was afterwards agreed to and ratified by the aforesaid chiefs and headmen of the Kansas tribe of Indians on the fourth day of October of the same year:

Former treaty.

Now, therefore, it is further agreed and concluded on this thirteenth day of March, A. D. 1862, by and between H. W. Farnsworth, a commissioner on the part of the United States, and the said Kansas tribe of Indians, by their authorized representatives, the chiefs and headmen thereof, to wit:

Contracting parties.

ARTICLE 1st. That the said treaty and the amendment thereof be further amended so as to provide that a fair and reasonable value of the improvements made by persons who settled on the diminished reserve of said Kansas Indians between the second day of December, A. D. 1856, and the fifth day of October, A. D. 1859, shall be ascertained by the Secretary of the Interior, and certificates of indebtedness by said tribe shall be issued by him to each of such persons for an amount equal to the appraisement of his or her improvements, as aforesaid; and that like certificates shall be issued to the class of persons who settled on said diminished reservation prior to the second day of December, A. D. 1856, for the amounts of the respective claims as provided for and ascertained under the provisions of the amendment of said treaty; and that like certificates be issued to the owners of the same for the amounts of claims which have been examined and approved by the agent and superintendent, and revised and confirmed by the Secretary of the Interior, under the provisions of the 5th article of said treaty, and that all such certificates shall be receivable as cash, to the amount for which they may be issued, in payment for lands purchased or entered on that part of the first assigned reservation outside of said diminished reservation, or of any part of the diminished reservation that may hereafter be offered for sale, or may be

The value of improvements by certain settlers to be ascertained, and certificates of indebtedness issued therefor.

See amendments, p. 313.

redeemed and paid out of the proceeds of sales of lands when such proceeds have not theretofore been made applicable to other purposes named in said treaty.

Half section of
land to Thomas
S. Huffaker.

ARTICLE 2d. The Kansas Tribe of Indians, being desirous of making a suitable expression of the obligations the said tribe are under to Thomas S. Huffaker, for the many services rendered by said Huffaker as missionary, teacher, and friendly counsellor of said tribe of Indians, hereby authorize and request the Secretary of the Interior to convey to the said Thomas S. Huffaker the half section of land on which he has resided, and improved and cultivated since the year A. D. 1851, it being the south half of section eleven, (11,) in township numbered sixteen (16) south, range numbered eight (8) east, of the sixth principal meridian, Kansas.

Signature.

In testimony whereof, the said H. W. Farnsworth, commissioner, as aforesaid, and the said chiefs and headmen of the Kansas tribe of Indians, have hereunto set their hands and seals, at the Kansas agency, in the State of Kansas, on the said thirteenth day of March, in the year of our Lord one thousand eight hundred and sixty-two.

In presence of—

T. S. HUFFAKER.

A. G. BARNETT.

EDWARD WOLCOTT.

A. N. BLOCKLIDGE.

JOSEPH JAMES.

H. W. FARNSWORTH.

his x mark.

ISH-TAH-LES-ICE,

his x mark.

[SEAL.]

NO-PA-WY,

his x mark.

[SEAL.]

NE-HU-GAH-IN-KA,

his x mark.

[SEAL.]

KAH-HE-GA-WAH-TI-IN-GA,

his x mark.

[SEAL.]

WAK-SHUN-GE-A,

his x mark.

[SEAL.]

ALLE-GAH-WAH-HO,

his x mark.

[SEAL.]

CAH-KE-GES-CHA,

his x mark.

[SEAL.]

E. B. SUN-GAH,

his x mark.

[SEAL.]

KE-BAH-LAH-HE,

his x mark.

[SEAL.]

WAH-HAH-NAH-SHA,

his x mark.

[SEAL.]

KAH-HE-GAH-WAH-CHEHHE,

his x mark.

[SEAL.]

WAH-PAH-GAH,

his x mark.

[SEAL.]

WAH-TI-IN-GAH,

his x mark.

[SEAL.]

PAH-HAH-NAH-GAH-LE,

his x mark.

[SEAL.]

SHUN-GAH-WAH-SA,

his x mark.

[SEAL.]

KE-WAH-LES-IS,

his x mark.

[SEAL.]

KE-AH-HAH-WAH-CU,

his x mark.

[SEAL.]

KAH-HE-GAH-SHE,

his x mark.

[SEAL.]

O-ME-SIA,

his x mark.

[SEAL.]

WY-E-LAH-IN-GAH,

his x mark.

[SEAL.]

LES-YA,

his x mark.

[SEAL.]

KE-HAH-GA-CHA-WAH-GO,

his x mark.

[SEAL.]

WAH-HO-BEC-CA,

his x mark.

[SEAL.]

Ratification.

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 sixth day of February, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same, by a resolution, and with an amendment in the words and figures following, to wit:

IN THE SENATE OF THE UNITED STATES,
February 6th, 1863.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty concluded at

the Kansas agency, March 13th, 1862, between H. W. Farnsworth, United States commissioner, and the chiefs and headmen of the Kansas tribe of Indians, with the following amendments, viz :

No. 1. In article 1, at the end of line 14th, insert "not exceeding in the aggregate the sum of fifteen thousand dollars." Amendments.

No. 2. In article 1, after the word "treaty," in line 22d, insert "not exceeding in the aggregate the sum of fourteen thousand four hundred and twenty-one dollars."

No. 3. In article 1, after the word "treaty," in the 29th line, insert "not exceeding in the aggregate the sum of thirty-six thousand three hundred and ninety-four dollars and forty-seven cents."

No. 4. In article 1, after the word "reservation," in line 34th, strike out all to the end of the article, being these words: "Or of any part of the diminished reservation that may hereafter be offered for sale, or may be redeemed and paid out of the proceeds of sales of lands when such proceeds have not theretofore been made applicable to other purposes named in said treaty."

No. 5. In article 2, after the word "Kansas," in the 16th line, add "on the payment by said Huffaker of the appraised value of said lands, at a rate not less than one dollar and seventy-five cents per acre."

Attest :

J. W. FORNEY, *Secretary.*

And whereas the foregoing amendments having been fully interpreted and explained to the hereinafter named chiefs and headmen of the Kansas tribe of Indians, they did, on the twenty-sixth day of February, eighteen hundred and sixty-three, at the Kansas agency, in the State of Kansas, give their free and voluntary assent to the same, in the words and figures following, to wit: Assent to amendments.

And whereas, the foregoing amendments having been fully interpreted and explained to us, the undersigned, chiefs and headmen of the Kansas tribe of Indians, we do hereby agree to and ratify the same.

Done at Kansas agency, this twenty-sixth day of February, A. D. eighteen hundred and sixty-three.

Signed in the presence of—

H. W. FARNSWORTH, *U. S. Indian Agent.*

JOSEPH JAMES, *U. S. Interpreter*, his x mark.

JOSEPH DUNLAP, *Witness to Signature of Interpreter.*

CHRISTOPHER MOONEY.

THOMAS C. HILL.

NO-PA-WI,	his x mark.	[SEAL.]
KAI-HE-GAH-WA-TI-IN-KA,	his x mark.	[SEAL.]
KAI-HE-GAH-SHIN-GAH,	his x mark.	[SEAL.]
E-BE-SUNGAH,	his x mark.	[SEAL.]
O-GOR-SHE-NOR-SHA,	his x mark.	[SEAL.]
WAH-PAH-GAH,	his x mark.	[SEAL.]
KE-WAH-LEZHE,	his x mark.	[SEAL.]
PAH-DU-CA-GOLLE,	his x mark.	[SEAL.]
MO-SHE-TUMVIA,	his x mark.	[SEAL.]
WI-E-LON-GE,	his x mark.	[SEAL.]
MO-SHON-NO-PUSSA,	his x mark.	[SEAL.]
HO-YUH-NE-KA,	his x mark.	[SEAL.]
WY-A-HOG-GY,	his x mark.	[SEAL.]
UTS-AH-GAH-BA,	his x mark.	[SEAL.]
SAH-YA,	his x mark.	[SEAL.]
GE-NO-IN-GA,	his x mark.	[SEAL.]

ME-HO-JE,
 MAH-KU-SA-BA,
 ME-O-TUM-WA,
 TAH-SE-HAH,

his x mark.	[SEAL.]
his x mark.	[SEAL.]
his x mark.	[SEAL.]
his x mark.	[SEAL.]

Proclaimed.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth day of February, eighteen hundred and sixty-three, 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, and have signed the same with my hand.

Done at the city of Washington, this sixteenth day of March,
 [L. s.] in the year of our Lord eighteen hundred and sixty-three,
 and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States and Great Britain for the Suppression of the Slave Trade. Concluded at Washington, April 7, 1862. Ratifications exchanged at London, May 25, 1862. Proclaimed by the President of the United States, June 7, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: April 7, 1862.

Ante, p. 531.

A PROCLAMATION.

WHEREAS a treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland was concluded and signed by their respective Plenipotentiaries, at the city of Washington, on the seventh day of April last, which treaty is, word for word, as follows: Preamble.

Treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade.

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to render more effectual the means hitherto adopted for the suppression of the slave trade carried on upon the coast of Africa, have deemed it expedient to conclude a treaty for that purpose, and have named as their Plenipotentiaries, that is to say: Object of treaty.

The President of the United States of America, William H. Seward, Secretary of State; Plenipotentiaries.

And her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the right honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a knight grand cross of her most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

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

ARTICLE I. The two high contracting parties mutually consent that those ships of their respective navies which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose; or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade, contrary to the provisions of this treaty; and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon. Certain war vessels of each nation may visit merchant-vessels of the other reasonably suspected of engaging in the slave trade, &c.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following: Power of war vessels.

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty. Right of search to be exercised,

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant-vessels; and it shall not be exercised by a vessel of war of either contracting party within the limits only by authorized vessels of war, and as regards merchant vessels, and not within certain places.

of a settlement or port, nor within the territorial waters of the other party.

Mode of search of merchant vessels by ships of war.

Thirdly. Whenever a merchant-vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant-vessel the special instructions by which he is duly authorized to search; and shall deliver to such commander a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African slave trade, or is fitted up for the said trade. When the search is made by an officer of the cruiser who is not the commander, such officer shall exhibit to the captain of the merchant-vessel a copy of the before-mentioned special instructions, signed by the commander of the cruiser; and he shall in like manner deliver a certificate signed by himself, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Within what limits the right of search to be exercised.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba.

ARTICLE II. In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed —

Ships of war to be furnished with copy of treaty and instructions.

First. That all the ships of the navies of the two nations which shall be hereafter employed to prevent the African slave trade shall be furnished by their respective Governments with a copy of the present treaty, of the instructions for cruisers annexed thereto, (marked A,) and of the regulations for the mixed courts of justice annexed thereto, (marked B,) which annexes respectively shall be considered as integral parts of the present treaty.

Each nation to give the other the names, &c. of war vessels so employed.

Rank of commanders.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant; it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

Mode of procedure when suspected vessel is under convoy.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant-vessel under the escort or convoy of any ship or ships-of-war of the other nation carries negroes on board, or has been engaged in the African slave trade, or is fitted out for the purpose thereof, the commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the places where the mixed courts of justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

Instructions to be followed according to their tenor.

ARTICLE III. As the two preceding articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in the first article of this treaty shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats shall be paid within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

Losses by wrongful detention to be made good by each nation.

Indemnity to be paid in a year.

ARTICLE IV. In order to bring to adjudication with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the first article of this treaty, there shall be established, as soon as may be practicable, three mixed courts of justice, formed by an equal number of individuals of the two nations, named for this purpose by their respective Governments. These courts shall reside, one at Sierra Leone, one at the Cape of Good Hope, and one at New York.

Three mixed courts to be established.

But each of the two high contracting parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

Places of courts, may be changed.

These courts shall judge the causes submitted to them according to the provisions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.

Duties of courts.

No appeal.

ARTICLE V. In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the first article of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

Each government may demand reparation for wrongful acts of officers of the other.

Punishment of such officer.

ARTICLE VI. It is hereby further mutually agreed, that every American or British merchant-vessel which shall be searched by virtue of the present treaty may lawfully be detained, and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:

Merchant vessels may be detained for certain causes.

First. Hatches with open gratings, instead of the close hatches, which are usual in merchant vessels.

Hatches with open gratings.

Second. Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Bulk-heads.

Third. Spare plank fitted for laying down as a second or slave deck.

Spare plank, &c.

Fourth. Shackles, bolts, or handcuffs.

Shackles, &c. Water.

Fifth. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

Water casks.

Sixth. An extraordinary number of water casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that

such extra quantity of casks, or of other vessels should be used only to hold palm oil, or for other purposes of lawful commerce.

Mess-tubs.

Seventh. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant-vessel.

Cooking apparatus.

Eighth. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant-vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Rice, farina, &c.

Ninth. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food, be entered on the manifest as part of the cargo for trade.

Matting.

Tenth. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant-vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

Proof that such articles are on board, &c., to be *prima facie* evidence.

Vessel to be condemned, unless, &c.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *prima facie* evidence that the vessel was employed in the African slave trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the mixed court of justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

No damages to be paid for detention if any such articles are on board, &c.

ARTICLE VII. If any one of the articles specified in the preceding article as grounds for condemnation should be found on board a merchant-vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the mixed court of justice.

Vessels condemned under this treaty to be broken up, &c., unless, &c.

ARTICLE VIII. It is agreed between the two high contracting parties, that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the mixed courts of justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy, at a price to be fixed by a competent person chosen for that purpose by the mixed court of justice, in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

Owners, officers, and crew of condemned vessel to be punished, &c.

ARTICLE IX. The captain, master, pilot, and crew of any vessel condemned by the mixed courts of justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprise.

Persons on board such vessels to be sent to their nation, with witnesses, &c.

For this purpose, the two high contracting parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the mixed courts of justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time

of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons, shall also be sent with them.

The same course shall be pursued with regard to subjects or citizens of either contracting party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African slave trade.

Subjects of either power found in condemned vessels of a third power.

ARTICLE X. The negroes who are found on board of a vessel condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser has made the capture; they shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guarantying their liberty.

Negroes found on board condemned vessels, how to be disposed of.

ARTICLE XI. The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

Instruments annexed to treaty.

(A.) Instructions for the ships of the navies of both nations, destined to prevent the African slave trade.

(B.) Regulations for the mixed courts of justice.

ARTICLE XII. The present treaty shall be ratified, and the ratifications thereof shall be exchanged at London in six months from this date, or sooner if possible. It shall continue and remain in full force for the term of ten years from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and determine.

Treaty, when to be ratified, and how long to continue.

In witness whereof the respective plenipotentiaries have signed the present treaty, and have thereunto affixed the seal of their arms.

Signature.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.]
[L. S.]

WILLIAM H. SEWARD.
LYONS.

Annex (A) to the Treaty between the United States of America and Great Britain, for the Suppression of the African Slave Trade, signed at Washington on the 7th day of April, 1862.

Instructions for the Ships of the United States and British Navies employed to prevent the African Slave Trade.

Instructions for ships of war

ARTICLE I. The commander of any ship belonging to the United States or British navy which shall be furnished with these instructions, shall have a right to search and detain any United States or British merchant-vessel which shall be actually engaged, or suspected to be engaged, in the African slave trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met with by such ship of the United States or British navy; and such commander shall thereupon bring or send such merchant-vessel (save in the case provided for in article V. of these instructions) as soon as possible, for judgment, before one of the three mixed courts of justice established in virtue of the IVth article of the said treaty, that is to say:

Search and detention.

Vessels to be sent for judgment.

If the vessel shall be detained on the coast of Africa, she shall be

Before what

courts to be brought.

brought before that one of the two mixed courts of justice to be established at the Cape of Good Hope and at Sierra Leone, which may be nearest to the place of detention, or which the captor, on his own responsibility, may think can be soonest reached from such place.

If the vessel shall be detained on the coast of the Island of Cuba, she shall be brought before the mixed court of justice at New York.

Search, how and by whom made.

ARTICLE II. Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant-vessel liable to be searched under the provisions of the said treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a lieutenant in the navy; or by the officer who at the time shall be second in command of the ship by which such search is made.

If vessel is detained, who and what to be left on board.

ARTICLE III. The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel, in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and two or three, at least, of the crew, the whole of the negroes, if any, and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the mixed court of justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

Declaration.

List of papers, &c.

Declaration to contain name of officer, &c.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

Change of condition of vessel after detention, to be certified under oath.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the mixed court of justice, deliver into the court a certificate signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes if any, and her cargo, between the period of her detention and the time of delivering in such paper.

When negroes may be disembarked.

ARTICLE IV. If urgent reasons, arising from the length of the voyage the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the mixed courts of justice is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

Proceedings if detained vessel is unseaworthy,

ARTICLE V. In case any merchant-vessel, detained in pursuance of the present instructions, should prove to be unseaworthy, or in such a condition as not to be taken to one of the three ports where the mixed courts of justice are to be established in pursuance of the treaty of this date, the commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time.

if she is abandoned or destroyed.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate mentioned in the preceding para-

graph of this article, shall be sent and delivered to the proper mixed court of justice at the earliest possible moment.

The undersigned plenipotentiaries have agreed, in conformity with the Xith article of the treaty signed by them on this day, that the present instructions shall be annexed to the said treaty, and be considered an integral part thereof. The instructions to be annexed to treaty.

Done at Washington the seventh day of April in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.]
[L. S.]

WILLIAM H. SEWARD.
LYONS.

Annex (B) to the Treaty between the United States of America and Great Britain, for the Abolition of the African Slave Trade, signed at Washington on the 7th day of April, 1862.

Regulations for the Mixed Courts of Justice.

ARTICLE I. The mixed courts of justice to be established under the provisions of the treaty, of which these regulations are declared to be an integral part, shall be composed in the following manner: Regulations for mixed courts of justice.
Courts how composed.

The two high contracting parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid treaty, shall be brought before them. Power of judges.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal magistrate of the place in which such courts shall respectively reside, that they will judge fairly and faithfully; that they will have no preference either for claimant or for captor; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid treaty. Judges to make oath.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the party in whose territories such court shall reside. Registrar.

Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office. Oath and duties of registrar.

The salaries of the judges and arbitrators shall be paid by the Governments by whom they are appointed. Salaries of judges;

The salary of the secretary or registrar of the court to be established in the territories of the United States shall be paid by the United States Government; and that of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by her Britannic Majesty. of registrars.

Each of the two Governments shall defray half of the aggregate amount of the other expenses of such courts. Expenses of courts, how to be borne.

ARTICLE II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising out of this sale should not prove suffi- Expenses of detention, &c., of vessels, how defrayed.

cient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

Captor to pay expenses of released vessel, except, &c. If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under article VII. of the treaty to which these regulations form an annex, and under article VII. of these regulations.

Courts, jurisdiction. **ARTICLE III.** The mixed courts of justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall detain in pursuance of the said treaty.

The said courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

Decisions to be made in twenty days. The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessels shall have been brought into the port where the deciding court shall reside.

Final sentence to be within two months, unless, &c. The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Counsel. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

Proceedings to be in writing and recorded. All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

Mode of procedure of the courts. **ARTICLE IV.** The form of the process, or mode of proceeding to judgment, shall be as follows:

Examination of ship's papers, &c. The judges appointed by the two Governments, respectively, shall in the first place proceed to examine the papers of the detained vessel and shall take the deposition of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration or oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

Proceedings if detained vessel is restored. **ARTICLE V.** If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of articles IV. and V. of the instructions annexed to the treaty of this date,) shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim valuation of the damages which he may have a right to de-

mand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

Damages;

The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the court; it being mutually agreed that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

within what time to be paid.

ARTICLE VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in the VIIIth article of the treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

Proceedings when detained vessel is condemned.

The negroes who may not previously have been disembarked shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, in order to be forthwith set at liberty.

Negroes to be set at liberty, &c.

ARTICLE VII. The mixed courts of justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in the VIIth article of the treaty to which these regulations form an annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

Courts to determine claims for damages,

to make complete indemnification.

First. In case of total loss, the claimant or claimants shall be indemnified —

In case of total loss.

(A.) For the ship, her tackle, equipment and stores.

(B.) For all freights due and payable.

(C.) For the value of the cargo of merchandise, if any, deducting all charges, and expenses which would have been payable upon the sale of such cargo, including commission of sale.

(D.) For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified —

In other cases.

(A.) For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

(B.) For demurrage when due, according to the schedule annexed to the present article.

(C.) For any deterioration of the cargo.

(D.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

Claimants entitled to interest.

Currency.

The two high contracting parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained

Demurrage not to be paid in certain cases.

vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Rate of demurrage.

Schedule of demurrage or daily allowance for a vessel of—

100 tons to 120 tons, inclusive	£5 per diem.
121 tons to 150 tons, “	6 “
151 tons to 170 tons, “	8 “
171 tons to 200 tons, “	10 “
201 tons to 220 tons, “	11 “
221 tons to 250 tons, “	12 “
251 tons to 270 tons, “	14 “
271 tons to 300 tons, “	15 “

And so on in proportion.

Judges, registrars, &c. not to demand or receive gifts, &c.

ARTICLE VIII. Neither the judges, nor the arbitrators, nor the secretaries or registrars of the mixed courts of justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries or registrars have to perform.

In case of disability, &c. of any judge, vacancy how filled.

ARTICLE IX. The two high contracting parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts, respectively, the post of such judge or arbitrator shall be supplied, *ad interim*, in the following manner :

In and for the United States.

First. On the part of the United States, and in that court which shall sit within their territories : if the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator ; and either in that case, or in case the vacancy be originally that of the United States arbitrator, the place of such arbitrator shall be filled by the judge of the United States for the southern district of New York, and the said court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

For the United States in Great Britain.

Secondly. On the part of the United States of America, and in those courts which shall sit within the possessions of her Britannic Majesty : if the vacancy be that of the United States judge, his place shall be filled by the United States arbitrator ; and either in that case, or in case the vacancy be originally that of the United States arbitrator, his place shall be filled by the United States Consul, or, in the unavoidable absence of the Consul, by the United States Vice-Consul. In case the vacancy be both of the United States judge and of the United States arbitrator, then the vacancy of the judge shall be filled by the United States Consul, and that of the United States arbitrator by the United States Vice-Consul. But if there be no United States Consul or Vice-Consul to fill the place of the United States arbitrator, then the British arbitrator shall be called in in those cases in which the United States arbitrator would be called in ; and in case the vacancy be both of the United States judge and of the United States arbitrator, and there be neither United States Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and pass sentence accordingly.

For and in Great Britain.

Thirdly. On the part of her Britannic Majesty, and in those courts which shall sit within the possessions of her said Majesty : if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or in case the vacancy be originally that

of the British arbitrator the place of such arbitrator shall be filled by the Governor or Lieutenant-Governor resident in such possession; in his unavoidable absence, by the principal magistrate of the same; or in the unavoidable absence of the principal magistrate, by the secretary of the Government; and the said court, so constituted as above, shall sit, and, in all cases brought before it for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Fourthly. On the part of Great Britain, and in that court which shall sit within the territories of the United States of America: if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case or in case the vacancy be originally that of the British arbitrator, his place shall be filled by the British Consul; or in the unavoidable absence of the Consul, by the British Vice-Consul; and in case the vacancy be both of the British judge and the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British arbitrator, then the United States arbitrator shall be called in in those cases in which the British arbitrator would be called in; and in case the vacancy be both of the British judge and of the British arbitrator, and there be neither British Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then the United States judge and arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

For Great Britain in the United States.

The chief authority of the place in the territories of either high contracting party where the mixed courts of justice shall sit, shall, in the event of a vacancy arising, either of the judge or the arbitrator of the other high contracting party, forthwith give notice of the same by the most expeditious method in his power to the Government of that other high contracting party, in order that such vacancy may be supplied at the earliest possible period.

Notice of vacancy, how given.

And each of the high contracting parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death, or from any other cause whatever.

Vacancies to be supplied as speedily as possible.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the preceding regulations shall be annexed to the said treaty and considered an integral part thereof.

Regulations to be annexed to treaty.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.]
[L. S.]

WILLIAM H. SEWARD.
LYONS.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the twentieth ultimo, by Charles Francis Adams, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of St. James, and Earl Russell, her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments.

Exchange of ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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.

TREATY WITH GREAT BRITAIN. APRIL 7, 1862.

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 seventh day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States [of America] the eighty-sixth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Ottawa Indians of Blanchard's Fork and Roche De Bœuf. Concluded, June 24, 1862. Ratification advised, with Amendment, July 16, 1862. Amendment accepted, July 19, 1862. Proclaimed, July 28, 1862.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 24, 1862.

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-fourth day of June, in the year of our Lord eighteen hundred and sixty-two, by and between William P. Dole, commissioner, on the part of the United States, and the hereinafter named chief and councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and Roche de Bœuf, now in Franklin county, in the State of Kansas, being duly authorized by said bands, which treaty is in the words and figures following :

Preamble.

Articles of agreement and convention, made and concluded at Washington city, on the twenty-fourth day of June, eighteen hundred and sixty-two, by and between William P. Dole, commissioner, on the part of the United States, and the following named chief and councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Bœuf, now in Franklin county, Kansas, viz : Pem-ach-wung, chief ; John T. Jones, William Hurr, and James Wind, councilmen, they being thereto duly authorized by said tribe.

Contracting parties.

The Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Bœuf, having become sufficiently advanced in civilization, and being desirous of becoming citizens of the United States, it is hereby agreed and stipulated that their organization, and their relations with the United States, as an Indian tribe, shall be dissolved and terminated at the expiration of five years from the ratification of this treaty ; and from and after that time the said Ottawas, and each and every one of them, shall be deemed and declared to be citizens of the United States, to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States, and of the state or states thereof in which they may reside : *Provided, further,* That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the Government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands ; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at \$1.25 per acre ; but this article shall not deprive the said Jones of any of the pecuniary benefits of this treaty as an Ottawa Indian.

Certain Ottawa Indians to become citizens of the United States in five years.

John T. Jones declared to be a citizen.

[This proviso stricken out. See amendment, p. 320.]

ARTICLE II. It is hereby made the duty of the Secretary of the Interior to cause a survey of the reservation of the said Ottawas to be made as soon as practicable after the ratification of this treaty, dividing it into 80-acre tracts, with marked stones set at each corner ; and said Ottawas having already caused their reservation to be surveyed, and quarter-section

Reservation of the Ottawas to be surveyed.

stones set, it is hereby stipulated that such survey shall be adopted, in so far as it shall be found correct.

Sections of
land reserved to
remunerate
chiefs, &c.

ARTICLE III. It being the wish of said tribe of Ottawas to remunerate several of the chiefs, councilmen, and headmen of the tribe, for their services to them many years without pay, it is hereby stipulated that five sections of land is [are] reserved and set apart for that purpose, to be apportioned among the said chiefs, councilmen, and headmen as the members of the tribes shall in full council determine; and it shall be the duty of the Secretary of the Interior to issue patents, in fee simple, of said lands, when located and apportioned, to said Indians. In addition thereto, said last-named persons, and each and every head of a family in said tribe, shall receive 160 acres of land, which shall include his or her house and all improvements, so far as practicable; and all other members of the tribe shall receive 80 acres of land each, and all the locations for the heads of families, made in accordance with this treaty, shall be made adjoining, and in as regular and compact form as possible, and with due regard to the rights of each individual and of the whole tribe.

Patents to
issue.

Heads of
families to re-
ceive 160 acres of
land; others to
have 80 acres.

Annuities.

ARTICLE IV. To enable said tribe to establish themselves more fully in agriculture, and gradually to increase their preparations for assuming the responsibilities and duties of citizenship, it is stipulated that, subject to the limitations hereinafter mentioned, the sum of eighteen thousand (\$18,000) dollars shall be paid to said tribe in the manner of annuities, out of their moneys now in the hands of the United States, in September, 1862, and subject to the limitations of this treaty. There shall be paid to them in four equal annual payments thereafter, as near as may be, all the moneys which the United States hold, or may hold, in anywise for them, with accruing interest on all moneys remaining with the United States.

Debts.

ARTICLE V. It being the desire of the tribe to pay all lawful and just debts against them contracted since they were removed to Kansas, it is agreed that such demands as the council of the tribe and the agent shall approve, when confirmed by the Secretary of the Interior, may be received in payment for the lands hereinafter provided to be sold, or otherwise such debts shall be paid out of the funds of said Ottawas, but in no case shall more than \$15,000 be allowed and paid for such debts.

Lands to be set
apart for endow-
ing a school.

ARTICLE VI. The Ottawas deeming this a favorable opportunity to provide for the education of their posterity, and feeling that they are able to do so by the cooperation of the United States, now, in pursuance of this desire of the Ottawas, after the selections and allotments herein provided have been made, there shall be set apart, under the direction of the Secretary of the Interior, twenty thousand acres of average lands for the purpose of endowing a school for the benefit of said Ottawas; also one section of land, upon which said school shall be located, which section of land shall be inalienable, and upon which, and all the appurtenances and property for school purposes thereon, no tax shall ever be laid by any authority whatever.

Locating school.

No tax.

Management of
school lands.

Five thousand acres of said land may be sold by the trustees herein-after named, the proceeds of which may be devoted to the erection of proper buildings and improvements upon said section for reception of the pupils; and the residue of the school lands may, in like manner, be sold from time to time, as full prices can be obtained for the same. The money received therefor shall be loaned upon good real estate security, to be improved farms in the county of the reservation, the same not to be a security for more than half the appraised value of the land as returned by the county assessor, and no land to be taken as security for such loan or loans which shall be encumbered in any manner, or the title to which shall have been derived from or held by any judicial, administrator, or executor's sale, or by the sale of any person acting in a fiduciary capacity. The security shall never be avoided on account of any rate of interest re-

served, and the interest only shall be applied to the support of the school, so that the principal sum shall never be diminished.

And to the end that the Ottawas may derive the greatest advantage from said school, the pupils shall be instructed and practised in industrial pursuits suitable to their age and sex, as well as in such branches of learning as the means of the institution and the capacity of the pupils will permit.

What to be taught in the school.

The lands hereby set apart shall not be subject to taxation until they are sold. They may be sold upon such credit as the trustees may think most for the interest of the enterprise. Security for the payment shall be taken with interest, the interest to be paid annually; but no title shall be made until the purchase-money is all paid.

Lands not subject to taxation, until, &c.

John T. Jones, James Wind, William Hurr, Joseph King, who are Ottawas, and John G. Pratt, and two other citizens of Kansas, who shall be elected by the said Ottawa Indians, are, by the parties agreed, to be trustees to manage the funds and property by this article set apart. They and their successors shall have the control and management of the school, and the funds arising from the sales of lands set apart therefor, and also the reserved section whereon the school is situated. Upon the death, resignation, or refusal to act, by either of them, the vacancy shall be filled by the survivors, provided that the board of trustees shall always have three white citizens members of said board.

Trustees to manage the property.

A majority of the trustees shall form a quorum to transact business, but there shall be two of the white trustees present at the transaction of business. All acts of the trustees shall be recorded in a book or books to be by them kept for that purpose, and the proceedings of each meeting shall be signed by the president, to be by them elected out of their number. They shall also elect a treasurer and secretary from their number. All contracts of the trustees shall be in the name of their treasurer, who shall be competent to sue and be sued in all matters affecting the trust; he shall give bond conditioned for the faithful discharge of his duty, and the proper accounting for all money or property of the trust coming to his hands, with at least two good freehold sureties, in the penalty of ten thousand dollars, to be approved by a judge of a court of record in Kansas.

Majority to form quorum.

Records.

Treasurer and secretary.

Contracts.

Bond of treasurer.

And the secretary and treasurer may be allowed, from time to time, such sum, from the proceeds of the trust, as the trustees in their judgment shall think just. Upon a sale of any of the lands by the trustees, upon their request, the same shall be conveyed by the United States, by patent, to the purchaser.

Upon sales, the United States to give patent to purchaser.

And it is hereby expressly provided and agreed that the children of the Ottawas and their descendants, no matter where they may emigrate, shall have the right to enter said school and enjoy all the privileges thereof, the same as though they had remained upon the lands by this treaty allotted.

Who may enjoy the privileges of the school.

ARTICLE VII. There shall be set apart ten acres of land for the benefit of the Ottawa Baptist Church, and said land shall include the church buildings, mission-house, and grave-yard, and the title to said property shall be vested in a board of five trustees, to be appointed by said church, in accordance with the laws of the State of Kansas.

Land set apart for the Ottawa Baptist Church, &c.

And in respect for the memory of Rev. J. Meeker, deceased, who labored with unselfish zeal for nearly twenty years among said Ottawas, greatly to their spiritual and temporal welfare, it is stipulated that 80 acres of good land shall be, and hereby is, given, in fee-simple, to each of the two children of said Meeker, viz: Emmeline and Eliza; their lands to be selected and located as the other allotments herein provided are to be selected and located, which lands shall be inalienable the same as the lands allotted to the Ottawas.

Land to each of the children of Rev. J. Meeker.

And all the abovementioned selections of lands shall be made by the

Lands, how selected.

Plats and records.

Not alienable.

agent of the tribe, under the direction of the Secretary of the Interior. And plats and records of all the selections and locations shall be made, and upon their completion and approval proper patents by the United States shall be issued to each individual member of the tribe and person entitled for the lands selected and allotted to them, in which it shall be stipulated that no Indian, except as herein provided, to whom the same may be issued, shall alienate or encumber the land allotted to him or her in any manner, until they shall, by the terms of this treaty, become a citizen of the United States; and any conveyance or encumbrance of said lands, done or suffered, except as aforesaid, by any Ottawa Indian, of the lands allotted to him or her, made before they shall become a citizen, shall be null and void.

And forty acres, including the houses and improvements of the allottee, shall be inalienable during the natural lifetime of the party receiving the title: *Provided*, that such of said Indians as are not under legal disabilities by the local laws may sell to each other such portions of their lands as are subject to sale, with the consent of the Secretary of the Interior, at any time.

Census.

ARTICLE VIII. That upon the ratification of this treaty a census of all the Ottawas entitled to land or money under the treaty shall be taken under the direction of the Secretary of the Interior.

Money of minors.

The principal to be paid to the minors shall be paid to their parents, unless the council of the tribe shall object because of the incompetency of the parent, growing out of ignorance, profligacy, or any other good cause; the council may also object to the payment of the money to any such incompetent which may be coming to himself or herself; and in all such cases the principal sum shall be withheld, and only the annuity paid, until such minor comes of age, or the disability is removed by the action of the council: *Provided, further*, That the money of minors may, in all cases, be paid to guardians appointed by the local laws.

After locations, &c., are made, the rest of the land may be sold to actual settlers.

Mode of sale.

ARTICLE IX. It being the desire of the said Ottawas, in making this treaty, to insure, as far as possible, the settlement of their reservation by industrious whites, whose example shall be of benefit to the tribe at large, it is stipulated that after all the abovementioned locations, assignments, and sales are made, the remainder of the land shall be sold to actual settlers at not less than \$1.25 per acre, in the following manner: Any white person desiring to obtain any unsold, unlocated tract of the land, may file his proposition, in writing, with the agent of the Ottawas, for the purchase of the tract, stating the price which he proposes to pay for said tract, not less than \$1.25 per acre, a copy of which proposition, as well as all others herein contemplated, shall be posted for thirty days, dating from the first posting at the agency, in some conspicuous place; and if no person will propose a better price therefor within thirty days next after the first posting, in which further proposition the first person may join, he, or such other person as shall have offered the best price, shall, upon the payment of one quarter of the price offered, be taken and deemed the purchaser of said tract, and shall be entitled to a patent therefor from the United States at the end of one year, if he shall pay the remainder of the price offered, have occupied the land, and placed lasting and valuable improvements upon said tract to the extent and value of two hundred dollars to each quarter-section entered: *Provided*, That if said Ottawas, by their council, shall, at any time before any person shall become the purchaser of any tract of land, file their protest in writing against such purchaser, he shall not be permitted to enter upon said lands or become the purchaser thereof, and white persons not purchasers shall not be permitted to settle upon said lands, it being the duty of the agent to prevent such settlement, or their occupancy by the whites who are not purchasers, and only to the extent of their purchase: *And provided, further*, That if any purchaser shall fail to pay for the land by him purchased under this

treaty at the time stipulated, it shall be the duty of the agent to dispossess him as an intruder upon the lands, and his advances, payments, and all his improvements, shall enure to the benefit of the Ottawas, and the land shall be sold for their benefit, as herein provided. But no person under this article shall be entitled to enter more than 320 acres.

And all the lands which are not thus entered with the agent within two years from the ratification of this treaty may, upon the request of the council, be offered for sale at not less than \$1.25 per acre, upon a credit of one year, under the direction of the Secretary of the Interior; and if any lands thereafter remain unsold, they may be sold upon such terms as the council of said tribe and the Secretary of the Interior shall mutually agree upon. And all the moneys derived from the sales of the above-described lands shall be paid at the time and place where the Secretary of the Interior may direct.

ARTICLE X. And it is stipulated that the United States shall pay to the said Ottawas the claims for stolen ponies, cattle, and timber, already reported and approved by the Secretary of the Interior, amounting to \$13,005 ⁹/₁₀₀. And also other claims for damages within two years, or since the taking of testimony for the abovementioned damages, upon the presentation of sufficient proof: *Provided*, Such lastmentioned claims shall not exceed \$3,500.

Ottawas to be paid claims allowed for stolen ponies cattle, &c.

ARTICLE XI. It is hereby made the duty of the Indian Department to appoint an interpreter for said tribe, in the customary manner, to be continued during the pleasure of the Secretary of the Interior. And it is expressly understood that all expenses incurred by the stipulations of this treaty shall be paid out of the funds of the aforementioned tribe of Ottawas, and their annuities shall be paid semi-annually.

Interpreter.

Expenses of this treaty.

In testimony whereof, the said Wm. P. Dole, commissioner, as aforesaid, and the undersigned chief and councilmen of the United Bands of Blanchard's Fork and of Roche de Bœuf, in Franklin county, Kansas, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Signature.

WM. P. DOLE, *Commissioner*.
PEM-ACH-WUNG, his x mark.
JOHN T. JONES.
WILLIAM HURR.
JAMES WIND.

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

Interpreted by John T. Jones, and signed by the respective parties in presence of—

CLINTON C. HUTCHINSON, *Indian Agent*.

CHARLES E. MIX.

ANTOINE GOKEY, his x mark, *United States Interpreter*.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of July, one thousand eight hundred and sixty-two, advise and consent to the ratification of the same by a resolution, and with an amendment, in the words and figures following, to wit:

Ratification, with amendment

IN SENATE OF THE UNITED STATES, July 16th, 1862.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington city, on the twenty-fourth day of June, eighteen hundred and sixty-two, by and between William P. Dole, commissioner, on the part of the United States, and the following named chief and councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Bœuf, now in

TREATY WITH THE OTTAWA INDIANS. JUNE 24, 1862.

Franklin county, Kansas, viz: Pem-ach-Wung, chief; John T. Jones, William Hurr, and James Wind, councilmen, they being thereto duly authorized by said tribe, with the following

Amendment.

AMENDMENT :

Strike out from the first article the following proviso :

" *Provided, further,* That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the Government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at one dollar and twenty-five cents per acre; but this article shall not deprive the said Jones of any of the pecuniary benefits of this treaty as an Ottawa Indian."

Attest :

J. W. FORNEY, *Secretary,*
By W. HICKEY, *Chief Clerk.*

Amendment
assented to.

And whereas the foregoing amendment having been fully interpreted and explained to the aforesaid chief and councilmen of the Ottawa Indians, they did, on the nineteenth day of July, one thousand eight hundred and sixty-two, at Washington City, in the District of Columbia, agree to and ratify the same in the words and figures following, to wit :

Whereas the Senate of the United States did, on the 16th day of July, A. D. 1862, advise and consent to the ratification of the "articles" of agreement and convention, made and concluded at Washington City on the twenty-fourth day of June, eighteen hundred and sixty-two, between William P. Dole, commissioner, on the part of the United States, and certain chief and councilmen representing the Ottawa tribe of Indians, with the following

AMENDMENT, VIZ :

Strike out from the first article the following proviso :

" *Provided, further,* That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the Government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at one dollar and twenty-five cents per acre; but this article shall not deprive the said Jones of any of the pecuniary benefits of this treaty as an Ottawa Indian."

We, the undersigned chief and councilmen, representing the Ottawa tribe of Indians, having heard the foregoing amendment read, and the same having been fully explained to us by our interpreter, do hereby agree to and ratify the same.

PEM-ACH-WUNG, his x mark.
J. T. JONES.
WILLIAM HURR.
JAMES WIND.

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

Interpreted by John T. Jones, and signed by the respective parties in presence of—

CLINTON C. HUTCHINSON, *U. S. Ind. Agt.*

WM. P. DOLE.

CHARLES E. MIX.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 July, eighteen hundred and sixty-two, 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 hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-eighth day of July,
[SEAL.] in the year of our Lord eighteen hundred and sixty-two,
and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Republic of Liberia. Commerce and Navigation. Concluded at London, October 21, 1862. Ratifications exchanged, February 10, 1863. Proclaimed by the President of the United States, March 18, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: October 21, 1862.

A PROCLAMATION.

WHEREAS a treaty between the United States of America and the Republic of Liberia was concluded and signed by their respective plenipotentiaries, at London, on the twenty-first day of October last, which treaty is, word for word, as follows:

Preamble.

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; and to effect this they have named as their respective plenipotentiaries, that is to say: the President of the United States of America, Charles Francis Adams, envoy extraordinary and minister plenipotentiary of the United States of America at the court of St. James; and the Republic of Liberia, His Excellency Stephen Allen Benson, President thereof, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Contracting parties.

ARTICLE I. There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

Peace and friendship.

ARTICLE II. There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in, and trade to, any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties; they shall be allowed to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover, enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects, or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories.

Reciprocal freedom of commerce.

ARTICLE III. No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and in like manner no tonnage, import, or other duties or charges shall be levied in the United States of America and their territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

Tonnage, import, and other duties.

ARTICLE IV. Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any

Goods in United States vessels not to be prohibited, &c.

country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels, on as favorable terms as by the citizens and vessels of any other foreign country.

Goods in Liberian vessels.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

Vessels wrecked or damaged.

ARTICLE V. When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged on the coasts, or within the territories of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

Disputes as to salvage.

Privileges of most favored nation.

ARTICLE VI. It being the intention of the two contracting parties to bind themselves by the present treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Consuls.

ARTICLE VII. Each contracting party may appoint consuls for the protection of trade, to reside in the dominions of the other; but no such consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the government of the country to which he is sent.

The United States not to interfere, unless solicited, with the domestic concerns of Liberia.

ARTICLE VIII. The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizens suffer loss, in person or property, from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice, the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

Ratifications.

ARTICLE IX. The present treaty shall be ratified, and the ratifications exchanged at London, within the space of nine months from the date hereof.

Signature.

In testimony whereof, the plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals.

Done at London, the twenty-first day of October, in the year one thousand eight hundred and sixty-two.

CHARLES FRANCIS ADAMS, [SEAL.]
STEPHEN ALLEN BENSON, [SEAL.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the tenth ultimo, by Charles Francis Adams, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of St. James, and Gerard Ralston, Esquire, Consul-General and Commissioner for and on behalf of the Republic of Liberia, on the part of their respective governments: Exchange of ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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.

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 March,
[L. s.] in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty with the Chippewas of the Mississippi, and the Pillager and Lake Winibigoshish bands of Chippewa Indians in Minnesota. Concluded at Washington, in the District of Columbia, March 11, 1863. Ratified, March 13, 1863, with Amendments. Amendments agreed to, March 14, 1863. Proclaimed by the President of the United States, March 19, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: March 11, 1863.

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-three, by and between William P. Dole, commissioner of Indian affairs, and Clark W. Thompson, superintendent of Indian affairs of the northern superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, and the hereinafter named chiefs and headmen, for and on behalf of the Chippewas of the Mississippi, and the Pillager and Lake Winibigoshish bands of Chippewa Indians in Minnesota, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention, made and concluded at the city of Washington, this eleventh day of March, A. D. one thousand eight hundred and sixty-three, between William P. Dole, commissioner of Indian affairs, and Clark W. Thompson, superintendent of Indian affairs of the northern superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, for and on behalf of the Chippewas of the Mississippi, and the Pillager and Lake Winibigoshish bands of Chippewa Indians in Minnesota:

Contracting parties.

ARTICLE I. The reservations known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake, and Rice Lake, as described in the second clause of the second article of the treaty with the Chippewas of the 22d February, 1855, are hereby ceded to the United States, excepting one half section of land, including the mission buildings at Gull Lake, which is hereby granted in fee simple to the Reverend John Johnson, missionary.

Certain reservations ceded to the United States, except, &c.

ARTICLE II. In consideration of the foregoing cession, the United States agree to set apart for the future homes of the Chippewas of the Mississippi, all the lands embraced within the following described boundaries, excepting the reservations made and described in the third clause of the second article of the said treaty of February 22d, 1855, for the Pillager and Lake Winibigoshish bands; that is to say, beginning at a point one mile south of the most southerly point of Leech Lake, and running thence in an easterly course to a point one mile south of the most southerly point of Goose Lake; thence due east to a point due south from the intersection of the Pokagomin reservation and the Mississippi river; thence on the dividing line between "Deer River and Lakes" and "Mashkorden's River and Lakes," until a point is reached north of the first named river and lakes; thence in a direct line northwestwardly to the outlet of "Two-Routes Lake;" thence in a southwesterly direction to the northwest corner of the "Cass Lake" reservation; thence in a southwesterly direction to "Karbekaun" river; thence down said river to the

Reservation set apart in lieu thereof.

Boundaries.

lake of the same name; thence due south to a point due west from the beginning; thence to the place of beginning.

Annuities.

ARTICLE III. In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree: 1st. To extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties; 2nd. And to pay toward the settlement of the claims for depredations committed by said Indians in 1862, the sum of thirty thousand dollars; 3d. To enable said Indians to pay their present just engagements, the sum of thirty thousand dollars, as the chiefs in council may direct; 4th. To the chiefs of the Chippewas of the Mississippi, sixteen thousand dollars, (provided they shall pay to the chiefs of the Pillager and Lake Winibigoshish bands one thousand dollars,) to be paid upon the signing of this treaty, out of the arrearages due under the 9th article of the treaty concluded at La Pointe, in the State of Wisconsin, on the 30th September, 1854; 5th. And to pay the expenses incurred by the legislature of the State of Minnesota, in the month of September, 1862, in sending commissioners to visit the Chippewa Indians, amounting to thirteen hundred and thirty-eight dollars and seventy-five cents.

See Amendments, p. 331.

Reservation to be cleared, &c., in lots.

See Amendments, p. 331.

Houses for chiefs.

ARTICLE IV. The United States further agree to clear, stump, grub, and break in, the reservation hereby set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, at such point or points as the chiefs of each band may select, as follows, viz: For the Gull Lake band, seventy acres; for the Mille Lac band, seventy acres; for the Sandy Lake band, fifty acres; for the Pokagomin band, fifty acres; for the Rabbit Lake band, forty acres; for the Rice Lake band, twenty acres; and to build for the chiefs of said bands one house each, of the following description: to be constructed of hewn logs; to be sixteen by twenty feet each, and two stories high; to be roofed with good shaved pine shingles; the floors to be of seasoned pine-plank, jointed; stone or brick fire places and chimneys; three windows in lower story and two in the upper story, with good substantial shutters to each, and suitable doors; said houses to be pointed with lime mortar.

Oxen and tools.

See Amendments, p. 331.

Carpenters, blacksmiths, &c.

Sawmill.

See Amendments, p. 331.

ARTICLE V. The United States agree to furnish to said Indians, parties to this treaty, ten yoke of good, steady, work oxen, and twenty log chains, annually, for ten years, provided the Indians shall take proper care of, and make proper use of the same; also, for the same period, annually, two hundred grubbing hoes, ten ploughs, ten grind stones, one hundred axes, handled, not to exceed in weight three and one half pounds each; twenty spades. Also two carpenters and two blacksmiths, and four farm laborers, and one physician.

ARTICLE VI. The United States further agree to remove the sawmill from Gull Lake reservation, to such point on the new reservation hereby set apart as may be selected by the agent, and to keep the same in good running order, and to employ a competent sawyer, so long as the President of the United States may deem it necessary; and to extend the road between Gull Lake and Leech Lake, from the last named lake to the junction of the Mississippi and Leech Lake Rivers; and to remove the agency to said junction, or as near thereto as practicable.

Board of visitors to be present at annuity payments.

See Amendments, p. 331.

ARTICLE VII. There shall be a board of visitors, to consist of not less than two nor more than five persons, to be selected from such Christian denomination or denominations as the chiefs in council may designate, whose duty it shall be to be present at all annuity payments to the Indians, whether of goods, moneys, provisions, or other articles, and to inspect the fields, buildings, mills, and other improvements, made or to be made, and to report annually thereon on or before the first day of November; and also as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation; and they shall receive for their services five dollars per day for

the time actually employed, and ten cents per mile for travelling expenses, provided that no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

How selected,
report, pay.

ARTICLE VIII. No person shall be recognized as a chief whose band numbers less than fifty persons; and to encourage and aid the said chiefs in preserving order and inducing by their example and advice the members of their respective bands to adopt the pursuits of civilized life, there shall be paid to each of said chiefs, annually, out of the annuities of said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agent, according to their respective merits.

Who not to be
recognized as
chiefs.

See Amend-
ments, p. 331.

ARTICLE IX. To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, traders, or their employés, shall be employed, appointed, licensed, or permitted to reside within the reservations belonging to the Indians, parties to this treaty, missionaries excepted, who shall not have a family residing with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors, and no person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians, shall receive any benefits from this or any former treaties, and may be expelled from the reservation.

Agents, teach-
ers, &c., to have
families, and be of
good moral char-
acter.

See Amend-
ments, p. 331.

ARTICLE X. All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the Secretary of the Interior, until otherwise altered or amended, which shall be done whenever the board of visitors, by the request of the chiefs, may recommend it, provided that no change shall take place oftener than once in two years.

Payment of
annuities.

See Amend-
ments, p. 332.

ARTICLE XI. Whenever the services of laborers are required upon the reservation, preference shall be given to full or mixed bloods, if they shall be found competent to perform them.

Laborers to be
full or mixed
bloods, where
competent.

ARTICLE XII. It shall not be obligatory upon the Indians, parties to this treaty, to remove from their present reservations, until the United States shall have first complied with the stipulations of Articles IV. and VI. of this treaty, when the United States shall furnish them with all necessary transportation and subsistence to their new homes, and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites.

Indians not to
remove from
present reserva-
tions, until, &c.

Mille Lac
Indians.

ARTICLE XIII. Female members of the family of any government employé residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so.

Female teach-
ers.

ARTICLE XIV. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands.

Clearing and
breaking, in lieu
of former engage-
ments.

In testimony whereof, the said William P. Dole and Clark W. Thompson, on behalf of the United States, and Henry M. Rice and the undersigned chiefs and headmen, on behalf of the Indians, parties to this treaty, have hereunto set their hands and affixed their seals this eleventh day of March, A. D. one thousand eight hundred and sixty-three.

Signature.

WM. P. DOLE, *Commissioner of Indian Affairs.*

[SEAL.]

CLARK W. THOMPSON, [SEAL.]

Supt. of Indian Affairs for the Northern Superintendency.

HENRY M. RICE, [SEAL.]

Gull Lake Band.

QUI-WE-SHEN-SHISH, or Bad Boy, his x mark. [SEAL.]

WA-BO-GEEG, or White Fisher, his x mark. [SEAL.]

J. JOHNSON, [SEAL.]

Rabbitt Lake Band.

ME-JAW-KE-KE-SHICK, or Sky that Touches the Ground, his x mark. [SEAL.]

AH-AH-JAW-WA-KE-SHICK, Crossing Sky, his x mark. [SEAL.]

NAW-GAW-NE-GAW-BOW, or One Standing Ahead, his x mark. [SEAL.]

Sandy Lake and Rice Lake Bands.

AW-AW-BEDWAY-WE-DUNG, or Returning Echo, his x mark. [SEAL.]

Po-ke-ga-ma Band.

MA-YA-JE-WAY-WE-DUNG, or Chorrister, his x mark. [SEAL.]

Mille Lac Band.

SHOB-OSH-KUNK, or Passes under Everything, his x mark. [SEAL.]

ME-NO-MIN-E-KE-SHEN, or Rice-maker, his x mark. [SEAL.]

PE-DUD-ENCE, Rat's Liver, his x mark. [SEAL.]

TE-DAW-KAW-MO-SAY, Walking to and fro, his x mark. [SEAL.]

MOSE-O-MAN-NAY, or Moose, his x mark. [SEAL.]

WAY-SA-WA-GWON-AIB, Yellow Feather, his x mark. [SEAL.]

ME-NO-KE-SHICK, or Fine Day, his x mark. [SEAL.]

Pillager Band of Leech Lake.

BE-SHE-KEE, or Buffalo, his x mark. [SEAL.]

NAW-BON-E-AUSH, Young Man's Son, his x mark. [SEAL.]

O-GE-MA-WAY-CHE-WAIB, Chief of the Mountain, his x mark. [SEAL.]

KE-ME-WEN-AUSH, Raining Wind, his x mark. [SEAL.]

KEH-BEH-NAW-GAY, the Winner, his x mark. [SEAL.]

Winne-pe-go-shish Band.

KOB-MUB-BEY, or North Star, his x mark. [SEAL.]

MIS-CO-PE-NEN-SHEY, Red Bird, his x mark. [SEAL.]

Cass Lake Band.

MAW-JE-KE-SHICK, Travelling Sky, his x mark. [SEAL.]

MA-NE-TO-KE-SHICK, Spirit of the Day, his x mark. [SEAL.]

O-GEE-TUB, the Trader, his x mark. [SEAL.]

Executed in presence of —

E. A. C. HATCH,

GEO. C. WHITING,

A. S. H. WHITE,

GEORGE FULLER,

JAMES WHITEHEAD,

D. GEO. MORRISON,

PAUL H. BEAUBIEN, *U. S. Interpreter.*PETER ROY, *Interpreter.*J. G. MORRISON, *Interpreter.*

JAMES THOMPSON.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of March, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

"IN EXECUTIVE SESSION,
"SENATE OF THE UNITED STATES, March 13, 1863.

"*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the 'articles of agreement and convention made and concluded at the city of Washington, the 11th day of March, A. D. one thousand eight hundred and sixty-three, between William P. Dole, commissioner of Indian affairs, and Clark W. Thompson, superintendent of Indian affairs of the northern superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, for and on behalf of the Chippewas of the Mississippi, and the Pillager and Lake Winibigoshish bands of Chippewa Indians in Minnesota,' with the following

"AMENDMENTS:

"Article 3, line 8, strike out 'thirty thousand,' and insert: 'twenty thousand.'

"Article 3, line 9, after the word 'dollars' insert: 'Or so much thereof as may be necessary, provided that no money shall be paid under this item, except upon claims which have been duly adjudicated and found to be due under existing treaties, from said Indians, and allowed by the Secretary of the Interior, or under his direction.'

"Article 3, lines 9, 10, and 11, strike out the following words: '3rd, To enable said Indians to pay their present just engagements, the sum of thirty thousand dollars, as the chiefs in council may direct.'

"Article 4. At the end thereof, insert: '*Provided*, That the amount expended under this article shall not exceed the sum of three thousand six hundred dollars.'

"Article 5. At the end thereof insert: 'Not exceeding, in the aggregate, one thousand dollars.'

"Article 6. At the end thereof insert: 'But not more than three thousand dollars shall be expended for this purpose.'

"Article 7. Strike out this article, and in lieu thereof insert the following:

"ARTICLE VII. The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend the annuity payments to the Indians, and to inspect the fields and other improvements of the Indians, and to report annually thereon on or before the first of November; and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses: *Provided*, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.'

"Article 8, line 10, strike out 'their agent,' and insert: 'the commissioner of Indian affairs.'

"Article 9, line 7, strike out the word 'family' and insert 'lawful wife.'

"Article 9, lines 9, 10, and 11, strike out 'whose moral habits and fitness shall be reported upon annually by the board of visitors.'

"Article 9, line 16, strike out the words 'and may be expelled from the reservation.'

Winne-pegoshish Band.

KOG-MOB-BEY,	his x mark.	[SEAL.]
MIS-CO-PE-NEN-SHEY,	his x mark.	[SEAL.]

Cass Lake Band.

MAW-JE-KE-SHICK,	his x mark.	[SEAL.]
MAN-ETO-KE-SHICK,	his x mark.	[SEAL.]
O-GEE-TUB,	his x mark.	[SEAL.]
JOHN JOHNSON,		[SEAL.]

Signed in presence of —

D. GEO. MORRISON,
J. G. MORRISON,
PETER ROY,
A. S. H. WHITE,
GEO. C. WHITING,
HARRIET S. TRUMBULL,
FLORENCE BAKER,
SADA BAKER,
SOPHRONIA J. BAKER,
SUSAN GAYLORD,
LYMAN TRUMBULL,
P. M. CLARK.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirteenth of March, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendments as aforesaid.

Proclaimed by
President, March
19, 1863.

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

[L. s.] Done at the city of Washington, this nineteenth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

