

## TREATIES

*Additional Articles to the General Convention of Friendship, Commerce, and Navigation between the United States and Denmark, of April 26, 1826. Concluded at Washington, July 11, 1861; Ratifications exchanged, September 18, 1861. Proclaimed by the President of the United States, September 20, 1861.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS additional articles to the General Convention of Friendship, Commerce, and Navigation between the United States and Denmark, of the 26th of April, 1826, were concluded and signed by the respective Plenipotentiaries of the parties, at Washington, on the eleventh day of July last, which additional articles, being in the English and French languages, are word for word as follows:—

July 11, 1861.

Preamble.

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## ADDITIONAL ARTICLES.

To the General Convention of Friendship, Commerce and Navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the United States of America and His Majesty the King of Denmark.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional articles to the General Convention of Friendship, Commerce and Navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

## ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls and Commercial Agents, shall have the right

## ARTICLES ADDITIONNELS.

Additional articles.

A la Convention Générale d'Amitié, de Commerce et de Navigation conclue à Washington le vingt-six Avril mil huit cent vingt-six entre Sa Majesté le Roi de Danemark et les Etats-Unis d'Amérique.

Sa Majesté le Roi de Danemark et les Etats-Unis d'Amérique désireux de favoriser leur commerce réciproque, en accordant dans leurs ports toute aide et assistance nécessaire à leurs navires respectifs, les soussignés Plénipotentiaires ayant été dûment autorisés à cet effet, sont tombés d'accord sur les articles suivants, additionnels à la Convention Générale d'Amitié, de Commerce et de Navigation conclue à Washington le vingt-six Avril mil huit cent vingt-six, entre les deux parties contractantes.

## ARTICLE I.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Commerciaux respectifs auront le droit

Consuls-General, consuls, &c., may sit as judges and arbitrators.

as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

Not to prevent resort to the judicial authority.

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 country.

#### ARTICLE II.

Consuls-General, consuls, &c., may require the assistance of the local authorities to arrest deserters, &c.

Mode of procedure.

Deserters when arrested how to be disposed of.

The Consuls-General, Consuls, Vice-Consuls and Commercial Agents are authorized to require the assistance of the local authorities for the search, 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 said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country

comme tels, de siéger comme juges et arbitres dans les différends qui se seront élevés en mer ou s'élèveront dans les ports entre le capitaine, les officiers et l'équipage des bâtimens de la nation dont ils soignent les intérêts, particulièrement pour le règlement des salaires et l'exécution des engagements réciproquement consentis, sans que les autorités locales puissent y intervenir, à moins que la conduite de l'équipage, des officiers ou des capitaines ne troublât l'ordre ou la tranquillité du pays.

Il est bien entendu cependant, que cette espèce de jugement ou d'arbitrage ne saurait priver les parties contendantes du droit qu'elles ont, à leur retour, de recourir aux autorités judiciaires de leur pays.

#### ARTICLE II.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Commerciaux seront autorisés à requérir l'assistance des autorités locales pour la recherche, l'arrestation et l'emprisonnement des déserteurs des bâtimens de guerre et de commerce de leur pays. Ils s'adresseront à cet effet aux tribunaux, juges et officiers compétents et réclameront par écrit les déserteurs susmentionnés en prouvant par l'exhibition des registres des bâtimens ou rôles des équipages ou par d'autres documens officiels, ou si le bâtiment était parti par copie des dites pièces dûment certifiées par eux, que ces individus font partie du dit équipage. Cette réclamation, ainsi justifiée, la remise ne pourra leur être refusée à moins qu'il ne soit dûment prouvé que les dits individus sont des sujets ou des citoyens du pays où la remise est réclamée. Ces déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls-Généraux, Consuls, Vice-Consuls ou Agents Commerciaux, et pourront être enfermés dans les prisons publiques à la réquisition et aux fraix de ceux qui les réclament pour être retenus jusqu'au moment où ils pourront être rendus aux bâtimens auxquels ils appartenaient ou pour être renvoyés dans leur pays sur

by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and 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 Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the city of Washington, on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty-one.

WILLIAM H. SEWARD. [L. s.]  
W. R. RAASLOFF. [L. s.]

des bâtimens nationaux ou autres.

Mais s'ils ne sont pas renvoyés dans l'espace de trois mois à compter du jour de leur arrestation, ils seront mis en liberté et ne pourront plus être arrêtés pour la même cause.

Toutefois si le déserteur se trouvait avoir commis quelque crime ou délit il pourra être sursis à sa remise jusqu'à ce que le tribunal saisi de l'affaire ait rendu sa sentence et que celle-ci ait reçu son exécution.

Les présents articles additionnels auront la même force et valeur que s'ils étaient insérés, mot pour mot, dans la convention signée à Washington le vingt-six Avril mil huit cent vingt-six, et étant approuvés et ratifiés par Sa Majesté le Roi de Danemark et par le Président des Etats-Unis par et avec l'avis et le consentement du Sénat des dits Etats, les ratifications en seront échangées à Washington dans l'espace de six mois à dater de ce jour ou plutôt si faire se peut.

En foi de quoi nous, les soussignés, en vertu de nos pleins pouvoirs respectifs, avons signé les présents articles additionnels et y avons apposé nos sceaux.

Fait par triplicata en la cité de Washington le onze juillet l'an de grâce mil-huit-cent soixante un.

(Signed)

W. R. RAASLOFF. [L. s.]  
WILLIAM H. SEWARD. [L. s.]

Offences against laws of the country to be punished.

Effect of present articles.

Signature.

And whereas the said additional articles have been duly ratified on both parts and the respective ratifications of the same were exchanged in the city of Washington, on the eighteenth instant, by William H. Seward, Secretary of State of the United States, and W. R. Raasloff, Chargé d'Affaires of His Majesty the King of Denmark in the United States, on the part of their respective governments :

Ratification.

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said additional articles 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.

## TREATY WITH DENMARK. JULY 11, 1861.

[L. s.] Done in the city of Washington this twentieth day of September, 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 Ottoman Empire.*

*Concluded at Constantinople, February 25, 1862; ratifications exchanged, June 5, 1862; proclaimed by the President of the United States, July 2, 1862.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### 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, being in the English and French languages, is word for word as follows:—

February 25, 1862.

Preamble.

Treaty of Commerce and Navigation between the United States of America and the Ottoman Empire.

Traité de Commerce et de Navigation entre les Etats-Unis d'Amérique, et Sa Majesté Impériale le Sultan de l'Empire Ottoman.

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 Othmanieh in Brilliants, the Majidieh, 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:—

Les Etats-Unis d'Amérique d'une part, et Sa Majesté Impériale le Sultan de l'Empire Ottoman de l'autre part, étant également animés du désir d'étendre les relations commerciales entre leurs pays respectifs, sont convenus, à cet effet, de conclure un Traité de Commerce et de Navigation, ont nommé pour leurs Plénipotentiaires, savoir: Le Président des Etats-Unis d'Amérique — Edward Joy Morris, Ministre Résident des Etats-Unis d'Amérique près la Sublime Porte;

Contracting parties.

Plenipotentiaries..

Sa Majesté Impériale le Sultan, Mouhammed-Emin — Aali Pacha, Son Ministre des Affaires Etrangères, décoré des Ordres Impériaux de l'Osmanieh en brillants, du Médjidié et du Mérite de 1<sup>re</sup> Classe, Grand Croix de plusieurs Ordres Etrangers.

Les quels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus des articles suivants.

## ARTICLE I.

Privileges, &c., of former treaties confirmed, except as herein modified.

Rights of most favored nation.

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.

## ARTICLE II.

Citizens of the United States may make purchases in the Ottoman Empire.

"Permits" abolished.

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 article 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 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

## ARTICLE I.

Tous les droits, privilèges et immunités, qui ont été conférés aux citoyens ou aux bâtimens des Etats-Unis d'Amérique par le Traité déjà existant entre les Etats-Unis d'Amérique et l'Empire Ottoman sont confirmés maintenant et pour toujours, à l'exception des clauses du dit Traité que le présent Traité a pour objet de modifier; et il est, en outre, expressément stipulé que tous les droits, privilèges et immunités que la Sublime Porte accorde à présent, ou pourra accorder à l'avenir, aux sujets, bâtimens, commerce ou navigation de toute autre Puissance Etrangère, ou dont elle pourra tolérer la jouissance seront également accordés, et l'exercice et la jouissance en seront laissés aux citoyens, bâtimens, commerce, et navigation des Etats-Unis d'Amérique.

## ARTICLE II.

Il sera permis aux citoyens des Etats-Unis d'Amérique, ou à leurs ayant cause, d'acheter dans toutes les parties de l'Empire et des possessions Ottomanes (soit pour en faire le commerce à l'intérieur, soit pour les exporter) tous les articles, sans exception quelconque, provenant du sol ou de l'industrie du dit Empire, et des dites possessions; et la Sublime Porte, en vertu du deuxième article de la Convention Commerciale du 16 Août 1838 avec la Grande Bretagne, s'étant engagée, formellement, à abolir tous les Monopoles sur les produits de l'Agriculture ou tout autre article quelconque, ainsi que les Permis (*Tezkerés*) émanant des Gouverneurs locaux pour autoriser l'achat d'un article ou son transport d'un lieu à un autre après l'acquisition, toute tentative ayant pour but de contraindre les citoyens des Etats-Unis d'Amérique à recevoir d'un Gouverneur Local ces sortes de permis, sera considérée comme une infraction aux Traités, et la Sublime Porte punira, immédiatement, avec sévérité tout Visir, ou autre fonctionnaire qui se sera rendu coupable de cette infraction et rendra pleine justice

States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

## 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.

## 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.

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

aux citoyens des États-Unis d'Amérique pour tout préjudice ou toute perte, qu'ils pourront dûment prouver avoir subis pour cette cause.

## ARTICLE III.

Les négociants des États-Unis d'Amérique, ou leurs ayants cause, qui achèteront un produit quelconque du sol ou de l'industrie Ottomane dans le but de le revendre pour la consommation dans l'intérieur de la Turquie, paieront lors de l'achat et de la vente de cet objet, et pour toute espèce d'opération commerciale y relative, les mêmes droits, qui sont payés dans les circonstances analogues par les plus favorisés parmi les sujets Ottomans ou étrangers engagés dans le commerce intérieur de l'Empire Ottoman.

Duties on articles purchased for consumption in Turkey.

## ARTICLE IV.

Aucun droit, aucune charge imposée dans le Territoire ou les Possessions de l'une des Parties Contractantes sur l'exportation d'un article quelconque destiné à être importé dans le Territoire, ou les Possessions de l'autre Partie, ne seront autres, ni plus élevés que ce qui est, ou peut être payable sur l'exportation de ce même article destiné à être importé dans tout autre pays; et il n'y aura de prohibition frappant l'exportation d'un article, quelconque, du Territoire ou des Possessions de l'une des deux Parties Contractantes, et destiné à être importé dans le Territoire ou les possessions de l'autre Partie, qu'autant que cette prohibition s'étendrait également sur l'exportation de ce même article à tout autre pays.

Duties on exports not to be higher than, &c.

Prohibitions.

Export duty of eight per cent.

Aucune charge, aucun droit, quelconque ne sera exigé sur un article de production ou de fabrication Ottomane, acheté par des citoyens des États-Unis d'Amérique, ou leurs ayants cause, soit à l'endroit où cet article aura été acheté, soit lors de son transport de cet endroit à l'endroit d'où il sera exporté, et où il sera assujéti à un droit d'exportation qui n'excédera pas huit pour cent, calculé sur la valeur à l'échelle,

they may have changed hands within any part of the Ottoman Empire.

To be reduced one per cent. annually.

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.

#### ARTICLE V.

Duties on imports not to be higher than, &c.

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.

Prohibitions.

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,

Import duties not to exceed eight per cent.

et payable au moment d'être exporté; et tout article qui aura acquitté ce droit ne sera point assujéti de nouveau à ce même droit, dans aucune autre partie de l'Empire Ottoman, quand même il aurait changé de mains.

Il est en outre convenu que le droit précité de huit pour cent sera réduit chaque année de un pour cent, jusqu'à ce qu'il soit de la sorte définitivement réduit à une taxe fixe de un pour cent (*ad valorem*) destiné à couvrir les frais généraux d'administration et de surveillance.

#### ARTICLE V.

Aucun droit imposé sur l'importation dans les Etats-Unis d'Amérique d'un article quelconque produit du sol ou de l'industrie de l'Empire et des possessions de Sa Majesté Impériale le Sultan, (de quelque lieu qu'il arrive, que ce soit par terre ou par mer) à aucun droit imposé sur l'importation dans les Etats et possessions de Sa Majesté Impériale d'un article quelconque produit du sol ou de l'industrie des Etats-Unis d'Amérique (de quelque lieu qu'il arrive) ne sera autre ou plus élevé que ce qui est, ou peut être payable sur le même article produit du sol ou de l'industrie de tout autre pays.

De plus, aucune prohibition ne sera, ni maintenue, ni imposée, sur un article quelconque produit du sol ou de l'industrie des Pays et Possessions de l'une des Parties Contractantes, lors de son importation dans les Pays et Possessions de l'autre, si la dite prohibition ne s'étend pas à l'article en question, quand il est produit du sol ou de l'industrie de tout autre pays.

Se Majesté Impériale s'engage en outre, sauf les exceptions ci-après, à ne pas prohiber l'importation dans les Etats et Possessions d'aucun article produit du sol ou de l'industrie des Etats-Unis d'Amérique, de quelque lieu qu'il arrive; et, à ce que les droits à percevoir sur les produits du sol ou de l'industrie des Etats-Unis d'Amérique importés dans les Etats et Possessions de Sa Majesté Impériale, n'excèdent en aucun cas,



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 re-exported 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 re-exportation, 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.

The same course shall be fol-

un taux fixe de huit pour cent (*ad valorem*) ou une tarification équivalente, fixée de commun accord.

Ce taux sera calculé sur la valeur des articles à l'échelle, et payable au moment de leur débarquement s'ils arrivent par mer, ou à la première Douane, s'ils arrivent par terre.

Si ces articles, après avoir payé le droit d'importation de huit pour cent., sont vendus, soit au lieu où ils arrivent soit dans l'intérieur du pays, ni l'acheteur ni le vendeur, ne pourront être ensuite soumis à aucun autre droit relativement à ces objets; et si ces articles ne doivent pas être vendus pour la consommation dans l'Empire Ottoman, mais qu'ils doivent être exportés de nouveau dans le délai de six mois, ils seront considérés comme marchandise de transit par terre, et traités comme il est dit dans l'Article XII. l'administration des Douanes étant alors tenue de restituer au moment de leur réexportation, au négociant (qui sera requis de fournir la preuve que le droit d'importation de huit pour cent. a été acquitté) la différence entre ce droit et le droit de transit spécifié dans l'article précité.

No further duty on articles sold in the country.

Re-exportation.

## ARTICLE VI.

Il est entendu que les articles d'importation étrangère destinés aux Principautés Unies de Moldo-Valachie et à celle de Serbie, et traversant les autres parties de l'Empire Ottoman n'acquitteront les droits de Douane qu'à leur arrivée dans ces Principautés et réciproquement, que les marchandises d'Importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau des Douanes administré directement par la Sublime Porte.

Il en sera de même pour les produits du sol ou de l'industrie de ces Principautés aussi bien que pour ceux du reste de l'Empire Ottoman destinés à l'exportation dans les

Articles intended for Moldo-Wallachia, or Servia;

for other parts of the Ottoman Empire.

Same rule as to exports.

lowed 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.

Rights of warehousing, bounties, drawbacks, &c.

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.

## ARTICLE VIII.

Imports in vessels of either country to be charged the same duty.

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 al-

Same rule as to exports.

pays étrangers, qui devront payer les droits de Douane les premiers entre les mains de l'administration Douanière de ces Principautés, et les derniers au Fisc Ottoman, de telle sorte que les droits d'importation et d'exportation ne pourront en tous les cas être perçus qu'une seule fois.

## ARTICLE VII.

Les citoyens, ou sujets de chacune des Parties Contractantes, seront traités dans les Etats et possessions de l'autre sur le même pied que les sujets ou citoyens indigènes relativement aux Droits d'emmagasinage, ainsi qu' à l'égard des primes, facilités, et remboursements de Droits.

## ARTICLE VIII.

Tout article étant, ou pouvant être légalement importable dans les Etats-Unis d'Amérique sur des bâtimens des Etats - Unis, peut, de même, être importé sur des bâtimens Ottomans, sans être soumis à aucun droit ni charge (quelle qu'en soit la dénomination) autre, ou plus élevé que si cet article était importé sur un bâtiment des Etats-Unis; et réciproquement, tout article étant, ou pouvant être légalement importable dans les Etats et Possessions de Sa Majesté le Sultan sur des bâtimens Ottomans, pourra, de même être importé sur des bâtimens des Etats-Unis, sans être soumis à aucun droit ou charge (quelle qu'en soit la dénomination) autre ou plus élevé que s'ils étaient importés sur des bâtimens Ottomans. Cette mesure réciproque sera appliquée également, et sans distinction, soit aux articles arrivant directement du lieu de leur origine, soit à ceux arrivant de tout autre pays étranger.

De même, il y aura parfaite réciprocité en ce qui concerne l'exportation. Ainsi, les mêmes droits d'exportation seront payés et les mêmes

lowed 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 exportations 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.

## ARTICLE IX.

No duties of tonnage, harbor, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or 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.

## 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.

## 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

primes et les mêmes remboursements de droit seront accordés dans les Etats et Possessions de l'une ou de l'autre des Parties contractantes sur l'exportation d'un article quelconque qui est, ou pourra être, légalement susceptible d'en être exporté, soit que l'exportation ait lieu sur un bâtiment Ottoman ou des Etats-Unis d'Amérique, soit que le lieu de destination se trouve être un port de l'une des Parties, ou, d'une Puissance tierce quelconque.

## ARTICLE IX.

Aucun Droit de Tonnage, de Port, de Pilotage, Phare, Quarantaine, ou autres semblables (quelle qu'en soit la nature, ou la dénomination) levé au nom, ou au profit du gouvernement, de fonctionnaires publics, de particuliers, de corporations, ou d'établissements d'aucune sorte ne sera imposé dans les ports des Etats et Possessions de l'un des deux pays sur les navires de l'autre dans les conditions différentes de celles relatives à tout bâtiment national en général se trouvant dans le même cas. Cette réciprocité s'appliquera aux bâtimens respectifs des deux Puissances, de quelque port ou endroit qu'ils viennent, et quelque soit le lieu de leur destination.

Tonnage duties; harbor, light-house, &c. duties.

## ARTICLE X.

Tout bâtiment considéré comme Américain par les lois des Etats-Unis d'Amérique, et tout bâtiment considéré comme Ottoman par les lois Ottomanes, sera pour ce qui concerne ce Traité, considéré respectivement comme bâtiment Américain, ou bâtiment Ottoman.

What to be deemed vessels of the United States and what Ottoman vessels.

## ARTICLE XI.

Aucun Droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie des Etats-Unis d'Amérique, soit qu'elles arrivent sur des bâtimens Américains, ou d'autres, ni sur les marchandises provenant des produits du

No charge upon certain goods of the United States.

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 transshipped 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 entrepôt they shall be placed under the charge of the administration of the customs.

## ARTICLE XII.

Transit duty  
to be reduced.

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.

Frauds may  
be prevented.

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.

## ARTICLE XIII.

Taxes upon  
and rights of  
citizens of the  
United States.

Citizens of the United States of America, or their agents, trading in goods the produce or manufacture

sol et de l'industrie de tout autre pays étranger, chargées sur des bâtimens des États-Unis, quand ces marchandises passeront les Détroits des Dardanelles et du Bosphore, soit qu'elles traversent ces Détroits sur les bâtimens, qui les ont apportées ou qu'elles aient été transbordées sur d'autres bâtimens, ou que vendues pour l'exportation, elles soient débarquées pour un temps limité pour être mises à bord d'autres bâtimens et continuer leur voyage. Dans ce dernier cas, ces marchandises devront être déposées à Constantinople dans les magasins de la Douane, dits de Transit et placées partout ailleurs ou il n'y aurait pas d'entrepôt, sous la surveillance de l'administration des Douanes.

## ARTICLE XII.

La Sublime Porte désirant accorder, au moyen de concessions graduelles, toutes les facilités en son pouvoir au Transit par terre, il a été stipulé et convenu que le Droit de trois pour cent. prélevé jusqu'à ce jour sur les marchandises importées dans l'Empire Ottoman pour en être expédiées dans d'autres pays, sera réduit à Deux pour cent., payable (comme le droit de Trois pour cent. a été payé jusqu'ici) à leur arrivée dans les États Ottomans, et au bout de huit-ans, à compter du jour où les Ratifications du présent Traité auront été échangées, à une taxe fixe, et définie, d'un pour cent., qui sera prélevé (comme ce sera également le-cas pour l'exportation des produits Ottomans) pour couvrir les frais d'enregistrement.

La Sublime Porte déclare, en même temps, se réserver le droit d'établir par une disposition spéciale, les mesures à adopter pour prévenir la fraude.

## ARTICLE XIII.

Les citoyens des États-Unis d'Amérique, ou leurs ayant cause, se livrant dans l'Empire Ottoman,

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.

## ARTICLE XIV.

An exception to the stipulations laid down in the fifth 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

au Commerce des articles, produits du sol, ou de l'industrie des Pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, privilèges et immunités que les sujets Etrangers trafiquant des marchandises provenant des produits du sol ou de l'industrie de leur propre pays.

## ARTICLE XIV.

Par exception aux stipulations de l'Art. V., le tabac, sous toutes les formes, et le sel, cessent d'être compris au nombre des articles que les citoyens des Etats-Unis d'Amérique ont la faculté d'importer dans l'Empire Ottoman; cependant les citoyens des Etats-Unis d'Amérique, ou leurs ayant cause, qui achèteront ou vendront du tabac, ou du sel pour la consommation de l'Empire Ottoman, seront soumis aux mêmes réglemens, et payeront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles, et en outre, comme compensation de cette prohibition des deux articles sus-mentionnés, aucun droit ne sera perçu à l'avenir sur ces articles quand ils seront exportés de l'Empire Ottoman par des citoyens des Etats-Unis d'Amérique.

Les citoyens des Etats-Unis d'Amérique seront, néanmoins, tenus de déclarer aux autorités de la Douane la quantité de tabac et de sel exportée, et les dites autorités conserveront, comme par le passé, le droit de surveiller l'exportation de ces articles, sans pouvoir pour cela être autorisées à les frapper d'aucune taxe sous un prétexte quelconque.

## ARTICLE XV.

Il est entendu entre les deux Hautes Parties Contractantes que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre, des canons, armes de guerre, ou munitions militaires dans les Etats de l'Empire Ottoman. Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officielle-

Tobacco and salt not to be imported into Turkey.

Traders in tobacco and salt in Turkey.

No export duty on tobacco and salt.

Regulations as to their exportation.

Importation of gunpowder, arms, &c., may be prohibited.

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:—

Stipulations as to gunpowder when imported.

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.

Not to apply to what.

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.

Firmans.

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.

#### ARTICLE XVII.

Manifests to be deposited in custom-house.

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

ment notifiée, et ne pourra s'étendre que sur les articles spécifiés dans le Décret qui les interdit. Celui de ces articles qui ne sera pas ainsi prohibé, sera assujéti, à son introduction dans l'Empire, aux Réglements locaux, sauf les cas où la Légation des Etats-Unis d'Amérique demande une permission exceptionnelle, la quelle sera alors accordée, à moins que des raisons sérieuses ne s'y opposent. La poudre en particulier, si son introduction est permise, sera assujétiée aux obligations suivantes.

1<sup>re</sup> Elle ne sera pas vendue par les citoyens des Etats-Unis d'Amérique au-delà de la quantité prescrite par les Réglements locaux.

2<sup>d</sup> Quand une cargaison, ou une quantité considérable de Poudre arrivera dans un port Ottoman à bord d'un bâtiment des Etats-Unis d'Amérique, ce bâtiment sera tenu de mouiller sur un point particulier désigné par les autorités locales, et de débarquer sa poudre sous l'inspection de ces mêmes autorités, dans des entrepôts ou autres endroits qui seront également désignés par elles, et aux quels les parties intéressées auront accès en se conformant aux réglemens voulus.

Ne sont pas compris dans les restrictions du présent article, les fusils de chasse, les pistolets, les armes de luxe, ainsi qu'une petite quantité de poudre de chasse réservée à l'usage privé.

#### ARTICLE XVI.

Les *Firmans* (ordres Impériaux) exigés des bâtimens marchands des Etats-Unis d'Amérique à leurs passages par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

#### ARTICLE XVII.

Les Capitaines des bâtimens de commerce des Etats-Unis d'Amérique ayant à bord des marchandises à destination de l'Empire Ottoman, seront tenus, immédiatement après leur arrivée du port de destination,

custom-house of said port a true copy of their manifest.

## ARTICLE XVIII.

Contraband goods will be liable to confiscation by the Ottoman treasury; but a report or *procès 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.

## 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 or manufacture of the most favored nation.

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 twenty-eight years from the day of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other,

de déposer à la Douane une copie exacte de leur manifeste.

## ARTICLE XVIII.

Les marchandises introduites en contrebande seront passibles de confiscation au profit du trésor Ottoman; mais un rapport, ou *procès verbal* du fait de contrebande allégué devra, aussitôt que les marchandises seront saisies par les autorités, être dressé et communiqué à l'autorité Consulaire du citoyen ou sujet auquel appartiendraient les objets réputés de contrebande; et aucune marchandise ne pourra être confisquée comme contrebande tant que la fraude n'aura pas été dûment et légalement prouvée.

Contraband.

Proceedings to confiscate.

## ARTICLE XIX.

Toute marchandise, produit du sol, ou de l'industrie Ottomane, soit de l'Empire, soit de ses Dependances importée dans les Etats-Unis d'Amérique, sera traité sur le même pied que la marchandise produit du sol ou de l'industrie, de la nation la plus favorisée.

Subjects, vessels, and merchandise of the Sublime Porte in the United States to have the rights of the most favored nation.

Tous les Droits, privilèges, ou immunités accordés maintenant, ou pouvant être accordés plus tard, aux sujets, bâtimens, commerce ou navigation de toute Puissance étrangère dans les Etats-Unis d'Amérique, ou, dont la jouissance pourra y être tolérée, seront également accordés aux sujets, bâtimens, commerce et navigation de la Porte Ottomane et l'exercice et la jouissance leur en seront laissés.

## ARTICLE XX.

Le présent Traité, une fois ratifié, sera substitué à la Convention conclue le 16 Août 1838, entre la Sublime Porte et la Grande Bretagne, et qui était déjà applicable au commerce des Etats-Unis d'Amérique; et il sera en vigueur pour vingt huit ans, à partir du jour de l'échange des ratifications. Chacune des Parties Contractantes aura, cependant, la faculté de faire savoir à l'autre, à l'expiration de la quatorzième année (époque à laquelle les provi-

Present treaty to be substituted for what;

to continue for twenty-eight years.

Notice to terminate may be given, &c.

at the end of 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 twenty-one years.

Treaty to be executed in all the provinces of the Ottoman Empire.

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.

#### ARTICLE XXI.

Treaty to be construed fairly.

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.

#### ARTICLE XXII.

Tariff of custom-house duties to be agreed on.

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

sions du Traité auront reçu leur pleine et entière exécution) de même qu'à l'expiration de la vingt-et-unième année, si elle à le projet de le reviser, ou de le faire cesser à l'expiration d'une année, à partir de la date de cette notification.

Le présent Traité sera exécutoire dans toutes et dans chacune des Provinces de l'Empire Ottoman, c'est-à-dire, dans tous les Etats de Sa Majesté Impériale le Sultan situés en Europe ou en Asie, en Egypte et dans les autres parties de l'Afrique, appartenant à la Sublime Porte, en Serbie, et dans les Principautés Unies de Moldavie et de Valachie.

#### ARTICLE XXI.

Il est toujours entendu que le Gouvernement des Etats-Unis d'Amérique ne pretend point, par aucun article du present Traité stipuler au delà du sens clair et équitable des termes employés, ni entraver, en aucune manière, le Gouvernement Ottoman, dans l'exercice de ses droits d'administration intérieure, autant, toutefois, que ces droits ne porteront pas une atteinte manifeste aux privilèges accordés par les Traités anciens, ou par celui-ci aux citoyens des Etats-Unis d'Amérique, ou à leurs marchandises.

#### ARTICLE XXII.

Les Hautes Parties Contractantes sont convenues de nommer, conjointement des Commissaires pour établir le Tarif des Droits de Douane à percevoir, conformément aux stipulations du présent Traité, tant sur les marchandises de toute espèce provenant des produits du sol ou de l'industrie des Etats-Unis d'Amérique importées dans l'Empire Ottoman, que sur les articles, de toute sorte, provenant des produits du sol, ou de l'industrie de l'Empire Ottoman, articles que les citoyens des Etats-Unis d'Amérique, ou leurs ayant cause sont libres d'acheter dans toutes les parties de l'Empire Ottoman, pour les exporter soit dans



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.

## 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, eighteen hundred and sixty-two.

EDWARD JOY MORRIS. [L. S.]  
AALI. [L. S.]

les Etats-Unis d'Amérique, soit en d'autres pays. Le nouveau Tarif à établir de la sorte, restera en vigueur pendant sept ans, à dater du jour de l'échange des Ratifications.

To remain in force seven years.

Chacune des Parties Contractantes aura le droit, un an avant l'expiration de ce terme, de demander la révision du Tarif. Mais si, pendant la septième année ni l'une ni l'autre n'use de ce droit, le Tarif continuera d'avoir force de Lois pour sept autres années, à dater du jour de l'expiration des sept années précédentes; et il en sera de même à chaque période successive de sept ans.

How and when may be revised.

## ARTICLE XXIII.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Constantinople dans l'espace de trois mois, ou plus tôt si faire se peut, et il sera mis à exécution à partir du jour de l'échange des Ratifications.

Treaty when to be ratified.

Fait à Constantinople le <sup>treize</sup>vingt-cinq février, mil-huit-cent-soixante-deux.

When concluded.

AALI. [L. S.]  
EDWARD JOY MORRIS. [L. S.]

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:

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 by the President of the United States.

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 second day of July, in the year of our Lord one thousand eight hundred and [L. S.] 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 Kickapoo Tribe of Indians. Concluded June 28, 1862. Ratification advised, with amendment, by Senate, March 13, 1863. Amendment accepted May 5, 1863. Proclaimed by the President of the United States, May 28, 1863.*

## ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

June 28, 1862.

WHEREAS a treaty was made and concluded at the Agency of the Kickapoo Tribe of Indians, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Delegates of the Kickapoo Indians, for and on behalf of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

Articles of a Treaty made and concluded at the agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the undersigned Chiefs, Headmen, and Delegates of the Kickapoo nation, on behalf of said nation.

Contracting parties.

ARTICLE I. The Kickapoo 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 one hundred and fifty thousand acres of land, to allot land in severalty to those members of said tribe who desire to have separate tracts of lands, and have adopted the customs of the whites, and to set apart for the others of said tribe a portion of said reservation, to be held by them in common, or (if a majority of them so elect) provide for them a suitable home elsewhere, to be held by them in common, it is therefore hereby agreed 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, and the quantity of land hereinafter mentioned to be set apart to those of said tribe who desire to have their land in severalty; and, if so elected by a majority of the others of said tribe, the quantity of land hereinafter mentioned to be by such others held 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.

Reservation to be surveyed.

Portion to be set apart.

See page 20.

Remainder to be sold.

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 heads of families 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 otherwise incompetent, as to which of these classes they will belong. And thereupon shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief, at the signing of the treaty, one half section; to each other head of a family, one quarter section; and to each other person, forty 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

Census of the tribe to be taken.

See page 21.

Separate lists to be made.

Assignments of land.

Certificates to issue.

Lands to be exempt from taxation, &c.

Persons receiving certificates to relinquish, &c.

Patents in fee-simple when to issue to allottees.

Their shares of credits to be paid them.

See page 21.

They to become citizens of the United States.

Oath of allegiance and proof.

Provision for those members who wish to hold their lands in common.

Effect of assignment in common.

New home to be purchased, &c.

See page 21.

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 Kickapoo tribe, and of Indian blood, with the permission of the President, and under such rules and regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person[s] 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.

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 provision 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 land 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 from the present reservation of the tribe an undivided quantity, sufficient to allow one half section to each chief, one quarter section to each other head of a family, and forty acres 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 1854. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty, and in the proceeds of sales thereof whenever made; or should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then, and in that case, their new home shall not be limited to the quantity above designated, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least one dollar and twenty-five cents per acre: *Provided*, That the purchase of such new home shall be made by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, and at such locality within said Indian country as he may select: *And provided, also*, That such new home shall be purchased and the Indians entitled removed thereto, at the cost of the United States, within the period of two years after the completion of the surveys

herein provided for. And such Indians shall be entitled to the benefits of their full proportionate share of all assets belonging to said tribe, in the same manner that they would have been entitled had such removal not been made.

ARTICLE V. The Kickapoo tribe of Indians, entertaining the opinion that it is the desire of the government and the people of the United States to extend railroad communication as far west as possible in the shortest possible time, and believing that it will greatly enhance the value of their lands reserved in severalty by having a railroad built, connecting with the eastern railroads running from the city of Atchison, in the state of Kansas, westerly in the direction of the gold mines in Colorado territory; and entertaining the opinion that the Atchison and Pike's Peak Railroad Company, incorporated by an act of the legislative assembly of the territory of Kansas, approved February 11th, 1859, has advantages for travel and transportation over all other companies, it is therefore provided that the Atchison and Pike's Peak Railroad Company shall have the privilege of buying the remainder of their land within six months after the tracts herein otherwise disposed of shall have been selected and set apart, provided said railroad company purchase the whole of such surplus lands at the rate of one dollar and twenty-five cents per acre; and when the selections shall have been made and assigned as aforesaid, it shall be the duty of the Commissioner of Indian Affairs to notify the president of said railroad company thereof; and if said railroad company signifies its consent to purchase said surplus lands, the Secretary of the Interior shall issue to said railroad company certificates of purchase, and such certificates shall be deemed and held in all courts as evidence of title and possession in said railroad company to all or any part of said lands, unless the same shall be forfeited as hereinafter provided. And if said railroad company make such purchase, it shall be subject to the following considerations, viz: They shall construct and fully equip a good and efficient railroad from the city of Atchison, in the state of Kansas, westerly, within six years, and as follows: The first section of fifteen miles of said road to be completed within three years from the date of said purchase, and the second section to a point as far west as the western boundary of said reservation within three years thereafter; and no patent or patents shall issue to said company or its assigns for any portion of said lands until the first section of said road shall be completed, and then for not more than one 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 be completed as aforesaid; and before any patents shall issue for any part of said lands, payments 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 the securities of the United States to the Secretary of the Interior, in trust for said Kickapoo Tribe of Indians, within six years from the date of such purchase; and when so paid the President is authorized hereby to issue patents therefor. Said company shall, in like manner, pay to the Secretary of the Interior, 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. Said interest, and the interest due on the purchase-money after it is paid to the United States, shall be held in trust and paid to said Indians on the first day of April of each and every year; and in ten years from the ratification of this treaty there shall be paid by the United States to said tribe of Indians ten thousand dollars, as their first instalment upon the amount of said purchase-money, and ten thousand dollars each and every year thereafter until all is paid.

Atchison and Pike's Peak Railroad may buy certain lands.

Proviso.

See page 21.

Conditions of purchase.

ARTICLE VI. In case said railroad company shall fail to complete either section of said railroad in a good and efficient manner, or shall fail

Contract or purchase when to be null and void.

See page 21.

Patents to con-  
tain what con-  
ditions.

to pay the whole of the purchase-money for said lands within the time herein prescribed, or shall fail to pay all or any part of the interest upon the same 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 hereto, and said company or 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 paid for pursuant to the provisions of this treaty. And whenever any patents shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the lands 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. And said company shall have the perpetual right of way over the lands of the Kickapoos 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 the said road, making compensation for any damages to improvements caused by obtaining such material, and for any damages arising from the location or running of said road, to improvements made before the road was located; such damages and compensation, in cases where said company and the persons whose improvements are injured or the 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; 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 [the] appraised value: *Provided, however,* In case any of said lands have been conveyed to bona fide purchasers by said railroad company, such purchasers shall be entitled to a patent for said lands so purchased by them on payment of one dollar and twenty-five cents per acre therefor, under such rules and regulations as may be prescribed by the Secretary of the Interior. On the purchase of said lands by the said railroad company the same shall become a part of the state of Kansas, but none of said lands shall be subject to taxation until the patents have been issued therefor.

Statement of  
amounts due the  
Kickapoos under  
treaties, and of  
amounts received  
to be made.

See page 21.

ARTICLE VII. The Kickapoos having heretofore negotiated treaties with the United States containing various stipulations in their behalf, which they claim have not been fully complied with, it is hereby provided that a correct statement of the amount that was agreed to be paid by any and all treaty stipulations, of all the treaties heretofore made, and also of all amounts received by said tribe by virtue of such treaty stipulations, shall be made under the direction of the Commissioner of Indian Affairs; and in case any amount shall be found due or unpaid to said Indians, the same, together with all annuities which have not heretofore been kept up and paid, shall now be paid up in full to said tribe, together with all the interest thereupon.

Dwelling-house  
to be erected for  
each head of  
family.

See page 21.

ARTICLE VIII. For the purpose of comfortably establishing the Kickapoo Tribe of Indians upon the lands to be assigned to them in severalty, the agent of said tribe, upon the ratification of this treaty, shall cause

to be erected for each head of a family a suitable dwelling-house, to be paid for out of the first moneys due said Indians, and not otherwise appropriated.

ARTICLE IX. It is hereby agreed that the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall appoint a commissioner whose duty it shall be to ascertain the amount of losses sustained by said Kickapoo nation by reason of the destruction of their timber, and the stealing of their horses, cattle, and other property by the whites and hostile Indians, and said amount, when so ascertained, shall be paid as follows, viz: the amount of losses sustained by the destruction of their timber shall be invested in the purchase and erection of a steam saw and grist mill, provided said sum shall not amount to more than eight thousand dollars; the residue, if any, shall be invested in six per cent. United States or state bonds and added to the fund now held in trust by the United States for said tribe; and to each member of said tribe shall be paid, in gold or silver, the amount he or she may have lost by reason of the stealing of horses, cattle, and other property: *Provided*, That said amounts shall not, altogether, exceed fifty thousand dollars. And if a larger sum shall be claimed and proved up, the amount shall be paid *pro rata*, and shall be in full of all demands arising from such causes.

Certain losses sustained by the Kickapoos, how to be ascertained and paid.

See page 21.

Not to exceed \$50,000 in the whole.

ARTICLE X. Whereas some years since a portion of the Kickapoos went down among the Southern Indians, and there is reason to believe that but few, if any, of them will ever return, and they having been notified of the provisions of this treaty, it is hereby agreed that they shall receive no benefits arising therefrom, unless they return to the present reservation of the Kickapoos within six months from the date of this instrument, in which case it is hereby agreed that forty acres each be allotted to them, with the understanding that they will occupy, improve, and cultivate the same, and in every respect to be governed by the same rules and regulations as is prescribed for the government of the lands reserved by the preceding articles.

Provision as to Kickapoos who heretofore went South.

See page 21.

ARTICLE XI. There shall be reserved six hundred and forty acres of land to be selected by the chiefs of said tribe of Kickapoos as a site for a saw and grist mill, three hundred and twenty acres where the mission-house now is, and one hundred and sixty acres where the house built for the agency now is, which, with the improvements thereupon, shall be disposed of when the objects for which they have been reserved shall have been accomplished, in such a manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos.

Reservation for saw and grist-mill.

See page 21.

ARTICLE XII. The fund now held in trust by the United States for said tribe of Indians for educational purposes shall be invested in six per cent. United States or state bonds, and the interest thereof expended annually, under the direction of the Commissioner of Indian Affairs, for agricultural, school, and other beneficial purposes for said Indians.

Investment of fund for educational purposes.

Interest, how applied.

See page 21.

ARTICLE XIII. Inasmuch as it was provided by the treaty between the United States and said Kickapoos, entered into on the 18th day of May, A. D. 1854, that the President may cause to be surveyed, in the same manner that the public lands are surveyed, the reservation provided for the Kickapoos, it is agreed that the expense of said surveys shall be paid by the United States, and all expenses incident to the negotiation and execution of this treaty, and not otherwise provided for, shall be defrayed by the Kickapoos; the same to be deducted from any funds applicable to that purpose now or hereafter held for them in trust by the United States; and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for, in order to the full execution of all and every part of this treaty.

Expenses of surveys to be paid by the United States.

Vol. x. p. 1078.

See page 21.

See page 21.

Reservation  
ceded to the  
United States.

ARTICLE XIV. It is further agreed that all rights, title, and interest of the Kickapoos in their present reservation shall cease, and the same is hereby ceded to and vested in the United States, subject to the limitations and for the purposes herein expressed and provided for.

Inconsistent  
stipulations of no  
effect.

ARTICLE XV. Any stipulation in former treaties inconsistent with those embraced in the foregoing articles shall be of no force or effect.

Effect of rejection,  
&c., of any  
article of this  
treaty.

ARTICLE XVI. Should the Senate reject or amend any of the foregoing articles, such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified and approved.

Signature.

In testimony whereof, the said Charles B. Keith, commissioner as aforesaid, and the undersigned chiefs, headmen, and delegates of the Kickapoo Tribe of Indians, have hereunto set their hands and seals, at the place, on the day, and in the year hereinbefore written.

CHARLES B. KEITH, [SEAL.]

*Commissioner on behalf of the United States.*

CHIEF PAR-THEE, or the Elk Chief, his x mark. [SEAL.]

CHIEF PAH-KAH-KAH, or John Kennekuk,  
his x mark. [SEAL.]

CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder,  
his x mark. [SEAL.]

KEN-NE-KUK, or Stephen Pension-eau,  
his x mark. [SEAL.]

MAH-MAH-SHE-COW-AH, or Bear Track,  
her x mark. [SEAL.]

PET- TI-QUAUK, or Rolling Thunder, his x mark. [SEAL.]

JOHN C. ANDERSON, [SEAL.]

TOTH-WAY, or Frank Cadue, his x mark. [SEAL.]

Executed in presence of—

JOHN E. BADGER.

H. C. PURSEL.

NELSON S. SHALER.

PASCHALL PENSIONEAU, his x mark, *U. S. Interpreter.*

W. D. BARNETT, *witness to signature of Paschall Pensioneau.*

Ratification,  
with amendment.

And whereas, the foregoing 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 resolution, and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
March 13th, 1863.

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a treaty made and concluded at the Agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, commissioner on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Kickapoo nation, on behalf of said nation," with the following

Amendments.

#### AMENDMENTS:

See page 15.

Article 1, line 15, after "the" strike out "Commissioner of Indian Affairs," and insert in lieu thereof: *Secretary of the Interior*



- Article 2, lines 1 and 2, strike out "Agent of the United States for said tribe to take," and insert in lieu thereof: *Secretary of the Interior to cause to be made.* See page 15.
- Article 3, lines 12, 13, and 14, strike out the following: "paid to them, in cash or in the bonds of the United States," and insert in lieu thereof: *set apart and placed to their credit severally.* See page 16.
- Article 4, line 39, strike out the words "at the cost of the United States." At the end of article 4 insert: *deducting therefrom the necessary expenses of their removal.* See page 16.
- Article 5, line 34, after the word "lands" insert: *within sixty days thereafter, and shall make, execute, and deliver to the Secretary of the Interior the bonds of the said company in a penal sum equal to double the value of said surplus lands as heretofore ascertained, with the condition that the said bonds shall become void whenever the said company shall comply with the conditions of the treaty.* See page 17.
- Article 5, line 39, strike out "title and" and insert: *the right of.*
- Article 6, line 11, strike out "shall" and insert: *may.* See page 18.
- " " lines 12, 13, and 14, strike out the words "and shall cease to be binding on either of the parties hereto," and insert: *if the Secretary of the Interior shall so determine.*
- " " line 57, after the word "same" insert: *not including improvements.*
- " " line 72, after "payment" strike out "of" and insert: *to the United States in trust for said Kickapoos of the appraised value thereof (exclusive of their improvements) and not less than.*
- Strike out Article 7. See pages 18, 19.
- Strike out Article 8.
- Strike out Article 9.
- Article 10, lines 11 and 12, strike out "six months from the date of this instrument," and insert in lieu thereof: *one year from the ratification of this treaty.* See page 19.
- Article 11, lines 13, 14, and 15, strike out "the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos," and insert in lieu thereof: *may be provided by law.* See page 19.
- Strike out Article 12. See page 19.
- Article 13, line 7, after "United States" insert: *out of the proceeds of the sales of said lands.* See page 19.
- " " lines 12, 13, 14, 15, 16, and 17, strike out the following words: "and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for in order to the full execution of all and every part of this treaty."
- Attest: J. W. FORNEY, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter named chiefs, headmen, and delegates of the Kickapoo Tribe of Indians, they did, on the fifth day of May, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit: Amendment assented to.

And whereas the foregoing amendments have been submitted and fully interpreted to the undersigned, chiefs, delegates, and headmen of the Kickapoo nation, and we, being thereunto duly authorized, do hereby, for and on behalf of said nation, agree to and ratify the said treaty and the amendments thereto as above set forth.

## TREATY WITH THE KICKAPOO INDIANS. JUNE 28, 1862.

In testimony whereof we have hereunto set our hands and seals this fifth day of May, A. D. 1863.

CHIEF PAR-THEE, or the Elk, his x mark. [SEAL.]

CHIEF PAH-KAH-KAH, or John Kennekuk, his x mark. [SEAL.]

CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder, his x mark. [SEAL.]

PET-TI-QUAUK, or Rolling Thunder, his x mark. [SEAL.]

KEN-NE-KUK, or Stephen Pen-sion-eau, his x mark. [SEAL.]

MAH-MAH-SHE-COW-AH, or Bear Track, her x mark. [SEAL.]

JOHN C. ANDERSON, [SEAL.]

Executed in presence of—

JOHN E. BADGER.

N. S. SHALER.

WILLIAM FOSTER.

PASCHALL PENSIONEAU, his x mark. *U. S. Interpreter.*

H. C. PURSEL, *witness to signature of Paschall Pensioneau.*

I hereby certify that the foregoing treaty between the United States and the Kickapoo Tribe of Indians, concluded on the 28th day of June, 1862, together with the foregoing amendments thereto made by the Senate of the United States on the 13th day of March, 1863, were read and fully explained by me to said Indians through Paschall Pensioneau, the United States Interpreter, and that the chiefs, headmen, and delegates 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 subscribe their names and affixed their seals thereto in my presence.

Given under my hand this 5th day of May, A. D. 1863.

CHARLES B. KEITH, *U. S. Indian Agent.*

Proclaimed by  
the President of  
the United  
States.

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 amendment as aforesaid.

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-eighth day of May, 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:

F. W. SEWARD, *Acting Secretary of State.*

## TREATIES.

*Convention between the United States of America and the Republic of Ecuador; Concluded at Guayaquil, November 25, 1862; Ratified by the President of the United States, February 13, 1863; Ratifications exchanged at Quito, July 27, 1864; Proclaimed by the President of the United States, September 8, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Nov. 25, 1862.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Ecuador, for the mutual adjustment of claims, was concluded and signed by their respective Plenipotentiaries, at the city of Guayaquil, on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and sixty-two, which Convention, being in the English and Spanish languages, is, word for word, as follows: —

Preamble.

The United States of America and the Republic of Ecuador, desiring to adjust the claims of citizens of said States against Ecuador, and of citizens of Ecuador against the United States, have, for that purpose, appointed and conferred full powers, respectively, to wit: The President of the United States on Frederick Hassaurek, Minister Resident of the United States in Ecuador, and the President of Ecuador on Juan José Flores, General-in-Chief of the Armies of the Republic, who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles: —

## ARTICLE I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the government of Ecuador, or of corporations, companies, or individuals, citizens of Ecuador, upon the government of the United States, shall be referred to a Board of Commissioners, consisting of two members,

La República del Ecuador y los Estados Unidos de América, deseando atender á las reclamaciones de ciudadanos del Ecuador contra los Estados Unidos y de ciudadanos de los Estados Unidos contra el Ecuador, han nombrado con el enunciado objeto, y conferido plenos poderes; el Presidente del Ecuador á Juan José Flores, General en Jefe de los ejércitos de la República, y el Presidente de los Estados Unidos á Federico Hassaurek, Ministro Residente de los Estados Unidos en el Ecuador, quienes, despues de haber canjeado sus plenos poderes y de hallarlos en debida forma, han convenido en los artículos siguientes: —

Contracting parties.

## ARTICULO I.

Las reclamaciones de particulares, compañías, ó corporaciones del Ecuador contra los Estados Unidos, ó las de particulares, compañías ó corporaciones de los Estados Unidos contra el Ecuador se someterán al exámen y decision de una comision compuesta de dos individuos nombrados, el uno por el Gobierno del

Claims between the contracting parties to be referred to commissioners.

**Appointment.** one of whom shall be appointed by the Government of the United States, and one by the Government of Ecuador. In case of death, absence, resignation, 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 Ecuador, respectively, or the Minister of the United States in Ecuador, in the name of his Government, shall forthwith proceed to fill the vacancy thus occasioned. The commissioners so named shall meet in the city of Guayaquil within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them; and such oath shall be entered on the record of their proceedings.

**Vacancy.**

**Time of meeting.**

**Oath.**

**Umpire.** The 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 of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the umpire shall be appointed by her Britannic Majesty's Chargé d'Affaires, or (excepting the Minister Resident of the United States) by any other diplomatic agent in Quito whom the two high contracting parties shall invite to make such appointment.

## ARTICLE II.

**Examination of claims.** The arbitrator or umpire being appointed, the commissioners shall, without delay, proceed to examine the claims which may be presented to them by either of the two Governments; 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 commissioner, such papers in its possession as may be deemed important to the just determination of any claim or claims.

**Papers to be furnished.**

**Amounts to be paid.** In cases where they agree to

Ecuador, y el otro por el de los Estados Unidos. En los casos de muerte, ausencia, renuncia, ó incapacidad de alguno de los dos comisionados, ó de que falte ó cese en el ejercicio de sus funciones, el Gobierno del Ecuador, ó el de los Estados Unidos, respectivamente, ó el Ministro de los Estados Unidos Residente en el Ecuador, á nombre de su Gobierno, procederán inmediatamente á llenar la vacante.

Los comisionados se reunirán en la ciudad de Guayaquil dentro de noventa dias contados desde el canje de las ratificaciones de esta Convencion; y ántes de empezar á ejercer sus funciones prestarán juramento de examinar escrupulosamente las reclamaciones que les sean sometidas, de fallar acerca de ellas con estricta justicia y con arreglo á lo estipulado en la presente convencion. Dicho juramento constará en el registro de sus trabajos.

Los comisionados procederán en seguida á nombrar un árbitro para que decida definitivamente en los casos que no estén de acuerdo ó acerca de las diferencias que puedan suscitarse en el curso de sus trabajos. Si no pudieren convenirse en la eleccion del árbitro, este será nombrado por el Encargado de Negocios da Su Magestad Británica ó cualquier otro Agente Diplomático en el Gabinete de Quito, previa invitacion de las dos altas partes contratantes. Se exceptúa al Ministro de los Estados Unidos por estar impedido.

## ARTICULO II.

Luego que haya sido nombrado el árbitro, la comision procederá á examinar detenidamente las reclamaciones y pruebas que le dirija cualquiera de los dos Gobiernos, y oirá (si se exigiere) á una persona por parte de cada Gobierno en el examen de una ó mas reclamaciones. Cada Gobierno, á peticion de cualquier comisionado, suministrará los documentos que posea, y que el comisionado estime necesarios para formar su juicio y fallar con acierto.

Cuando la comision conceda una indemnizacion cualquiera, fijará la

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 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 to the claimants respectively, whether by virtue of the awards agreed to between themselves or of those made by the umpire; and the aggregate amount of all sums decreed by the commissioners, and of all sums accruing from awards made by the umpire, under the authority conferred by the fifth article, shall be paid to the government to which the respective claimants belong. Payment of said sums shall be made in equal annual instalments, to be completed within nine years from the date of the termination of the labors of the commission, the first payment to be made six months after the same date. To meet these payments both governments pledge the revenues of their respective nations.

## ARTICLE IV.

The commission shall terminate its labors in twelve months from the date of its organization. They shall keep a record of their proceedings, and may appoint a secretary versed in the knowledge of the English and Spanish languages.

## ARTICLE V.

The proceedings of this commission shall be final and conclusive with respect to all pending claims. Claims which shall not be presented to the commission within the twelve months it remains in existence will be disregarded by both governments, and considered invalid. In the event that, upon the termination of the labors of said commission, any case or cases should be pending before the umpire, and awaiting his decision,

cantidad que se debe pagar; y en caso de que los comisionados no puedan ponerse de acuerdo someterán sus diferencias al árbitro, quien oirá á cada uno de ellos si lo estimaren necesario. El fallo del árbitro será definitivo.

## ARTICULO III.

La comision expedirá certificados de las sumas á que fueren acreedores los reclamantes, ya sea en virtud de sus fallos ó de los que pronunciare el árbitro; y la cantidad á que ascendieren los certificados expedidos por los comisionados y la que resultare de los fallos del árbitro en virtud de lo acordado en el artículo 5º, se pagará al Gobierno de que dependan los reclamantes, verificando dicho pago por novenas partes dentro de nueve años, contados, desde la fecha en que la comision termine sus trabajos, y el primer dividiendo seis meses despues. Para verificar los pagos mencionados, ambos Gobiernos comprometen las rentas de sus respectivas naciones.

Certificates of amounts awarded.

Payment.

Revenues pledged.

## ARTICULO IV.

La comision terminará sus funciones doce meses despues del dia de su instalacion, llevará un registro de sus trabajos y podrá nombrar un secretario que conozca la lengua española y la inglesa.

End of commission.

Secretary.

## ARTICULO V.

Los trabajos de la comision ponen término á las reclamaciones pendientes, y las que no le sean dirigidas dentro de los doce meses fijados, serán desestimadas por ambos Gobiernos y se considerarán prescritas. En caso de que al concluirse los trabajos de la comision quedaren pendientes una ó mas decisiones del árbitro, se autoriza á este para pronunciar su fallo y expedir los correspondientes certificados, ponién-

Proceedings to be conclusive as to pending claims.

Claims to be presented while commission exists.

Duty of umpire as to certain cases.

said umpire is hereby authorized to make his decision or award in such case or cases, and his certificate thereof in each case, transmitted to each of the two governments, shall be held to be binding and conclusive: provided however, that his decision shall be given within thirty days from the termination of the labors of the commission, at the expiration of which thirty days his power and authority shall cease.

## ARTICLE VI.

Pay of commissioners and of the 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 Ecuador.

## ARTICLE VII.

Ratifications.

The present convention shall be ratified and the ratifications exchanged in the city of Quito.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and hereunto affixed our seals, in the city of Guayaquil, this twenty-fifth day of November, in the year of our Lord, eighteen hundred and sixty-two.

F. HASSAUREK. [L. s.]  
JUAN JOSÉ FLORES. [L. s.]

Exchange of ratifications.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Quito on the twenty-seventh day of July last:

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.

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 September, one thousand eight hundred and sixty-four, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

dolo en conocimiento de los dos Gobiernos, que los estimarán válidos y obligatorios. El árbitro dará sus decisiones dentro de treinta días perentorios, contados desde aquel en que la comision termine sus trabajos, quedando sin valor ni efecto los que se pronunciaren despues.

## ARTICULO VI.

Cada Gobierno costeará su respectivo comisionado, pagará la mitad de lo que se asigne al árbitro y satisfará la mitad de los gastos que ocasionare la comision.

## ARTICULO VII.

La presente Convencion será ratificada, y las ratificaciones serán cangeadas en la ciudad de Quito.

En fe de lo cual, nosotros los respectivos Plenipotenciarios hemos firmado esta Convencion y selládola con nuestros sellos particulares en la ciudad de Guayaquil á veinticinco de Noviembre de mil ochocientos sesenta y dos.

JUAN JOSÉ FLORES. [L. s.]  
F. HASSAUREK. [L. s.]

*Convention between the United States of America and the Republic of Peru. Concluded at Lima, December 20, 1862; ratified by the President of the United States, February 24, 1863; exchanged at Lima, April 24, 1863; proclaimed by the President of the United States, May 19, 1863.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Dec. 20, 1862.

### A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Peru was concluded and signed by their respective Plenipotentiaries at the city of Lima on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two, 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 Peru.

Convencion entre el Perú y los Estados Unidos de América.

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana"; and the two governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have for that purpose named their respective Plenipotentiaries—that is to say, the President of the United States has appointed Christopher Robinson their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Don José Gregorio Paz Soldan, Minister of State in the office of Foreign

Por cuanto se han suscitado entre la República del Perú y los Estados Unidos de América algunas diferencias originadas por la captura y confiscación de dos buques pertenecientes á ciudadanos de los Estados Unidos, titulados "Lizzie Thompson" y "Georgiana," y no habiendo podido los dos gobiernos arribar á un arreglo de las cuestiones provenientes de dicha captura y confiscación, y estando animados ambos del deseo de mantener las relaciones de amistad y armonía que siempre han existido y que desean continuar y estrechar, han convenido en someter todas las cuestiones tanto de hecho como de derecho, anexas á la captura y confiscación de los buques "Lizzie Thompson" y "Georgiana" á la decisión de una potencia amiga. Y estando convenidos en proceder así y arreglar de este modo las diferencias mencionadas, la República del Perú y los Estados Unidos de América han nombrado con tal objeto sus respectivos Plenipotenciarios, á saber; el Presidente del Perú á Don José Gregorio Paz Soldan, Ministro de Estado en el Despacho de Relaciones Exteriores y Presidente del Consejo de Ministros, y los Estados Unidos de América á Don Cristóbal Robinson, Enviado Extraordinario y Ministro Plenipotenciario de dichos Estados en

Claims upon Peru for the capture, &c., of the "Lizzie Thompson" and "Georgiana" to be referred to the decision of some friendly power.

Plenipotentiaries.

Relations and President of the Council of Ministers, who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

## ARTICLE I.

The King of Belgium to be arbiter.

The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, his Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions both of law and fact involved in the proceedings of the government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana."

## ARTICLE II.

The King of Belgium to be properly solicited to act as arbiter.

The two contracting parties will adopt the proper measures to solicit and obtain the assent of his Majesty the King of Belgium to act in the office hereby conferred upon him.

Papers to be submitted to him.

After his Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents, residing at Brussels, to his Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention.

## ARTICLE III.

Documents, &c., to be submitted within six months.

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such.

Lima, quienes, despues de haber canjeado sus respectivos plenos poderes y hallándolos en buena y debida forma, han convenido en los artículos siguientes:

## ARTICULO I.

Las dos partes contratantes convienen en nombrar árbitro, arbitrador y amigable componedor á S. M. el Rey de los Belgas, confiriéndole el mas ámplio poder para que decida y resuelva todas las cuestiones, tanto de hecho como de derecho, procedentes de la conducta observada por el Gobierno Peruano en la captura y confiscacion de los buques "Lizzie Thompson" y "Georgiana."

## ARTICULO II.

Las dos partes contratantes emplearán los medios conducentes para suplicar y obtener de S. M. el Rey de los Belgas la aceptacion del cargo que le confieren.

Despues que S. M. haya manifestado su aquiescencia para ejercer el cargo de árbitro, ambas partes contratantes someterán, por medio de sus agentes diplomáticos residentes en Bruselas, á S. M. copias de toda la correspondencia, pruebas, papeles y documentos que han sido cambiados entre los dos gobiernos y sus respectivos representantes; y si alguna de las partes contratantes creyere conveniente presentar al dicho árbitro otros papeles, pruebas ó documentos ademas de los mencionados, estos serán comunicados á la otra parte en el término de cuatro meses despues de la ratificacion de este convenio.

## ARTICULO III.

Estando ambas partes igualmente interesadas en que se decidan las cuestiones sometidas, convienen en entregar al dicho árbitro todos los documentos mencionados en el art. 2º en el término de seis meses, despues que el árbitro haya prestado su consentimiento.



## ARTICLE IV.

The sentence or decision of said arbiter, when given, shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect.

## ARTICLE V.

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof.

In faith whereof the Plenipotentiaries of the two governments have signed and sealed, with their respective seals, the present convention.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHRISTOPHER ROBINSON.

[L. s.]

JOSÉ G. PAZ SOLDAN.

[L. s.]

## ARTICULO IV.

La sentencia ó decision de dicho árbitro será la conclusion de todas las cuestiones mencionadas anteriormente, y las partes contratantes se comprometen á cumplir inmediatamente esta decision. Decision of arbiter to be final.

## ARTICULO V.

Esta convencion será ratificada y se cangearán las ratificaciones en el término de seis meses contados despues de firmado este convenio. Ratifications to be exchanged within six months.

En fé de lo cual los Plenipotenciarios de los gobiernos han firmado y sellado con sus sellos respectivos la presente convencion. Signature.

Hecha en Lima por cuadruplicado á los veinte dias del mes de Diciembre del año del Señor mil ochocientos sesenta y dos.

JOSÉ G. PAZ SOLDAN.

[L. s.]

CHRISTOPHER ROBINSON.

[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 Lima on the twenty-fourth day of April last: Exchange of 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 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 at the city of Washington, this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*



*Convention between the United States of America and the Republic of Peru. Concluded at Lima, January 12, 1863; ratified by the President of the United States, February 24, 1863; exchanged at Lima, April 18, 1863; proclaimed by the President of the United States, May 19, 1863.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: January 12, 1863.

## A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Peru, for the settlement of the pending claims of the citizens of either country against the other, was concluded and signed by their respective plenipotentiaries at the city of Lima on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three, which Convention, as amended by the contracting parties, and 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 Peru for the settlement of the pending claims of the citizens of either country against the other.

The United States of America and the Republic of Peru, desiring to settle and adjust amicably the claims which have been made by the citizens of each country against the government of the other, have agreed to make arrangements for that purpose by means of a Convention, and have named as their plenipotentiaries to confer and agree thereupon as follows: The President of the United States Christopher Robinson, Envoy Extraordinary and Minister Plenipotentiary of said States to Peru, and the President of Peru Don José Gregorio Paz Soldan, the Minister of Foreign Relations and President of the Council of Ministers, who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed as follows:—

### ARTICLE I.

All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the

Convencion entre la República del Perú y los Estados Unidos de América para el arreglo de las reclamaciones de los ciudadanos de ambas naciones contra los respectivos gobiernos. Contracting parties.

La República del Perú y los Estados Unidos de América, deseando ajustar y arreglar amigablemente las reclamaciones de los ciudadanos de ambos países contra los respectivos gobiernos, han convenido en arreglarlas por medio de una Convencion, y con tal objeto han nombrado como Plenipotenciarios para proceder á éste arreglo, el Presidente del Perú á Don José Gregorio Paz Soldan, Ministro de Relaciones Exteriores y Presidente del Consejo de Ministros; y el Presidente de los Estados Unidos de América á Don Cristobal Robinson, su Enviado Extraordinario y Ministro Plenipotenciario en Lima; quienes, despues de haber cangeado sus respectivos plenos poderes, y hallándolos en buena y debida forma, han convenido en lo siguiente:—

### ARTICULO I.

Todas las reclamaciones de los ciudadanos del Perú contra el Gobierno de los Estados Unidos, y las de los ciudadanos de los Estados Claims against Peru to be referred to a mixed commission.

Number and  
appointment of  
commissioners.

Vacancies.

United States, which have not been embraced in conventional or diplomatic agreement between the two governments or their plenipotentiaries, and statements of which, soliciting the interposition of either government, may, previously to the exchange of the ratifications of this convention, have been filed in the Department of State at Washington, or the Department of Foreign Affairs at Lima, shall be referred to a mixed commission composed of four members, appointed as follows: Two by the Government of the United States and two by the Government of Peru. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner ceasing to act, the Government of the United States, or its Envoy Extraordinary and Minister Plenipotentiary in Peru, acting under its direction, or that of the Republic of Peru, shall forthwith proceed to fill the vacancy thus occasioned.

#### ARTICLE II.

Commissioners  
to name an um-  
pire;

The commissioners so named shall immediately after their organization, and before proceeding to any other business, proceed to name a fifth person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.

#### ARTICLE III.

to meet in  
Lima within  
three months  
after, &c.;

to take and  
subscribe an  
oath.

The commissioners appointed as aforesaid shall meet in Lima within three months after the exchange of the ratifications of this Convention; and each one of the commissioners, before proceeding to any business, shall take an oath, made and subscribed before the most Excellent Supreme Court, that they will carefully examine and impartially decide, according to the principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them under the provisions of this Convention, and in accordance with the evidence submitted on the part of either government. A sim-

Unidos contra el Gobierno del Perú, las cuales no hayan sido comprendidas en arreglos convencionales ó diplomáticos entre los dos Gobiernos ó sus Plenipotenciarios, y cuyas solicitudes por la interposicion de sus gobiernos, antes del cange de las ratificaciones de esta Convencion, hayan sido presentadas al Ministerio de Relaciones Exteriores en Lima ó al Departamento de Estado en Washington, serán sometidas á una Comision Mixta, compuesta de cuatro miembros, nombrados así: dos por el Gobierno del Perú, y dos por el Gobierno de los Estados Unidos. En caso de muerte, ausencia ó incapacidad de algun comisionado, ó en que caso de que por algun motivo deje de funcionar, el Gobierno del Perú y el de los Estados Unidos, ó su Enviado Extraordinario y Ministro Plenipotenciario, procediendo en su nombre, llenará la vacante ocasionada.

#### ARTICULO II.

Los Comisionados nombrados en esta forma, despues de organizarse y antes de proceder á ningun otro asunto, nombrarán una quinta persona que ejerza el cargo de tercero en discordia, en el caso en que aquellos no estuvieren de acuerdo.

#### ARTICULO III.

Los Comisionados nombrados en esta forma se reunirán en Lima tres meses despues del cambio de las ratificaciones de esta Convencion; y cada uno de ellos antes de proceder á ocuparse en ningun asunto, prestarán y suscribirán un juramento ante la Excelestisima Corte Suprema, de que examinarán con cuidado y decidirán con imparcialidad, y segun los principios de justicia y equidad y las prescripciones del Derecho de Gentes y los Tratados, todas las reclamaciones que se les someterán conforme esta Convencion, y en virtud de las pruebas que presente cada gobierno. Un juramento igual será prestado y suscrito

ilar oath shall be taken and subscribed by the person selected by the commissioners as arbitrator or umpire, and said oaths shall be entered upon the record of the proceedings of said commission.

## ARTICLE IV.

The arbitrator or umpire being appointed, the commissioners shall, without delay, proceed to examine and determine the claims specified in the first article, and shall hear, if required, one person in behalf of each government on each separate claim. Each government shall furnish, at the request of either of the commissioners, the papers in its possession which may be important to the just determination of any of the claims referred.

## ARTICLE V.

From the decision of the commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of their claims as to the amount of indemnification that may be adjudged to the claimants, and in case the commissioners cannot agree, the points of difference shall be referred to the arbitrator or umpire, before whom the commissioners may be heard, and his decision shall be final.

## ARTICLE VI.

The decision of the mixed commission shall be executed without appeal by each of the contracting parties, and it shall be the duty of the commissioners to report to the respective governments the result of their proceedings; and if the decision of said commissioners require the payment of indemnities to any of the claimants, the sums determined by the said commissioners shall be paid by the government against which they are awarded within one month after said government shall have received the report of said commissioners; and for any delay in the payment of the sum awarded

por la persona elegida por los Comisionados como Arbitro ó Tercero en Discordia; y estos juramentos formarán parte de las actas de la Comision.

## ARTICULO IV.

Nombrado el árbitro ó Tercero, los Comisionados procederán sin demora á examinar y determinar las reclamaciones especificadas en el artículo primero, y oirán, si lo tienen por conveniente, una persona en defensa de cada gobierno para cada reclamacion. Los dos Gobiernos, á solicitud de cualquiera de los Comisionados, presentarán los papeles que tengan y que puedan conducir á la justa decision de las reclamaciones.

## ARTICULO V.

La decision ó sentencia de la Comision será sin apelacion; y bastará el voto de tres Comisionados para dar plena fuerza y efecto á sus decisiones, tanto respecto á la justicia de las reclamaciones como al monto de las indemnizaciones que puedan ser adjudicadas á los reclamantes; y en caso de discordia, los puntos de diferencia serán sometidos al árbitro ó Tercero, ante el cual deben ser oidos los Comisionados; y la decision del Tercero será el final y conclusion.

## ARTICULO VI.

La decision de la Comision Mixta será ejecutada sin apelacion por cada una de las partes contratantes; y será deber de los Comisionados presentar á los respectivos gobiernos el resultado de sus procedimientos; y si la decision de los dichos Comisionados requiriere el pago de indemnizaciones en favor de alguno de los reclamantes, las sumas determinadas por dichos Comisionados serán pagadas por el Gobierno contra el cual se decreten, un mes despues que este haya recibido la sentencia de la Comision; y por cualquier demora en el pago de la suma acordada, despues de cumplido el

Oath of umpire.

Claims to be examined.

Mode of procedure.

Papers to be furnished.

Decision of commissioners to be final.  
Agreement of three to be sufficient.

Each party shall execute & decree without appeal.

Payments, how made.

Interest, when  
to be paid. after the expiration of said month,  
the sum of six per cent. interest  
shall be paid during such time as  
said delay shall continue.

## ARTICLE VII.

Secretary to  
the commission. For the purpose of facilitating  
the labors of the mixed commission,  
each government shall appoint a  
secretary to assist in the transaction  
of their business and to keep a rec-  
ord of their proceedings, and for the  
conduct of their business said com-  
missioners are authorized to make  
all necessary rules.

Rules of busi-  
ness.

## ARTICLE VIII.

Decisions to be  
final. The decisions of this commission,  
or of the umpire in case of a dif-  
ference between the commissioners,  
shall be final and conclusive, and  
shall be carried into full effect by  
the two contracting parties. The  
commission shall terminate its la-  
bors in six months from and includ-  
ing the day of its organization; pro-  
vided, however, if at the time stip-  
ulated for the termination of said  
commission, any case or cases should  
be pending before the umpire and  
awaiting his decision, it is under-  
stood and agreed by the two con-  
tracting parties, that said umpire is  
authorized to proceed and make his  
decision or award in such case or  
cases, and upon his report thereof  
to each of the two governments,  
mentioning the amount of indemni-  
ty, if such shall have been allowed  
by him, such award shall be final  
and conclusive in the same manner  
as if it had been made by the com-  
missioners under their own agree-  
ment; provided that said decision  
shall be made by said umpire within  
thirty days after the final adjourn-  
ment of said commission, and at the  
expiration of the said thirty days,  
the power and authority hereby  
granted to said umpire shall cease.

Commission  
to conclude labors  
in six months.

Decision of um-  
pire on pending  
cases may be  
made within  
thirty days after.

## ARTICLE IX.

Expenses of  
commissioners,  
umpire, &c., how  
to be paid. Each government shall pay its  
own commissioners and secretary,  
but the umpire shall be paid, one half  
by the Government of the United

mes estipulado, se pagará el interes  
legal de seis por ciento sobre la can-  
tidad, mientras dure la demora.

## ARTICULO VII.

Con el objeto de facilitar los tra-  
bajos de la Comisión Mixta cada  
Gobierno nombrará un Secretario  
para que auxilie á los Comisionados  
en sus trabajos y lleve la acta re-  
spectiva; para el modo de organi-  
zar sus trabajos y procedimientos  
los Comisionados están autorizados  
para dictar las reglas.

## ARTICULO VIII.

Las decisiones de la Comisión ó  
del Tercero, en caso de discordia  
entre los Comisionados, serán con-  
cluyentes y finales, y se llevarán á  
debido efecto por las dos partes con-  
tratantes. La Comisión terminará  
sus trabajos seis meses despues del  
dia de su organizacion, inclusive  
aquel; sin embargo si al tiempo  
estipulado para la terminacion de  
sus trabajos hay algunos puntos  
pendientes ante el Tercero en dis-  
cordia, queda entendido y conve-  
nido por las dos partes contratantes,  
que el mencionado Tercero queda  
autorizado para emitir su decision ó  
bando, y presentará al Gobierno el  
valor de la indemnizacion, si esta  
se decreta, y este bando será el  
final y conclusion del mismo modo  
que si hubiera sido expedido por  
los Comisionados en sus acuerdos.  
Esta decision sin embargo será ex-  
pedida por el Tercero treinta dias  
despues de la última sesion de la  
mencionada Comisión; y despues de  
este plazo estipulado de treinta dias,  
cesan los poderes y el encargo del  
Tercero en Discordia.

## ARTICULO IX.

Cada Gobierno pagará sus Co-  
misionados y Secretario; pero el  
Tercero en Discordia será pagado, la  
mitad por el Gobierno del Perú y

States and one half by the Republic of Peru.

la mitad por el de los Estados Unidos.

ARTICLE X.

ARTICULO X.

The present Convention shall be ratified and the ratifications thereof shall be exchanged in the term of four months from the date hereof.

La presente Convencion será ratificada y las ratificaciones cambiadas en el término de cuatro meses de su fecha. Ratifications to be exchanged within six months.

In faith whereof, the respective Plenipotentiaries have signed the same and affixed their respective seals.

En fé de lo cual los respectivos Plenipotenciarios la han firmado y puesto sus sellos.

Done in the city of Lima this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three.

Hecha en Lima á los doce dias del mes de Enero del año del Señor de mil ochocientos sesenta y tres. Signature.

CHRISTOPHER ROBINSON.

JOSÉ G. PAZ SOLDAN.

[L. s.]

[L. s.]

JOSÉ G. PAZ SOLDAN.

CHRISTOPHER ROBINSON.

[L. s.]

[L. s.]

And whereas the said Convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Lima on the eighteenth day of April last:

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 by the President.

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

Done at the city of Washington, this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*





*Additional Article to the Treaty for the Suppression of the African Slave-Trade, between the United States of America and her Britannic Majesty, of the 7th of April, 1862; concluded February 17, 1863; ratified by the United States, March 5, 1863; ratifications exchanged, April 1, 1863; and proclaimed by the President of the United States, April 22, 1863.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

### A PROCLAMATION.

February 17, 1863.

Preamble.

WHEREAS an additional article to the treaty for the suppression of the African slave-trade, between the United States of America and her Britannic Majesty, of the 7th of April, 1862, was concluded and signed at Washington by their respective plenipotentiaries, on the 17th day of February, 1863, which additional article is, word for word, as follows:—

*Additional Article to the Treaty between the United States of America and her Britannic Majesty for the Suppression of the African Slave-Trade, signed at Washington April 7, 1862.*

WHEREAS, by the first article of the 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, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two high contracting parties 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 the said 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; and whereas it was by the said article further stipulated and agreed that the reciprocal right of search and detention should 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; and whereas the two high contracting parties are desirous of rendering the said treaty still more efficacious for its purpose, the plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the article aforesaid, may be exercised also within thirty leagues of the island of Madagascar, within thirty leagues of the island of Puerto Rico, and within thirty leagues of the island of San Domingo.

Right of search and detention of certain vessels may be exercised within thirty leagues of Madagascar, Puerto Rico, and San Domingo.

Vol. xii. p. 1225.

The present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

This article to have same effect as if it formed part of former treaty.

Ratifications to be exchanged in six months.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Signature.

Done at Washington, the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD.  
LYONS.

[L. s.]  
[L. s.]

Ratification:

And whereas the said additional article has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London on the 1st instant, 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:

Proclamation  
by the President.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said additional article to be made public, to the end that the same, and every clause and part 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 April, 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*.

*Convention between the United States of America and His Majesty the King of the Belgians; Dated at Brussels, May 20, 1863; Ratified, March 6, 1864; Exchanged, June 24, 1864; Proclaimed by the President of the United States, November 18, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. May 20, 1863.

## A PROCLAMATION.

WHEREAS a convention between the United States of America and his Majesty the King of the Belgians, to complete by new stipulations the treaty of commerce and navigation between the United States and Belgium, of the seventeenth of July, eighteen hundred and fifty-eight, was concluded and signed by their respective plenipotentiaries, at Brussels, on the twentieth day of May, eighteen hundred and sixty-three, which convention, being in the English and French languages, is word for word, as follows:—

Preamble.

Vol. xii. p. 1043.

The President of the United States of America, on the one side, his Majesty the King of the Belgians, on the other side, having deemed it advantageous to complete, by new stipulations, the treaty of commerce and navigation entered into by the United States and Belgium on the seventeenth day of July, eighteen hundred and fifty-eight, have resolved to make a convention in addition to that arrangement, and have appointed for their plenipotentiaries, namely:—

Le Président des Etats-Unis d'Amérique, d'une part, et Sa Majesté le Roi des Belges, d'autre part, ayant jugé utile de compléter par de nouvelles stipulations le traité de commerce et de navigation signé entre les Etats-Unis et la Belgique le dix-sept Juillet mil huit cent cinquante huit, ont résolu de conclure une convention additionnelle à cet arrangement et ont nommé pour leurs Plénipotentiaires, savoir:—

Contracting parties.

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their minister resident near his Majesty the King of the Belgians; his Majesty the King of the Belgians, the Sieur Charles Rogier, grand officer of the Order of Leopold, decorated with the iron cross, grand cross of the order of the Ernestine Branch of Saxony, of the Polar Star of St. Maurice and St. Lazarus, of Our Lady of the Conception of Villa-Vicosa, of the Legion of Honor, of the White Eagle, &c., a member of the Chamber of Representatives, his minister of foreign affairs; who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:—

Le Président des Etats-Unis, Henri Shelton Sanford, citoyen des Etats-Unis, son Ministre Résident près Sa Majesté le Roi des Belges; Sa Majesté le Roi des Belges, le Sieur Charles Rogier, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Cordon des Ordres de la Branche Ernestine de Saxe, de l'Etoile Polaire, des SS. Maurice et Lazare, de Notre Dame de la Conception de Villa-Vicosa, de la Légion d'Honneur et de l'Aigle Blanc, &c., Membre de la Chambre des Représentants, son Ministre des Affaires Etrangères, lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:—

## ARTICLE I.

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangement—

Tonnage dues. 1st. The tonnage dues levied in Belgian ports shall cease.

Fees for pilotage. 2d. Fees for pilotage in Belgian ports and in the Scheldt, in so far as it depends on Belgium, shall be reduced twenty per centum for sailing vessels, twenty-five per centum for vessels in tow, thirty per centum for steam vessels.

Port dues, &c. 3d. Port dues and other charges levied by the city of Antwerp shall be throughout reduced.

## ARTICLE II.

Transportation of salt. In derogation to the ninth article of the treaty of the seventeenth of July, eighteen hundred and fifty-eight, the flag of the United States shall be assimilated to that of Belgium for the transportation of salt.

Voi. xii. p. 1046.

## ARTICLE III.

Tariff of import duties. The tariff of import duties resulting from the treaty of the first of May, eighteen hundred and sixty-one, between Belgium and France, is extended to goods imported from the United States, on the same conditions with which it was extended to Great Britain by the treaty of the twenty-third of July, eighteen hundred and sixty-two.

The reduction made by the treaties entered into by Belgium with Switzerland on the eleventh of December, eighteen hundred and sixty-two, with Italy on the ninth of April, eighteen hundred and sixty-three, with the Netherlands on the twelfth of May, eighteen hundred and sixty-three, and also with France on the twelfth of May, eighteen hundred and sixty-three, shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the reductions of import duties which may result from her subsequent treaties with other powers.

ARTICLE 1<sup>ER</sup>.

A partir du jour où la capitalisation du péage de l'Escaut sera assurée par un arrangement général:—

1°. Le droit de tonnage prélevé dans les ports belges cessera d'être perçu;

2°. Les droits de pilotage dans les ports belges et dans l'Escaut, en tant qu'il dépendra de la Belgique, seront réduits: de 20 p. c. pour les navires à voiles, de 25 p. c. pour les navires remorqués, de 30 p. c. pour les navires à vapeur;

3°. Le régime des taxes locales imposées par la ville d'Anvers sera dégrévée dans son ensemble.

## ARTICLE II.

Par dérogation à l'art. 9 du traité du dix-sept Juillet mil huit cent cinquante huit, le pavillon des Etats-Unis sera assimilé au pavillon belge pour le transport du sel.

## ARTICLE III.

Le tarif résultant du traité du premier Mai mil huit cent soixante et un entre la Belgique et la France est étendu aux marchandises importées des Etats-Unis dans les mêmes conditions qu'il l'a été à l'Angleterre par le traité du 23 Juillet mil huit cent soixante deux.

Seront également appliqués aux dites marchandises les dégrèvements opérés par les traités conclus par la Belgique avec la Suisse le onze Décembre mil huit cent soixante deux, avec l'Italie le neuf Avril mil huit cent soixante trois, avec les Pays Bas le douze Mai mil huit cent soixante trois, et avec la France également le douze Mai mil huit cent soixante trois.

Il est convenu que la Belgique étendra aussi aux Etats-Unis les réductions de tarif qui pourraient résulter de ses traités subséquents avec d'autres puissances.

## ARTICLE IV.

The United States, in view of the proposition made by Belgium to regulate, by a common accord, the capitalization of the Scheldt dues, consents to contribute to this capitalization under the following conditions:—

A. The capital sum shall not exceed thirty-six millions of francs.

B. Belgium shall assume for its part one-third of that amount.

C. The remainder shall be apportioned among the other States, pro rata to their navigation in the Scheldt.

D. The proportion of the United States, to be determined in accordance with this rule, shall not exceed the sum of two millions seven hundred and seventy-nine thousand two hundred francs.

E. The payment of the said proportion shall be made in ten annual instalments of equal amount, which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first instalment shall be payable at Brussels, on the first day of April, eighteen hundred and sixty-four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event, the interest shall commence to run on the date of the first of April, eighteen hundred and sixty-four, above mentioned.

The government of the United States reserves the right of anticipating the payment of the proportion of the United States.

The above-mentioned conditions for the capitalization of the Scheldt dues shall be inserted in a general treaty, to be adopted by a conference of the maritime States interested, and in which the United States shall be represented.

## ARTICLE V.

The articles I. and IV. of the present additional convention shall be perpetual; and the remaining articles shall, together with the treaty of commerce and navigation made between the high contracting parties

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## ARTICLE IV.

Prenant en considération les propositions faites par la Belgique pour régler, d'un commun accord, la capitalisation du péage de l'Escaut, les Etats-Unis consentent à contribuer à cette capitalisation sous les conditions suivantes:—

A. Le capital n'excédera pas une somme de trente-six millions de francs.

B. La Belgique prendra à sa charge le tiers de ce capital.

C. Le reste sera reparté entre les autres Etats, dans la proportion de leur navigation dans l'Escaut.

D. La quote-part des Etats-Unis, devant être fixée d'après cette règle, ne pourra s'élever au-dessus d'une somme de deux millions sept cent septante neuf mille deux cents francs.

E. Le paiement de la dite quote-part sera effectué en dix annuités, d'égale valeur, qui comprendront le capital et les intérêts à quatre pour cent des parties du capital non-échues.

La première annuité sera payable à Bruxelles le 1<sup>er</sup> Avril 1864 ou aussitôt après que le Congrès des Etats-Unis aura voté les fonds nécessaires. Dans tout cas, l'intérêt prendrait cours à partir de la date susdite du premier Avril mil huit cent soixante quatre.

Le Gouvernement des Etats-Unis se réserve d'opérer l'extinction anticipée de sa quote-part.

Les conditions ci-dessus énoncées pour la capitalisation du péage de l'Escaut seront insérées dans un traité général qui sera arrêté par une conférence des Etats maritimes intéressés, conférence dans lequel les Etats-Unis seront représentés.

## ARTICLE V.

La présente convention additionnelle sera perpétuelle en ce qui regarde les articles I. et IV. et, pour le surplus, elle aura, ainsi que le traité du dix-sept Juillet mil huit cent cinquante huit, la même force et la

Contribution of the United States to the capitalization of the Scheldt dues;

not to exceed, &c.;

how to be paid.

Duration of this convention.

|                            |  |   |
|----------------------------|--|---|
|                            | on the seventeenth of July, eighteen hundred and fifty-eight, have the same force and duration as the treaties mentioned in Article III.   | même durée que les traités mentionnés à l'article 3.  |
| Exchange of ratifications. | The ratifications thereof shall be exchanged with the least possible delay.<br>In faith whereof, the respective plenipotentiaries have signed the present convention, and have affixed thereto their seals.  | Les ratifications en seront échangées dans le plus court délai possible.<br>En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.  |
| Signature.                 | Made in duplicate, and signed at Brussels the twentieth day of May, eighteen hundred and sixty-three.<br>H. S. SANFORD. [L. s.]  | Fait en double original et signé à Bruxelles, le vingtième jour du mois de Mai mil huit cent soixante trois.<br>CH. ROGIER. [L. s.]   |
| Declaration annexed.       | Declaration annexed to the additional convention signed this day between the United States and Belgium.<br>The Plenipotentiary of the United States having required that the attributions of the consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian government will continue that examination with the sincere intent to come to an agreement as early as may be possible.   | Déclaration annexée à la convention additionnelle signée en date de ce jour entre les Etats-Unis et la Belgique.<br>Le Plénipotentiaire des Etats-Unis ayant demandé que les attributions des consuls Américains en Belgique fissent l'objet de quelques stipulations nouvelles, et l'étude des dites stipulations n'ayant pu se terminer en temps utile, il est convenu que le Gouvernement Belge en poursuivra l'examen avec la sincère intention d'arriver à un accord le plus tôt possible. |
| Signature.                 | Done at Brussels, in duplicate, the twentieth of May, eighteen hundred and sixty-three.<br>H. S. SANFORD.  | Fait à Bruxelles, en double original, le vingtième jour du mois de Mai mil huit cent soixante trois.<br>CH. ROGIER.   |
| Ratified.                  | And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Brussels on the twenty-fourth of June last:   |   |
| Proclaimed.                | 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.<br>In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.<br>Done at the city of Washington, this eighteenth day of November, in the year of our Lord one thousand eight hundred and<br>[L. s.] sixty-four, and of the Independence of the United States of America the eighty-ninth.<br>ABRAHAM LINCOLN. |   |
|                            | By the President:<br>WILLIAM H. SEWARD, <i>Secretary of State.</i>   |   |

*Treaty for the final Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies between the United States of America and Her Britannic Majesty; concluded July 1, 1863; ratified by the United States, March 2, 1864; ratifications exchanged March 5, 1864; proclaimed by the President of the United States, March 5, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

## A PROCLAMATION.

July 1, 1863.

Preamble.

WHEREAS a treaty between the United States of America and her Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, was concluded and signed at Washington, by their respective plenipotentiaries, on the first day of July, 1863, which treaty is, word for word, as follows:

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies specified in articles III. and IV. of the treaty concluded between the United States of America and Great Britain, on the 15th of June, 1846, have resolved to conclude a treaty for this purpose, and have named as their Plenipotentiaries, that is to say: the President of the United States of America, William H. Seward, Secretary of State; 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:

Contracting parties

ARTICLE I. Whereas by the 3d and 4th articles of the treaty concluded at Washington on the 15th day of June, 1846, between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of the said treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected, and that the farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said company; but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said government at a proper valuation, to be agreed upon between the parties:

Commissioners to be appointed to examine, &c., claims of Hudson's Bay and Puget's Sound Agricultural Companies.

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies, and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of

those rights and claims to the government of the United States for an adequate money consideration :

It is hereby agreed that the United States of America and her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above-quoted articles of the treaty of June 15, 1846.

Commissioners  
to meet where,  
and how to be  
qualified;

ARTICLE II. The commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision, and such declaration shall be entered on the record of their proceedings.

to name an  
umpire.

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 said arbitrator or umpire shall be appointed by the King of Italy, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such arbitrator or umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

If they do not  
agree, King of  
Italy to appoint  
one.

Umpire to be  
qualified.

Vacancy in  
office of umpire,  
how filled.

Decision of  
commissioners,  
&c., to be final.

The United States of America and her Britannic Majesty engage to consider the decision of the two commissioners conjointly, or of the arbitrator or umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

Records of pro-  
ceedings to be  
kept.

Clerks.

Salaries.

ARTICLE III. The commissioners and the arbitrator or umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the commissioners and of the clerk or clerks shall be paid by their respective governments. The salary of the arbitrator or umpire and the contingent expenses shall be defrayed in equal moieties by the two governments.

Awards of com-  
missioners to be  
paid in instal-  
ments.

ARTICLE IV. All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid by the one government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever.

Ratifications,  
when and where  
to be exchanged.

Signature.

ARTICLE V. The present treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier, if possible.

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

Done in duplicate, at Washington, the first day of July, anno Domini one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD.  
LYONS.

[L. S.]  
[L. S.]



And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the second instant, by William H. Seward, Secretary of State of the United States, and the Right Honorable Lord Lyons, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, 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 by  
the President.

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

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States of America and his Majesty the King of the Belgians; Extinguishment of the Scheldt dues; Dated at Brussels, July 20, 1863; Ratified, March 5, 1864; Exchanged, June 24, 1864; Proclaimed by the President, November 18, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 20, 1863.

## A PROCLAMATION.

WHEREAS a treaty between the United States of America and his Majesty the King of the Belgians, for the extinguishment of the Scheldt dues, was concluded and signed by their respective plenipotentiaries, at Brussels, on the twentieth day of July, eighteen hundred and sixty-three, which treaty, being in the English and French languages, is word for word as follows:—

Preamble.

The United States of America and his Majesty the King of the Belgians, equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium, and to facilitate thereby the development of trade and navigation, have resolved to conclude a treaty to complete the convention signed on the 20th of May, 1863, between the United States and Belgium, and have appointed as their plenipotentiaries, namely: The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their minister resident to his Majesty the King of the Belgians; and his Majesty the King of the Belgians, Mr. Charles Rogier, grand officer of the Order of Leopold, decorated with the iron cross, &c., &c., his minister of foreign affairs; who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles:—

### ARTICLE I.

The high contracting parties take note of, and record:—

1st. The treaty concluded on the twelfth of May, eighteen hundred

Les Etats-Unis d'Amérique et sa Majesté le Roi des Belges également animés du désir de libérer à jamais la navigation de l'Escaut du péage qui la grève, d'assurer la réforme des taxes maritimes perçues en Belgique et de faciliter par là le développement du commerce et de la navigation, ont résolu de conclure un traité complétant la convention signée le vingt Mai mil huit cent soixante trois entre les Etats-Unis et la Belgique, et ont nommé pour leurs plénipotentiaires, savoir: Le Président des Etats-Unis d'Amérique, Henri Shelton Sanford, citoyen des Etats-Unis, leur ministre résident près sa Majesté le Roi des Belges, et sa Majesté le Roi des Belges, le Sieur Charles Rogier, grand officier de l'Ordre de Léopold, décoré de la croix de Fer, &c., &c., son ministre des affaires étrangères; lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:—

Contracting parties.

Plenipotentiaries.

### ARTICLE I.

Les hautes parties contractantes prennent acte:—

1<sup>o</sup> du traité conclu le douze Mai mil huit cent soixante trois entre la

Scheldt dues renounced.

and sixty-three, between Belgium and the Netherlands, which will remain annexed to the present treaty, and by which his Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt, and its mouths, by the third paragraph of the 9th article of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, and his Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17,141,640 florins.

Extinguishment applies to all flags.

2d. The declaration made in the name of his Majesty the King of the Netherlands on the fifteenth of July, eighteen hundred and sixty-three, to the plenipotentiaries of the high contracting parties, that the extinguishment of the Scheldt dues consented to by his said Majesty applies to all flags, that these dues can never be reestablished under any form whatsoever, and that this suppression shall not affect in any manner the other provisions of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, which declaration shall be considered inserted in the present treaty, to which it shall remain also annexed.

#### ARTICLE II.

Same subject.

His Majesty the King of the Belgians makes, for what concerns him, the same declaration as that which is mentioned in the second paragraph of the preceding article.

#### ARTICLE III.

Tonnage dues, pilotage, and local taxes.

It is well understood that the tonnage dues suppressed in Belgium, in conformity with the convention of the twentieth of May, eighteen hundred and sixty-three, cannot be reestablished, and that the pilotage dues and local taxes reduced under the same convention cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

Belgique et les Pays Bas, qui restera annexé au présent traité et par lequel sa Majesté le Roi des Pays Bas renonce à jamais au péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'art. 9 du traité du 19 Avril, 1839, et sa Majesté le Roi des Belges s'engage à payer le capital de rachat de ce péage, fixé à 17,141,640 florins.

2° de la déclaration faite au nom de sa Majesté le Roi des Pays Bas, le quinze Juillet mil huit cent soixante trois, aux plénipotentiaires des hautes parties contractantes, et portant que la suppression du péage de l'Escaut, consentie par sa dite Majesté, s'applique à tous les pavillons, que ce péage ne pourra être rétabli sous une forme quelconque, et que cette suppression ne portera aucune atteinte aux autres dispositions du traité du dixneuf Avril mil huit cent trente neuf, déclaration qui sera considérée comme insérée au présent traité, auquel elle restera également annexée.

#### ARTICLE II.

Sa Majesté le Roi des Belges fait, pour ce qui la concerne, la même déclaration que celle qui est mentionnée au paragraphe 2 de l'article précédent.

#### ARTICLE III.

Il est bien entendu que le droit de tonnage supprimé en Belgique conformément à la convention du vingt Mai mil huit cent soixante trois ne pourra être rétabli, et que les droits de pilotage et les taxes locales réduits d'après la même convention ne pourront être relevés.

Le tarif des droits de pilotage et celui des taxes locales à Anvers seront les mêmes pour les Etats-Unis que ceux qui sont inscrits dans les protocoles de la conférence de Bruxelles.

## ARTICLE IV.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues, and the manner, place, and time of the payment thereof, reference is made by the high contracting parties to the convention of the twentieth of May, eighteen hundred and sixty-three.

## ARTICLE V.

The execution of the reciprocal engagements contained in the present treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the high contracting parties.

## ARTICLE VI.

It is well understood that the provisions of Article 3 will only be obligatory with respect to the State which has taken part in, or those which shall adhere to, the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this treaty.

## ARTICLE VII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels, with the least possible delay.

In faith whereof, the respective plenipotentiaries have signed the same in duplicate, and affixed thereto their seals.

Done at Brussels, the twentieth day of July, eighteen hundred and sixty-three.

H. S. SANFORD. [L. s.]

## ARTICLE IV.

En ce qui concerne la quote-part des Etats-Unis dans le capital de rachat du péage de l'Escaut, ainsi que le mode, le lieu, et l'époque du paiement de cette quote-part, les hautes parties contractantes se réfèrent à la convention du vingt Mai mil huit cent soixante trois.

Proportion of the United States.

## ARTICLE V.

L'exécution des engagements réciproques contenus dans le présent traité est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles des hautes parties contractantes.

Execution of this treaty.

## ARTICLE VI.

Il est bien entendu que les dispositions de l'art. 3 ne seront obligatoires qu'à l'égard de l'état qui a pris part ou de ceux qui adhéreront au traité de ce jour, sa Majesté le Roi des Belges se réservant expressément le droit de régler le traitement fiscal et douanier des navires appartenant aux états qui resteront en dehors de ce traité.

Article III. to apply to what States.

## ARTICLE VII.

Le présent traité sera ratifié et les ratifications en seront échangées à Bruxelles, dans le plus court délai possible.

Exchange of ratifications.

En foi de quoi les plenipotentiaries respectifs l'ont signé en double original et y ont apposé leurs cachets.

Fait à Bruxelles, le vingtième jour du mois de Juillet mil huit cent soixante trois.

Date.

CH. ROGIER. [L. s.]

[Translation.]

Treaty between  
Belgium and the  
Netherlands.

*Treaty of May 12, 1863, between  
Belgium and the Netherlands, an-  
nexed to the treaty of July 20,  
1863.*

His Majesty the King of the Belgians and his Majesty the King of the Netherlands, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt, and of its mouths, by paragraph 3 of the 9th article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their plenipotentiaries, namely:—

Plenipotentiaries.

His Majesty the King of the Belgians, M. Aldephonse Alexander Félix, Baron du Jardin, commander of the Order of Leopold, decorated with the iron cross, commander of the Lion of the Netherlands, chevalier grand cross of the Oaken Crown, grand cross and commander of several other orders, his envoy extraordinary and minister plenipotentiary near to his Majesty the King of the Netherlands:

His Majesty the King of the Netherlands, Messrs. Paul Vander Maesen de Sombreff, chevalier grand cross of the Order of the Nichan Ifthar of Tunis, his minister of foreign affairs, M. Jean Rudolphe Thorbecke, chevalier grand cross of the Order of the Lion of the Netherlands, grand cross of the Order of Leopold of Belgium, and of many other orders, his minister of interior, and M. Gerard Henri Betz, his minister of finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:—

## ARTICLE I.

Scheldt dues  
renounced.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,140,640 florins of Holland, the dues levied upon the navigation of the Scheldt, and of its mouths, by virtue of paragraph 3 of article 9 of the treaty of 19th April, 1839.

*Traité du 12 Mai, 1863, entre la  
Belgique et les Pays Bas, annexé  
au traité du vingt Juillet, 1863*

Sa Majesté le Roi des Belges et sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'étant mis d'accord sur les conditions du rachat, par voie de capitalisation, du péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'art. 9 du traité du 19 Avril, 1839, ont résolu de conclure un traité spécial à ce sujet et ont nommé pour leurs plénipotentiaires:

Sa Majesté le Roi des Belges, le Sieur Aldephonse Alexander Felix Baron du Jardin, commandeur de l'Ordre de Léopold, décoré de la Croix de Fer, commandeur du Lion Néerlandais, chevalier grand croix de la Couronne de Chêne, grand croix et commandeur de plusieurs autres ordres, son envoyé extraordinaire et ministre plenipotentiaire près sa Majesté le Roi des Pays Bas:

Sa Majesté le Roi des Pays Bas, Messire Paul Vander Maesen de Sombreff, chevalier grand croix de l'Ordre du Nichan Ifthar de Tunis, son ministre des affaires étrangères; le Sieur Jean Rudolphe Thorbecke, chevalier grand croix de l'Ordre du Lion Néerlandais, grand croix de l'Ordre de Léopold de Belgique et de plusieurs autres ordres, son ministre de l'intérieur; et le Sieur Gérard Henri Betz, son ministre des finances;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivants:—

## ARTICLE I.

Sa Majesté le Roi des Pays Bas renonce à jamais, moyennant une somme de dix-sept millions cent quarante et un mille six cent quarante florins des Pays Bas, au droit perçu sur la navigation de l'Escaut et de ses embouchures en vertu du § 3 de l'art. 9 du traité du 19 Avril, 1839.

## ARTICLE II.

This sum shall be paid to the government of the Netherlands by the Belgian government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47½ cents of the Netherlands, as follows:—

One third immediately after the exchange of ratifications, and the two other thirds in three equal instalments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian government may anticipate the above-named payments.

## ARTICLE III.

From and after the payment of the first instalment of one third, the dues shall cease to be levied by the government of the Netherlands.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum in favor of the treasury of the Netherlands.

## ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound in what concerns the Scheldt by treaties in force.

## ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced —

20 per cent. for sailing vessels.  
25 per cent. for towed vessels, and  
30 per cent. for steam vessels.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

## ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague, within four months, or earlier if possible.

In faith whereof, the plenipoten-

## ARTICLE II.

Cette somme sera payée au gouvernement Néerlandais par le gouvernement Belge à Anvers ou à Amsterdam, au choix de ce dernier, le franc calculé à 47½ cents des Pays Bas, savoir :—

Payment by  
Belgium.

Un tiers sitôt après l'échange des ratifications, et les deux autres tiers en trois termes égaux échéant le 1r Mai, 1864, le 1r Mai, 1865, et le 1r Mai, 1866. Il sera loisible au gouvernement Belge d'anticiper les susdites échéances.

## ARTICLE III.

A dater du paiement du premier tiers, le péage cessera d'être perçu par le gouvernement des Pays Bas.

Duties, when to  
cease to be levied.

Les sommes non immédiatement soldées porteront intérêt à 4 p. c. l'an, au profit du trésor Néerlandais.

## ARTICLE IV.

Il est entendu que la capitalisation du péage ne portera aucune atteinte aux engagements qui résultent, pour les deux états des traités en vigueur en ce qui concerne l'Escaut.

Treaty engage-  
ments not affect-  
ed.

## ARTICLE V.

Les droits de pilotage actuellement perçus sur l'Escaut sont réduits de 20 p. c. pour les navires à voiles; de 25 p. c. pour les navires remorqués; et de 30 p. c. pour les navires à vapeur.

Pilotage dues.

Il reste d'ailleurs convenu que les droits de pilotage sur l'Escaut ne pourront jamais être plus élevés que les droits de pilotage perçus aux embouchures de la Meuse.

## ARTICLE VI.

Le présent traité sera ratifié et les ratifications en seront échangées à La Haye dans le délai de quatre mois ou plus tôt si faire se peut.

Ratification.

En foi de quoi les plenipotent-

tiaries above named have signed the same and affixed their seals.

Done at the Hague the 12th May, 1863.

BARON DU JARDIN. [L. s.]

P. VANDER MAESEN

DE SOMBREFF. [L. s.]

THORBECKE. [L. s.]

BETZ. [L. s.]

aires susdits l'ont signé et y ont apposé leur cachet.

Fait à La Haye le 12 Mai, 1863.

BARON DU JARDIN. [L. s.]

P. VANDER MAESEN

DE SOMBREFF. [L. s.]

THORBECKE. [L. s.]

BETZ. [L. s.]

[Translation.]

Protocol.

*Protocol of July 15, 1863, annexed to the treaty of July 20, 1863.*

The plenipotentiaries undersigned, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened with respect to the treaty concluded the 12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the minister of the Netherlands to take a place in the conference.

The plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:—

“The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his august sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reestablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839.

“BARON GERIQUE D'HERWYNEN.

“Brussels, July 15, 1863.”

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

BARON GERIQUE D'HERWYNEN. [L. s.]

*Protocole du 15 Juillet, 1863, annexé au traité du 20 Juillet, 1863.*

Les plenipotentiaires soussignés s'étant réunis en conférence pour arrêter le traité général relatif au rachat du péage de l'Escaut, et ayant jugé utile, avant de formuler cet arrangement, de s'éclairer sur la portée du trait conclu le 12 Mai, 1863, entre la Belgique et les Pays Bas ont résolu d'inviter le ministre des Pays Bas à prendre place à cet effet dans la conférence.

Le plenipotentiaire des Pays Bas a bien voulu se rendre à cette invitation et a fait la déclaration suivante:—

Le soussigné, envoyé extraordinaire et ministre plenipotentiaire de sa Majesté le Roi des Pays Bas, déclare, en vertu des pouvoirs spéciaux qui lui ont été délivrés, que la suppression du péage de l'Escaut, consentie par son august souverain, dans le traité du 12 Mai, s'applique à tous les pavillons, que ce péage ne pourra être rétabli sous une forme quelconque, et que cette suppression ne portera aucune atteinte aux autres dispositions du traité du 19 Avril, 1839.

Bruxelles, le 15 Juillet, 1863.

BARON GERIQUE D'HERWYNEN.

Il a été pris acte de cette déclaration, qui sera insérée ou annexée au traité général.

Fait à Bruxelles, le 15 Juillet, 1863.

BARON GERIQUE D'HERWYNEN. [L. s.]



|                    |         |                    |         |
|--------------------|---------|--------------------|---------|
| BARON DE HUGEL.    | [L. s.] | BARON DE HUGEL.    | [L. s.] |
| J. T. DO AMARAL.   | [L. s.] | J. T. DO AMARAL.   | [L. s.] |
| M. CARVALLO.       | [L. s.] | M. CARVALLO.       | [L. s.] |
| P. BILLE BRAHE.    | [L. s.] | P. BILLE BRAHE.    | [L. s.] |
| D. COELLO DE PORT- |         | D. COELLO DE PORT- |         |
| UGAL.              | [L. s.] | UGAL.              | [L. s.] |
| H. S. SANFORD.     | [L. s.] | H. S. SANFORD.     | [L. s.] |
| MALARET.           | [L. s.] | MALARET.           | [L. s.] |
| HOWARD DE WALDEN   |         | HOWARD DE WALDEN   |         |
| ET SEAFORD.        | [L. s.] | ET SEAFORD.        | [L. s.] |
| VON HODENBERG.     | [L. s.] | VON HODENBERG.     | [L. s.] |
| CTE. DE MONTALTO.  | [L. s.] | CTE. DE MONTALTO.  | [L. s.] |
| MAN. YRIGOYEN.     | [L. s.] | MAN. YRIGOYEN.     | [L. s.] |
| VTE DE SEISAL.     | [L. s.] | VTE DE SEISAL.     | [L. s.] |
| SAVIGNY.           | [L. s.] | SAVIGNY.           | [L. s.] |
| ORLOFF.            | [L. s.] | ORLOFF.            | [L. s.] |
| ADALBERT MANS-     |         | ADALBERT MANS-     |         |
| BACH.              | [L. s.] | BACH.              | [L. s.] |
| C. MUSURUS.        | [L. s.] | C. MUSURUS.        | [L. s.] |
| GEFFEKEN.          | [L. s.] | GEFFEKEN.          | [L. s.] |
| CH. ROGIER.        | [L. s.] | CH. ROGIER.        | [L. s.] |
| BN. LAMBERMONT.    | [L. s.] | BN. LAMBERMONT.    | [L. s.] |

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Brussels on the twenty-fourth of June last: — Ratified.

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

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States of America and the Northwestern Bands of Shoshonee Indians, concluded at Box Elder, July 30, 1863; Ratification advised, with Amendments, by the Senate, March 7, 1864; Amendments assented to, November 18, 1864; Proclaimed by the President of the United States, January 17, 1865.*

## ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: July 30, 1863.

WHEREAS a treaty was made and concluded at Box Elder, in the Territory of Utah, on the thirtieth day of July, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty, Commissioner, and Brigadier General P. Edward Connor, on the part of the United States, and the hereinafter named chiefs and warriors of the northwestern bands of Shoshonee Indians, on the part of said bands of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

Articles of agreement made at Box Elder, in Utah Territory, this thirtieth day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by Brigadier-General P. Edward Connor, commanding the military district of Utah, and James Duane Doty, commissioner, and the northwestern bands of the Shoshonee Indians, represented by their chiefs and warriors:

Contracting parties.

ARTICLE I. It is agreed that friendly and amicable relations shall be reëstablished between the bands of the Shoshonee Nation, parties hereto, and the United States; and it is declared that a firm and perpetual peace shall be henceforth maintained between the said bands and the United States.

Peace and friendship.

ARTICLE II. The treaty concluded at Fort Bridger on the 2nd day of July, 1863, between the United States and the Shoshonee Nation, being read and fully interpreted and explained to the said chiefs and warriors, they do hereby give their full and free assent to all of the provisions of said treaty, and the same are hereby adopted as a part of this agreement, and the same shall be binding upon the parties hereto.

Treaty of Fort Bridger assented to.

ARTICLE III. In consideration of the stipulations in the preceding articles, the United States agree to increase the annuity to the Shoshonee nation five thousand dollars, to be paid in the manner provided in said treaty. And the said northwestern bands hereby acknowledge to have received of the United States, at the signing of these articles, provisions and goods to the amount of two thousand dollars, to relieve their immediate necessities, the said bands having been reduced by the war to a state of utter destitution.

Annuity increased.

Receipt.

ARTICLE IV. The country claimed by Pokatello for himself and his people is bounded on the west by Raft River and on the east by the Portneuf Mountains.

Boundary of Pokatello's country.

Done at Box Elder, this thirtieth day of July, A. D. 1863.

JAMES DUANE DOTY,

*Governor and Acting Superintendent of Indian Affairs in Utah Territory.*

P. EDW. CONNOR,

*Brig.-Genl. U. S. Vols., Comd'g Dist. of Utah.*POKATELLO,  
TOOMONTSO,

his x mark, chief.

his x mark, "

|                                      |                   |
|--------------------------------------|-------------------|
| SANPITZ,                             | his x mark, chief |
| TOSOWITZ,                            | his x mark, "     |
| YAHNOWAY,                            | his x mark, "     |
| WEERAHOOOP,                          | his x mark, "     |
| PAHRAGOOSAHD,                        | his x mark, "     |
| TAHKWETOONAH,                        | his x mark, "     |
| OMASHEE, (John Pokatello's brother,) | his x mark, "     |

## Witnesses:

ROBT. POLLOCK, Col. 3d Inf'y, C. V.  
 M. G. LEWIS, Capt. 3d Inf'y, C. V.  
 S. E. JOCELYN, 1st Lieut. 3d Inf'y, C. V.  
 JOS. A. GEBONE, *Indian Interpreter*.  
 JOHN BARNARD, Jr., his x mark, *Special Interpreter*.  
 WILLIS H. BOOTHE, *Special Interpreter*.  
 HORACE WHEAT.

Submitted to  
Senate.

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 seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution, with an amendment, in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }  
 March 7, 1864. }

Ratified with  
amendment.

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "articles of agreement made at Box Elder, in Utah Territory, the thirtieth day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by Brigadier-General P. Edward Connor, commanding the military district of Utah, and James Duane Doty, Commissioner, and the northwestern bands of the Shoshonee Indians, represented by their chiefs and warriors;" with the following amendment:—

At the end of article 4 insert a new article, as follows:

ARTICLE V. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest:

J. W. FORNEY, *Secretary*.Amendment  
assented to.

And whereas the foregoing amendment having been fully interpreted and explained to Pokatello, Toomontso, Sanpitz, Tosowitz, Tahkwetoonah, and Omashee, (John,) Pokatello's brother, chiefs and warriors of the northwestern bands of Shoshonee Indians, they did, on the eighteenth day of November, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit:—

Whereas a treaty of peace and friendship, by "Articles of agreement," was made and concluded at Box Elder, in the Territory of Utah, on the thirtieth day [of] July, A. D. 1863, between the United States, represented by their commissioner, James Duane Doty, and Brigadier-General P. Edward Connor, and Pokatello and other chiefs and warriors of the Shoshonee nation of Indians, which treaty was ratified by the Senate of the United States with the following amendment:—

"ARTICLE 5. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof."

Now, the said amendment having been, this 18th day of November, A. D. 1864, at a council held with the said chiefs and warriors at Box Elder, under the instructions of the President of the United States, submitted to the said chiefs and warriors for their consideration and acceptance, and the same having been read and fully interpreted to them in their own language, the said chiefs and warriors, for themselves and for the Shoshonee nation, do hereby agree and consent to the said amendment to the said treaty; and do stipulate that the same shall be and is hereby accepted and adopted as one of the articles thereof, and forever binding upon them and their said nation.

In witness whereof the said Commissioner and the Superintendent of Indian Affairs in the Territory of Utah, on the part of the United States, and the said chiefs and warriors, on the part of the Shoshonee nation, have hereunto set their hands this eighteenth day of November, A. D. 1864.

Signature.

JAMES DUANE DOTY, *Commissioner.*

O. H. IRISH, *Supt. Indn. Affairs.*

|                                      |             |
|--------------------------------------|-------------|
| POKATELLO,                           | x his mark. |
| TOOMONTSO,                           | x his mark. |
| SANPITZ,                             | x his mark. |
| TOSOWITZ,                            | x his mark. |
| TAHKWETOONAH,                        | x his mark. |
| OMASHEE (John), Pokatello's brother, | x his mark. |

Witnesses :

AMOS REED, *Secretary of Utah Ty.*

ALVIN NICHOLS.

D. B. HUNTINGTON, *U. S. Ind. Interpreter.*

WILLIS BOOTHE, *Special Interpreter.*

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 seventh of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

Proclaimed.

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

Done at the city of Washington, this seventeenth day of January, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians ; concluded in Minnesota, October 2, 1863 ; ratified by the Senate with Amendments, March 1, 1864 ; amendments assented to, April 12, 1864 ; proclaimed by the President of the United States, May 5, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 2, 1863.

WHEREAS a treaty was made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble.

ARTICLES OF A TREATY made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors.

Contracting parties.

ARTICLE I. The peace and friendship now existing between the United States and the Red Lake and Pembina bands of Chippewa Indians shall be perpetual.

Perpetual peace and friendship.

ARTICLE II. The said Red Lake and Pembina bands of Chippewa Indians do hereby cede, sell, and convey to the United States all their right, title, and interest in and to all the lands now owned and claimed by them in the State of Minnesota and in the Territory of Dakota within the following described boundaries, to wit : Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods ; thence in a direct line south-westwardly to the head of Thief River ; thence down the main channel of said Thief River to its mouth on the Red Lake River ; thence in a south-easterly direction, in a direct line towards the head of Wild Rice River, to the point where such line would intersect the north-western boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoshish bands of Chippewa Indians ; thence along the said boundary line of the said cession to the mouth of Wild Rice River ; thence up the main channel of the Red River to the mouth of the Shayenne ; thence up the main channel of the Shayenne River to Poplar Grove ; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot ; thence in a direct line to the head of the main branch of Salt River ; thence in a direct line due north to the point where such line would intersect the international boundary aforesaid ; thence eastwardly along said boundary to the place of beginning.

Lands ceded to the United States.

Boundaries.

Vol. x. p. 1165.

Payment for  
lands ceded.

See *Post*, page  
49.

Proviso.

Amount re-  
served.

Amnesty for  
past offences.

See *Post*, p. 50.

Appropriation  
for former depredations.

Claims, how  
to be audited.

See Amend-  
ment, *Post*, p. 46.

Appropriation  
for powder, lead,  
&c.

Appropriation  
to encourage the  
adoption of hab-  
its of civilized  
life;

for road from  
Leech Lake to  
Red Lake.

Board of visit-  
ors; their ap-  
pointment, duty,  
pay.

Spirituous  
liquors pro-  
hibited.

ARTICLE III. In consideration of the foregoing cession, the United States agree to pay to the said Red Lake and Pembina bands of Chippewa Indians the following sums, to wit: Twenty thousand dollars per annum for twenty years; the said sum to be distributed among the Chippewa Indians of the said bands in equal amounts per capita, and for this purpose an accurate enumeration and enrollment of the members of the respective bands and families shall be made by the officers of the United States: *Provided*, That so much of this sum as the President of the United States shall direct, not exceeding five thousand dollars per year, may be reserved from the above sum, and applied to agriculture, education, the purchase of goods, powder, lead, &c., for their use, and to such other beneficial purposes, calculated to promote the prosperity and happiness of the said Chippewa Indians, as he may prescribe.

ARTICLE IV. And in further consideration of the foregoing cession, and of their promise to abstain from such acts in future, the United States agree that the said Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offences. And in order to make compensation to the injured parties for the depredations committed by the said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, and to enable them to pay their just debts, the United States agree to appropriate the sum of one hundred thousand dollars; it being understood and agreed that the claims of individuals for damages or debt under this article shall be ascertained and audited, in consultation with the chiefs of said bands, by a commissioner or commissioners appointed by the President of the United States, and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs. Furthermore, the sum of two thousand dollars shall be expended for powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands at the first payment.

ARTICLE V. To encourage and aid the chiefs of said bands in preserving order and inducing, by their example and advice, the members of their respective bands to adopt the habits and pursuits of civilized life, there shall be paid to each of the said chiefs annually, out of the annuities of the said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agents according to their respective merits. And for the better promotion of the above objects, a further sum of five hundred dollars shall be paid at the first payment to each of the said chiefs to enable him to build for himself a house. Also, the sum of five thousand dollars shall be appropriated by the United States for cutting out a road from Leech Lake to Red Lake.

ARTICLE VI. 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 at all annuity payments of the said Chippewa Indians, to inspect their fields and other improvements, 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 authority of law; and they shall receive for their services five dollars a 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 VII. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect



throughout the country hereby ceded, until otherwise directed by congress or the President of the United States.

ARTICLE VIII. In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed-blood who is related by blood to the said Chippewas of the said Red Lake or Pembina bands who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of one hundred and sixty acres of land, to be selected at his option, within the limits of the tract of country hereby ceded to the United States, on any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made, and with the laws and regulations of the United States affecting the location and entry of the same.

Grant of 160 acres of land to certain of these Indians.

See amendment, p. 46.

ARTICLE IX. Upon the urgent request of the Indians, parties to this treaty, there shall be set apart from the tract hereby ceded a reservation of (640) six hundred and forty acres near the mouth of Thief River for the chief "Moose Dung," and a like reservation of (640) six hundred and forty acres for the chief "Red Bear," on the north side of Pembina River.

Reservations of 640 acres each for the chiefs Moose Dung and Red Bear.

In witness whereof, the said Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians, have hereunto set their hands, at the Old Crossing of Red Lake River, in the State of Minnesota, this second day of October, in the year of our Lord one thousand eight hundred and sixty-three.

Signature.  
October 2, 1863.

ALEX. RAMSEY,  
ASHLEY C. MORRILL,  
*Commissioners.*

MONS-O-MO, his x mark, Moose Dung, Chief of Red Lake.  
KAW-WASH-KE-NE-KAY, his x mark, Crooked Arm, Chief of Red Lake.  
ASE-E-NE-WUB, his x mark, Little Rock, Chief of Red Lak[e].  
MIS-CO-MUK-QUOH, his x mark, Red Bear, Chief of Pembina.  
ASE-ANSE, his x mark, Little Shell, Chief of Pembina.  
MIS-CO-CO-NOY-A, his x mark, Red Rob, Warrior of Red Lake.  
KA-CHE-UN-ISH-E-NAW-BAY, his x mark, The Big Indian, Warrior of Red Lake.  
NEO-KI-ZHICK, his x mark, Four Skies, Warrior of Red Lake.  
NEBENE-QUIN-GWA-HAWEGAW, his x mark, Summer Wolverine, Warrior of Pembina.  
JOSEPH GORNON, his x mark, Warrior of Pembina.  
JOSEPH MONTREUIL, his x mark, Warrior of Pembina.  
TEB-ISH-KE-KE-SHIG, his x mark, Warrior of Pembina.  
MAY-ZHUE-E-YAUSH, his x mark, Dropping Wind, Head Warrior of Red Lake.  
MIN-DU-WAH-WING, his x mark, Berry Hunter, Warrior of Red Lake.  
NAW-GAUN-E-GWAN-ABE, his x mark, Leading Feather, Chief of Red Lake.

Signed in presence of —

PAUL H. BEAULIEU, *Special Interpreter.*  
PETER ROY, " "  
T. A. WARREN, *U. S. Interpreter.*  
J. A. WHELOCK, *Secretary.*  
REUBEN OTTMAN, " "

GEORGE A. CAMP, Major 8th Regiment Min. Vol.

WILLIAM T. ROCKWOOD,

Capt. Co. K,

“ “

P. B. DAVY, Capt. Co. L, 1st Regt. Min. M. Rangers.

G. M. DWELLE, 2d Lieut. 3d Minn. Battery.

F. RIEGER, Surgeon 8th Regt. M. Vols.

L. S. KIDDER, 1st Lieut. Co. L, 1st M. M. Rangers.

SAM. B. ABBE.

C. A. KUFFER.

PIERRE X BOTTINEAU.

Ratification  
with amend-  
ments.

March, 1, 1864.

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 first day of March, one thousand eight hundred and sixty-four, 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 1, 1864.

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the “Articles of a Treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their chiefs, headmen, and warriors,” with the following

#### AMENDMENTS:

Amendments.

*Ante*, p. 44.

In article 4, strike out in lines 19, 20, and 21, the following words: “and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs.”

Appropriation  
of \$100,000, how  
to be disposed of.

At the end of article 4, insert the following:—

*Provided*, That no part of the sum of one hundred thousand dollars shall be appropriated or paid to make compensation for damages or for the payment of any debts owing from said Indians until the said commissioner or commissioners shall report each case, with the proofs thereon, to the Secretary of the Interior, to be submitted to Congress, with his opinion thereon, for its action; and that, after such damages and debts shall have been paid, the residue of said sum shall be added to the annuity funds of said Indians, to be divided equally upon said annuities.

At the end of article 8, insert the following:—

*Provided*, That no scrip shall be issued under the provisions of this article, and no assignments shall be made of any right, title, or interest at law or in equity until a patent shall issue, and no patent shall be issued until due proof of five years' actual residence and cultivation, as required by the act entitled “An act to secure homesteads on the public domain.”

No scrip to  
issue.

Assignments,  
patents, &c.

Attest:

J. W. FORNEY, *Secretary*.

Amendment.  
Assented to  
April 12, 1864.

And whereas the foregoing amendments having been fully interpreted and explained to May-dwa-gua-no-nind, Mons-o-mo, Ase-e-ne-wub, Mis-co-muk-quah, Naw-gon-e-gwo-nabe, Que-we-zance, May-zha-ke-osh, Bwa-ness, Wa-bon-e-quah-osh, Te-bish-co-ge-shick, Te-besh-co-be-ness, Osh-shay-o-sick, Sa-sa-goh-cum-ick-ish-cum, Kay-tush-ke-wub-e-tung, I-inge-e-gaun-abe, and Que-we-zance-ish, chiefs, headmen, and warriors of the Red Lake and Pembina Bands of Chippewa Indians, they did, in articles

supplementary to this treaty, concluded at the city of Washington, District of Columbia, on the twelfth day of April, one thousand eight hundred and sixty-four, (which articles supplementary have been duly consented to and ratified, and were proclaimed on the twenty-fifth day of April, one thousand eight hundred and sixty-four,) agree and assent to the provisions of this treaty, in an article of the following tenor:—

“ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.”

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 first of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty and amendments thereto. Proclaimed by  
the President.

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

Done at the city of Washington, this fifth day of May, in the year May 5, 1864.

[I. s.] of our Lord one thousand eight hundred and sixty-four, and  
of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States of America and the Tabeguache Band of Utah Indians, concluded October 7, 1863; Ratification advised, with Amendments, by the Senate, March 25, 1864; Amendments assented to, October 8, 1864; Proclaimed by the President of the United States, December 14, 1864.*

## ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 7, 1863.

WHEREAS a treaty was made and concluded at the Tabeguache Agency at Conejos, Colorado Territory, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between John Evans, Michael Steck, Simeon Whiteley, and Lafayette Head, commissioners on the part of the United States, and the hereinafter named chiefs and warriors of the Tabeguache band of Utah Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble.

Contracting parties.

Whereas the Tabeguache band of Utah Indians claim an exclusive right to the following described country as their lands and hunting-grounds within the territory of the United States of America, being bounded and described as follows, to wit :—

Boundaries of lands, &amp;c.

“ Beginning on the 37th degree of north latitude, at the eastern base of the Sierra Madre Mountains; running thence northerly with the base of the Rocky Mountains to the forty-first parallel of north latitude; thence west with the line of said forty-first parallel of north latitude to its intersection with the summit of the Snowy range northwest of the North Park; thence with the summit of the Snowy range southerly to the Rabbit-Ear Mountains; thence southerly with the summit of said Rabbit-Ear range of mountains, west of the Middle Park, to the Grand River; thence with the said Grand River to its confluence with the Gunnison River; thence with the said Gunnison River to the mouth of the Uncompahgre River; thence with the said Uncompahgre River to its source in the summit of the Snowy range, opposite the source of the Rio Grande del Norte; thence in a right line south to the summit of the Sierra La Plata range of mountains, dividing the waters of the San Juan River from those of the Rio Grande del Norte; thence with the summit of said range southeasterly to the thirty-seventh parallel of north latitude; thence with the line of said parallel of latitude to the place of beginning : ”

And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth, the President of the United States of America, by John Evans, Governor of Colorado Territory, and *ex officio* Superintendent of Indian Affairs for the same; Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico; Simeon Whiteley and Lafayette Head, Indian agents, duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabeguache band of Utah Indians, of the other part, have made and entered into the following treaty, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit :—

Authority of  
the United  
States admitted.

ARTICLE I. It is admitted by the Tabeguache band of Utah Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them.

Cession of  
lands.

ARTICLE II. Said Tabeguache band of Utah Indians hereby cede, convey, and relinquish all of their claim, right, title, and interest in and to any and all of their lands within the territory of the United States, wherever situated, excepting that which is included within the following boundaries, viz.:—

Boundary.

Beginning at the mouth of the Uncompahgre River; thence down Gunnison River to its confluence with the Bunkara River; thence up the Bunkara River to the Roaring Fork of the same; thence up the Roaring Fork to its source; thence along the summit of the range dividing the waters of the Arkansas from those of the Gunnison River to its intersection with the range dividing the waters of the San Luis valley from those of the Arkansas River; thence along the summit of said range to the source of the Sandy Creek of the San Luis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of the source of the Uncompahgre River; thence to said source and down the main channel of said Uncompahgre River to its mouth, the place of beginning.

Military posts,  
&c., may be  
established on  
lands not ceded.

ARTICLE III. And it is further agreed that the United States shall have the right to establish one or more military posts, with their needful reservations, upon the lands and hunting-grounds not ceded by the Tabeguache band in this treaty; also the right to locate, construct, and maintain railroads and other roads and highways through the same, and along the routes of United States mail lines, at suitable points, to establish and maintain stations.

Mining.

The right of any citizen of the United States to mine without interference or molestation in any part of the country hereby retained by said Indians, where gold or other metals or minerals may be found, is hereby also conferred and guaranteed. And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited.

Prohibition of  
other settlement.

Mohuache  
band of Utahs.

ARTICLE IV. And the said Tabeguache band hereby gives its consent that the Mohuache band of Utah Indians may also be settled with them upon the lands and hunting-grounds reserved in this treaty.

Protection to  
be given to cer-  
tain persons.

ARTICLE V. And the said Tabeguache band further agrees to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them.

Redress of  
injuries.

ARTICLE VI. That the friendship which is now established between the United States and the Tabeguache band of Utah Indians should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done no private revenge or retaliation shall take place, but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the chiefs of said Tabeguache band, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like

Delivery of  
offenders.

manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Tabeguache band shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the agents or other persons authorized to receive it, that it may be restored to the proper owner. And for such property as any Indian or Indians belonging to said band may have taken from citizens of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proof of the fact. And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Tabeguache band engages, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

Recovery of  
stolen property.

Deduction  
from annuities.

Guaranty by  
the United States.

Surrender of  
white men.

ARTICLE VII. And the chiefs and warriors as aforesaid promise and engage their band will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Munitions of  
war.

ARTICLE VIII. For the period of ten years the said band shall receive, annually, by such distribution as the Secretary of the Interior may direct, ten thousand dollars' worth of goods, and also ten thousand dollars' worth of provisions.

Annuity.

ARTICLE IX. For the purpose of improving their breed of horses, the band shall receive five American stallions the first year after the ratification of this treaty.

Horses.

ARTICLE X. Each family that shall announce through its head to the agent of the band a willingness and determination to begin and follow the pursuits of agriculture, by farming or raising stock and growing wool, upon such lands and according to such regulations as the Secretary of the Interior may prescribe, shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits, viz.:

Donations of  
stock.

Of cattle, one head annually during five years, beginning with the ratification of this treaty.

Of sheep, ten head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life: *Provided, however*, That such stock shall only be donated as long as such family shall in good faith keep and use the same for the purpose indicated in this article.

All the Indians of said band who may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable possession of their said lands and property.

The government also agrees to establish and maintain a blacksmith shop, and employ a competent blacksmith, for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians.

Blacksmith  
and shop.

In testimony whereof, the said commissioners, as aforesaid, and the said chiefs and warriors of the Tabeguache band of Utah Indians, have hereunto set their hands and seals, at the Tabeguache agency, at Conejos, Col-

Signature.

orado Territory, on this the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three.

JNO. EVANS, [SEAL.]  
Gov. C. T., Supt. Ind. Affairs, and Commissioner.

M. STECK, [SEAL.]  
Supt. Ind. Affrs. New Mex. and Commissioner.

SIMEON WHITELEY, [SEAL.]  
U. S. Agent to the Grand River and Uintah

Bands of Utah Indians and Commissioner.  
LAFAYETTE HEAD, [SEAL.]

U. S. Ind. Agt. and Commissioner.

UN-COW-RA-GUT, or Red Color, his x mark. [SEAL.]

SHA-WA-SHE-YET, or Blue Flower, his x mark. [SEAL.]

COLORADO, his x mark. [SEAL.]

U-RAY, or Arrow, his x mark. [SEAL.]

NO-VA-VE-TU-QUAR-ET, or

One that Slides under the Snow. his x mark. [SEAL.]

SA-WA-WAT-SE-WICH, or Blue River, his x mark. [SEAL.]

A-CA-MU-CHE-NE, or Red Wind, his x mark. [SEAL.]

MU-CHU-CHOP, or Lock of Hair, his x mark. [SEAL.]

SA-PATCH, or White Warm, his x mark. [SEAL.]

CINCHE, or Left Hand. [SEAL.]

Witnesses to the treaty :

JNO. G. NICOLAY, *Secretary to the Commission.*

CHAS. E. PHILLIPS, *Assist. Secretary to Commission.*

J. W. CHROUGHTON, Col. 1st Cav. of Col'do, Comd'g Dist.

SAMUEL F. TAPPAN, Lieut.-Col. 1st Cav. of Colorado.

CHARLES KERBER, Capt. 1st Cavl. of Colorado.

J. P. BENESTEEL, Capt. 1st Cav. of Col.

Interpreters :

JUAN V. VALDES.

BERNARDO SANCHEZ, his x mark.

AMADOR SANCHEZ, his x mark.

Submitted to  
S. rate.

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-fifth day of March, one thousand eight hundred and sixty-four, 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 U. STATES, }  
March 25, 1864. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty concluded on the seventh day of October, eighteen hundred and sixty-three, at Conejos, Colorado Territory, between John Evans, Governor and *ex officio* Superintendent of Indian Affairs of said Territory, Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico, Simeon Whiteley and Lafayette Head, Indian agents, commissioners on the part of the United States, and the chiefs and warriors of the Tabeguache band of Utah Indians," with the following

Amendments.

AMENDMENTS :

Page 1, line 2, of the preamble, after the word "claim" insert: *as against all other Indian tribes.*



Page 3, in lines 37 to 43, inclusive, strike out of the preamble the following words: "And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth."

Page 5, article 2, line 5, after the word "all," strike out the words "of their."

" 5, " 2, line 8, after the word "boundaries," insert: *which are hereby reserved as their hunting-grounds, viz.:*

" 5, " 2, line 18, strike out the word "Arkansas," and insert in lieu thereof: *Gunnison's Fork of the Great Colorado.*

" 5, " 2, strike out from the word "to," in line 20, to the word "the," in line 33, the following words: "the source of the Sandy Creek of the San Louis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of."

" 6, " 2, in line 34, after the word "thence," strike out the word "to" and insert: *from.*

" 6, " 2, after line 36, insert the following words: *Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said Territory from Mexico by the laws thereof.*

" 7, " 3, line 12, strike out the words "the right of."

" 7, " 3, line 13, strike out the word "to," and insert: *may, in lieu thereof.*

" 7, " 3, line 15, strike out the words "retained by," and insert in lieu thereof the words: *reserved to.*

" 7, " 3, after the word "found," in line 16, strike out the following words: "is hereby also conferred and guaranteed. And for all other purposes excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited."

" 9, " 5, line 5, strike out the word "country;" insert in lieu thereof: *reservation.*

" 11, " 6, line 29, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 37, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 45, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 49, after the word "citizen," insert: *or white resident.*

" 15, " 10, line 2, strike out the words "Each family," and after the word "that" in same line insert: *in case the chiefs of said band.*

Page 15, article 10, line 2, after the word "announce," strike out the words "through its head."

" 15, " 10, line 3, after the word "agent," strike out the words "of the band."

" 15, " 10, line 4, after word "determination," insert: *on their part and on the part of their people.*

" 15, " 10, line 5, after the word "follow," strike out the words "the pursuits of agriculture," and insert in lieu thereof: *agricultural or pastoral pursuits.*

" 15, " 10, line 7, after the word "lands," insert: *to be selected and set apart within said reservation.*

" 15, " 10, line 9, before the word "shall," insert: *they.*

" 15, " 10, line 12, after the word "cattle," strike out the word "one," and insert in lieu thereof: *not exceeding one hundred and fifty.*

" 15, " 10, line 15, after the word "sheep," strike out the word "ten," and insert in lieu thereof: *not exceeding one thousand.*

" 15, " 10, line 17, after the word "five," insert: *hundred.*

" 15, " 10, line 24, after the word "such," strike out the word "family;" insert in lieu thereof the word: *chiefs.*

" 15, " 10, at the end of line 26, insert the following words: *And provided, That the amount expended under this article shall not exceed ten thousand dollars annually.*

Attest:

J. W. FORNEY, *Secretary,*  
By W. HICKEY, *Chief Clerk.*

And whereas the foregoing amendments having been fully interpreted and explained to Un-cow-ra-gut, or Red Color, Sha-wa-she-yet, or Blue Flower, U-ray, or Arrow, Ne-va-ve-tu-quar-et, or One who Slides under the Snow, Colorado, Sa-wa-wat-se-wich, or Blue River, Can-i-yet, Camileon, or Camelion, and Nan-tos, chiefs and warriors of the Tabeguache band of Utah Indians, they did, on the eighth of October, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit:—

Assent to  
amendments.

We, the undersigned, chiefs and warriors of the Tabeguache band of Utah Indians, with the concurrence of said band, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States on the 25th day of March, A. D. one thousand eight hundred and sixty-four, to the treaty concluded by us with the United States, on the 7th day of October, A. D. one thousand eight hundred and sixty-three, the same having been fully explained to us in full council assembled, by John Evans, commissioner on the part of the United States, appointed for the purpose.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Conejos, Colorado Territory, this 8th day of October. A. D. one thousand eight hundred and sixty-four.

|                                 |             |         |
|---------------------------------|-------------|---------|
| UN-COW-RA-GUT, or Red Color,    | his x mark. | [SEAL.] |
| SHA-WA-SHE-YET, or Blue Flower, | his x mark. | [SEAL.] |
| U-RAY, or Arrow,                | his x mark. | [SEAL.] |
| NE-VA-VE-TU-QUAR-ET, or         |             |         |

|                                   |             |         |
|-----------------------------------|-------------|---------|
| One who Slides under the Snow,    | his x mark. | [SEAL.] |
| COLORADO,                         | his x mark. | [SEAL.] |
| SA-WA-WAT-SE-WICH, or Blue River, | his x mark. | [SEAL.] |
| CAN-I-YET,                        | his x mark. | [SEAL.] |
| CAMILEON, or Camelion,            | his x mark. | [SEAL.] |
| NAN-TOS,                          | his x mark. | [SEAL.] |

Witnesses :

JNO. EVANS, *Com'r.*

LAFAYETTE HEAD, *U. S. Ind. Agt.*

SIMEON WHITELEY, *U. S. Indian Agt.*

L. B. McLAIN, *Interpreter.*

his

MARTIN x RODRIGES, *Interpreter.*

mark.

CHARLES KERBER, *Capt. Cavl. of Colorado.*

GEO. H. STILWELL, *Adj. 1st Cav. of Col.*

A. E. B. SOPRIS, *Lt. 3d Regt. Col. Cavalry.*

A. SAYENDORF.

WM. J. GODFREY.

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 25th of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

Ratified.

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

Proclaimed.

Done at the city of Washington, this fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

[SEAL.]

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States of America and the Shoshonee-Goship Bands of Indians, concluded at Tuilla Valley, October 12, 1863; Ratification advised, with Amendment, by the Senate, March 7, 1864; Amendment assented to, November 24, 1864; Proclaimed by the President of the United States, January 17, 1865.*

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 12, 1863.

WHEREAS a treaty was made and concluded at Tuilla Valley, in the Territory of Utah, on the twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty and P. Edward Connor, Commissioners, on the part of the United States, and the hereinafter-named chiefs, principal men, and warriors of the Shoshonee-Goship bands of Indians, on the part of said bands of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit : — Preamble.

Treaty of peace and friendship made at Tuilla Valley, in the Territory of Utah, this twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by the undersigned, Commissioners, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors, as follows : Contracting parties.

ARTICLE I. Peace and friendship is hereby established and shall be hereafter maintained between the Shoshonee-Goship bands of Indians and the citizens and government of the United States ; and the said bands stipulate and agree that hostilities and all depredations upon the emigrant trains, the mail and telegraph lines, and upon the citizens of the United States, within their country, shall cease. Peace and friendship.

ARTICLE II. It is further stipulated by said bands that the several routes of travel through their country now or hereafter used by white men shall be forever free and unobstructed by them, for the use of the government of the United States, and of all emigrants and travellers within it under its authority and protection, without molestation or injury from them. And if depredations are at any time committed by bad men of their own or other tribes within their country, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences may deserve ; and the safety of all travellers passing peaceably over either of said routes is hereby guaranteed by said bands. Routes through their country to be free and peaceful.

Military posts may be established by the President of the United States along said routes, or elsewhere in their country ; and station-houses may be erected and occupied at such points as may be necessary for the comfort and convenience of travellers, or for the use of the mail or telegraph companies. Surrender of offenders.

ARTICLE III. The telegraph and overland stage lines having been established and operated by companies under the authority of the United States through the country occupied by said bands, it is expressly agreed that the same may be continued without hindrance, molestation, or injury Military posts and station-houses.

Telegraph and overland stage lines.

from the people of said bands, and that their property, and the lives and property of passengers in the stages, and of the employees of the respective companies, shall be protected by them.

Railway and  
branches.

And further, it being understood that provision has been made by the government of the United States for the construction of a railway from the plains west to the Pacific Ocean, it is stipulated by said bands that the said railway or its branches may be located, constructed, and operated, and without molestation from them, through any portion of the country claimed or occupied by them.

Mines, mills,  
and ranchos.

ARTICLE IV. It is further agreed by the parties hereto that the country of the Goship tribe may be explored and prospected for gold and silver, or other minerals and metals; and when mines are discovered they may be worked, and mining and agricultural settlements formed and ranchos established wherever they may be required. Mills may be erected and timber taken for their use, as also for building and other purposes, in any part of said country.

Timber.

Boundaries.

ARTICLE V. It is understood that the boundaries of the country claimed and occupied by the Goship tribe, as defined and described by said bands, are as follows: On the north by the middle of the Great Desert; on the west by Steptoe Valley; on the south by Tooele, or Green Mountains; and on the east by Great Salt Lake, Tuilla and Rush valleys.

Reservations.

ARTICLE VI. The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become settled as herdsmen or agriculturists, he is hereby authorized to make such reservations for their use as he may deem necessary; and they do also agree to remove their camps to such reservations as he may indicate, and to reside and remain thereon.

Residence  
thereon.

Annuities.

ARTICLE VII. The United States being aware of the inconvenience resulting to the Indians, in consequence of the driving away and destruction of game along the routes travelled by white men, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same. Therefore, and in consideration of the preceding stipulations, and of their faithful observance by said bands, the United States promise and agree to pay to the said Goship tribe, or to the said bands, parties hereto, at the option of the President of the United States, annually, for the term of twenty years, the sum of one thousand dollars, in such articles, including cattle for herding or other purposes, as the President shall deem suitable for their wants and condition either as hunters or herdsmen. And the said bands, for themselves and for their tribe, hereby acknowledge the reception of the said stipulated annuities as a full compensation and equivalent for the loss of game and the rights and privileges hereby conceded; and also one thousand dollars in provisions and goods at and before the signing of this treaty.

Cattle.

Receipt.

JAMES DUANE DOTY, *Commissioner.*

P. EDW. CONNOR,

*Brig.-Genl. U. S. Vols., Comd'g Dist. of Utah.*

TABBY, his x mark.

ADASEIM, his x mark.

TINTSA-PA-GIN, his x mark.

HARRAY-NUP, his x mark.

Witnesses:—

AMOS REED.

CHAS. H. HEMPSTEAD, *Capt. and Chief Commissary Dist. of Utah.*

WILLIAM LEE, *Interpreter.*

JOS. A. GEBON, *Interpreter.*

Submitted to  
the Senate.

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

seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution, with an amendment, in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }  
March 7, 1864. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty of peace and friendship, made at Tuilla Valley, in the Territory of Utah, *this* [the] twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their commissioners, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors," with the following

Amendment.

#### AMENDMENT.

At the end of article 7, insert a new article, as follows: —

ARTICLE VIII. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest:

J. W. FORNEY, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to Tabby, Adaseim, Tintsa-pa-gin, and Dick Moni, chiefs, principal men, and warriors of the Shoshonee-Goship bands of Indians, they did, on the twenty-fourth day of November, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit: —

Amendment  
assented to.

Whereas a treaty of peace and friendship was made and concluded at Tuilla Valley, in the Territory of Utah, on the 12th day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their Commissioner, James Duane Doty, and Brigadier-General P. Edward Connor, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors; which treaty was ratified by the Senate of the United States on the 7th day of March, 1864, with the following amendment: —

"Article VIII. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof."

Now, the said amendment having been, this 24th day of November, A. D. 1864, at a council held with the said chiefs, principal men, and warriors, at Tuilla Valley, under the instructions of the President of the United States, submitted to the said chiefs, principal men, and warriors, for their consideration and acceptance, and the same having been read, and fully interpreted to them in their own language, the said chiefs, and principal men, and warriors, for themselves and for the Shoshonee-Goship bands of Indians, do hereby agree and consent to the said amendment to the said treaty; and do stipulate that the same shall be and hereby is accepted and adopted as one of the articles thereof, and forever binding upon them and their said nation.

In witness whereof the said Commissioner and the Superintendent of Indian Affairs in the Territory of Utah, on the part of the United States, and the said chiefs, principal men, and warriors, on the part of the Sho-

Signatures.

shonee-Goship bands of Indians, have hereunto set their hands this twenty-fourth day of November, A. D. one thousand eight hundred and sixty-four.

JAMES DUANE DOTY, *Commissioner.*

O. H. IRISH, *Supt. Indian Affairs.*

|                |             |
|----------------|-------------|
| TABBY,         | his x mark. |
| ADASEIM,       | his x mark. |
| TINTSA-PA-GIN, | his x mark. |
| DICK MONI,     | his x mark. |

Witnesses :—

AMOS REED, *Secretary of Utah Territory.*

D. B. HUNTINGTON, *U. S. Interpreter.*

WILLIAM LEE, *Special Interpreter.*

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 seventh of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

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

Done at the city of Washington, this seventeenth day of January,  
in the year of our Lord one thousand eight hundred and sixty-  
[SEAL.] five, and of the Independence of the United States the  
eighty-ninth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Convention between the United States of America and the United States of Colombia ; Dated at Washington, February 10, 1864 ; Ratified by the President of the United States of America, July 9, 1864 ; Exchanged at Washington, August 19, 1865 ; Proclaimed by the President of the United States of America, August 19, 1865.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Feb. 10, 1864.

## A PROCLAMATION.

WHEREAS a convention between the United States of America and the United States of Colombia was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four, supplemental to that of the tenth of September, eighteen hundred and fifty-seven, which convention, being in the English and Spanish languages, is, word for word, as follows:—

Preamble.

Whereas a convention for the adjustment of claims was concluded between the United States of America and the Republic of New Granada, in the city of Washington, on the 10th September, 1857, which convention, as afterwards amended by the contracting parties, was proclaimed by the President of the United States on the 8th November, 1860;

And whereas the joint commission organized under the authority conferred by the preceding mentioned convention did fail, by reason of uncontrollable circumstances, to decide all the claims laid before them under its provisions, within the time to which their proceedings were limited by the 4th article thereof;

The United States of America and the United States of Colombia—the latter representing the late Republic of New Granada—are desirous that the time originally fixed for the duration of the commission should be so extended as to admit the examination and adjustment of such claims as were presented to, but not settled by, the joint commission aforesaid, and to this end have named plenipotentiaries to agree upon the best mode

Por cuanto una convencion para el arreglo de reclamaciones se celebró entre la República de la Nueva Granada i los Estados Unidos de América, en la ciudad de Washington, el 10 de Setiembre, de 1857, cuya convencion, como se enmendó despues por las partes contratantes, fué proclamada por el Presidente de los Estados Unidos el 8 de Noviembre de 1860;

Contracting parties.

I por cuanto la comision mixta organizada de acuerdo con la autorizacion conferido por la convencion ya mencionada, dejó de decidir, por circunstancias insuperables, las reclamaciones que se le presentaron segun sus disposiciones, dentro del término á que sus procedimientos estaban limitados por el artículo 4º de la misma;

I por cuanto los Estados Unidos de Colombia, que representan la estinguida República de la Nueva Granada, i los Estados Unidos de América, desean que se estienda el tiempo que se fijó originalmente para la duracion de la comision, para que pueda admitir el exámen i la decision de aquellas reclamaciones que se presentaron á la comision mixta ya mencionada, pero que no feuron decididas par ella, han nombrado con este objeto plenipotenciarios para que

Plenipotentiaries.

of accomplishing this object — that is to say, the President of the United States of America, William H. Seward, Secretary of State of the United States of America, and the President of the United States of Colombia, Señor Manuel Murillo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia ;

Who, having exchanged their full powers, have agreed as follows :—

ARTICLE I.

Time for termination of commission extended.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission shall be extended for a period not exceeding nine months from the exchange of ratifications of this convention, it being agreed that nothing in this article contained shall in any other wise alter the provisions of the convention above referred to ; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner, and with the duties and powers respectively expressed in the said former convention.

Commissioners.  
Umpire.

ARTICLE II.

Ratifications, when to be exchanged.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

Signatures.

In witness whereof the respective plenipotentiaries have signed the same, and have hereunto affixed their seals.

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

WM. H. SEWARD. [L. s.]  
M. MURILLO. [L. s.]

Ratifications exchanged.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on this day, by William Hunter, Acting Secretary of State of the United States, and Eustorjio Salgar, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia, on the part of their respective governments :

Now, therefore, be it known, that I, ANDREW JOHNSON, Presi-

convengan en el mejor medio de llevarlo á cabo, á saber, el Presidente de los Estados Unidos de Colombia al Señor Manuel Murillo, Enviado Extraordinario i Ministro Plenipotenciario de los Estados Unidos de Colombia, i el Presidente de los Estados Unidos de América á William H. Seward, Secretario de Estado de los Estados Unidos de América ;

Quienes, despues de cambiar sus plenos poderes, han convenido en lo siguiente :—

ARTICULO 1º.

Las altas partes contratantes convienen en que el tiempo limitado en la convencion ya mencionada para la terminacion de la comision, se estienda por un periodo que no sea mayor de nueve meses, contados desde el canje de las ratificaciones de esta convencion, bien entendido que nada de lo contenido en este artículo de ninguna manera altera las disposiciones de la convencion ya mencionada ; i que las partes contratantes nombrarán de nuevo comisionados, i un arbitro se elejirá tambien de nuevo, en los términos, i con los deberes i los poderes que se espresan respectivamente en dicha convencion anterior.

ARTICULO 2º.

La presente convencion será ratificada, i las ratificaciones serán canjeadas en Washington tan pronto como sea posible.

En testimonio de lo cual, los respectivos plenipotenciarios hemos firmado esta convencion, i sellado con nuestros sellos.

Hecha en Washington, el décimo dia de Febrero del año del Señor mil ochocientos sesenta i cuatro.

M. MURILLO. [L. s.]  
WM. H. SEWARD. [L. s.]

dent 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 of America and the citizens thereof.

Proclaimed.

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

Done at the city of Washington, this nineteenth day of August, in the year of our Lord one thousand eight hundred and sixty-five,  
[L. S.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President

WILLIAM H. SEWARD, *Secretary of State.*



*Supplementary Articles to the Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians, concluded at Washington, April 12, 1864; ratified by the Senate April 21, 1864; proclaimed by the President of the United States April 25, 1864.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: April 12, 1864.

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twelfth day of April, in the year of our Lord one thousand eight hundred and sixty-four, by and between Clark W. Thompson and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Warriors of the Red Lake and Pembina bands of Chippewa Indians, on behalf of and duly authorized thereto by said bands, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES SUPPLEMENTARY to the treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina bands of Chippewa Indians, by their chiefs, headmen, and warriors, concluded at the city of Washington, District of Columbia, on the twelfth day of April, in the year eighteen hundred and sixty-four, between the United States, by the said commissioners, of the one part, and the said bands of Chippewa Indians, by their chiefs, headmen, and warriors, of the other part.

Supplementary articles.

Contracting parties.

ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.

Assent to treaty of October 2, 1863, as amended.

ARTICLE II. In consideration of the cession made by said treaty, concluded at the Old Crossing of Red Lake River, and in lieu of the annuity payment provided for by the third article of said last-mentioned treaty, the United States will pay annually, during the pleasure of the President of the United States, to the Red Lake band of Chippewas the sum of ten thousand dollars, and to the Pembina band of Chippewas the sum of five thousand dollars, which said sums shall be distributed to the members of said bands, respectively, in equal amounts per capita, for which purpose an accurate enumeration and enrollment of the members of the respective bands shall be made by the officers of the United States.

Payment in lieu of annuity by former treaty.

Ante, p. 44.

ARTICLE III. The United States will also expend annually, for the period of fifteen years, for the Red Lake band of Chippewas, for the purpose of supplying them with gilling twine, cotton mater, calico, linsey, &c.

Annual expenditures for blankets, provisions, &c.

blankets, sheeting, flannels, provisions, farming-tools, and for such other useful articles, and for such other useful purposes as may be deemed for their best interests, the sum of eight thousand dollars; and will expend in like manner, and for a like period, and for like purposes, for the Pembina band of Chippewas, the sum of four thousand dollars.

Blacksmith,  
physician, miller,  
farmer, iron,  
steel, &c.

ARTICLE IV. The United States also agree to furnish said bands of Indians, for the period of fifteen years, one blacksmith, one physician, one miller, and one farmer; and will also furnish them annually, during the same period, with fifteen hundred dollars' worth of iron, steel, and other articles for blacksmithing purposes, and one thousand dollars for carpentering, and other purposes.

Saw-mill and  
millstones.

ARTICLE V. The United States also agree to furnish for said Indians at some suitable point, to be determined by the Secretary of the Interior, a saw-mill with a run of millstones attached.

Modification  
of article iv. of  
former treaty.

ARTICLE VI. It is further agreed, by and between the parties hereto, that article four of the said treaty, concluded at the Old Crossing of Red Lake River, and the amendment to said article, shall be modified as follows: that is to say, twenty-five thousand dollars of the amount thereby stipulated shall be paid to the chiefs of said bands, through their agent, upon the ratification of these articles, or so soon thereafter as practicable, to enable them to purchase provisions and clothing, presents to be distributed to their people upon their return to their homes; of which amount five thousand dollars shall be expended for the benefit of their chief, May-dwa-gwa-no-nind; and that from the remaining seventy-five thousand dollars the claims of injured parties for depredations committed by said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, shall have priority of payment, and be paid in full, and the remainder thereof shall be paid pro rata upon the debts of said tribe incurred since the first day of January, in the year eighteen hundred and fifty-nine, to be ascertained by their agent in connection with the chiefs, in lieu of the commissioner or commissioners provided for in the fourth article of said treaty concluded at the Old Crossing of Red Lake River.

Scrip to issue  
to mixed bloods  
in lieu of lands.

*Ante*, p. 44.

ARTICLE VII. It is further agreed by the parties hereto, that, in lieu of the lands provided for the mixed bloods by article eight of said treaty concluded at the Old Crossing of Red Lake River, scrip shall be issued to such of said mixed bloods as shall so elect, which shall entitle the holder to a like amount of land, and may be located upon any of the lands ceded by said treaty, but not elsewhere, and shall be accepted by said mixed bloods in lieu of all future claims for annuities.

Signature.

In testimony whereof, the said commissioners, on behalf of the United States, and the said chiefs, headmen, and war[r]iors, on behalf of the Red Lake and Pembina bands of Chippewa Indians, have hereunto affixed their hands and seals this twelfth day of April, in the year eighteen hundred and sixty-four.

April 12, 1864.

CLARK W. THOMPSON, [SEAL.]  
ASHLEY C. MORRILL, [SEAL.]  
*Commissioners.*

Principal Red Lake chief, MAY-DWA-GUA-NO-NIND, (He  
that is spoken to.)

his x mark. [SEAL.]

Red Lake chief, MONS-O-MO, (Moose-dung.)

his x mark. [SEAL.]

Red Lake chief ASE-E-NE-WUB, (Little Rock.)

his x mark. [SEAL.]

Principal Pembina chief, MIS-CO-MUK-QUAH, (Red Bear.)

his x mark. [SEAL.]

Red Lake headman, NAW-GON-E-GWO-NABE, (Leading Feather,) his x mark. [SEAL.]  
 Red Lake war[r]ior, QUE-WE-ZANCE, (The Boy,) his x mark. [SEAL.]  
 Red Lake headman, MAY-ZHA-KE-OSH, (Dropping Wind,) his x mark. [SEAL.]  
 Red Lake headman, BWA-NESS, (Little Shoe,) his x mark. [SEAL.]  
 Red Lake headman, WA-BON-E-QUA-OSH, (White Hair,) his x mark. [SEAL.]  
 Pembina headman, TE-BISH-CO-GE-SHICK, (Equal Sky,) his x mark. [SEAL.]  
 Red Lake warrior, TE-BESH-CO-BE-NESS, (Straight Bird,) his x mark. [SEAL.]  
 Red Lake warrior, OSH-SHAY-O-SICK, (no interpretation,) his x mark. [SEAL.]  
 Red Lake warrior, SA-SA-GOH-CUM-ICK-ISH-CUM, (He that makes the ground tremble,) his x mark. [SEAL.]  
 Red Lake warrior, KAY-TUSH-KE-WUB-E-TUNG, (no interpretation,) his x mark. [SEAL.]  
 Pembina warrior, I-INGE-E-GAUN-ABE, (Wants Feathers,) his x mark. [SEAL.]  
 Red Lake warrior, QUE-WE-ZANCE-ISH, (Bad Boy,) his x mark. [SEAL.]

Signed in presence of —

P. H. BEAULIEU, *Special Interpreter.*  
 J. G. MORRISON, “ “  
 PETER ROY, “ “  
 T. A. WARREN, *U. S. Interpreter.*  
 CHAS. E. GARDELL.  
 CHARLES BOTTENEAU.

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-first day of April, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit : —

Ratification,  
 April 21, 1864.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }  
 April 21, 1864. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of “The articles supplementary to the treaty made and concluded at the Old Crossing of the Red Lake River, in the State of Minnesota, on the 2d day of October, in the year 1863, between the United States of America, by their commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina bands of Chippewa Indians, by their chiefs, headmen, and warriors, concluded at the city of Washington, District of Columbia, on the 12th day of April, in the year 1864, between the United States, by the said commissioners, of the one part, and the said bands of Chippewa Indians, by their chiefs, headmen, and warriors, of the other part.”

Attest :

J. W. FORNEY, *Secretary.*

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 twenty-first of April, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty.

Proclaimed by  
 the President,  
 April 25, 1864.

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

Done at the city of Washington, this twenty-fifth day of April,  
[L. s.] in the year of our Lord one thousand eight hundred and  
sixty-four.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*



*Treaty between the United States of America and the Chippewas of the Mississippi and Pillager and Lake Winnebagoish Bands of Chippewa Indians in Minnesota, concluded May 7, 1864; Ratification advised, with an Amendment, by the Senate, February 9, 1865; Amendment assented to, February 14, 1865; Proclaimed by the President of the United States, March 20, 1865.*

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : May 7, 1864.

WHEREAS a treaty was made and concluded at the City of Washington, in the District of Columbia, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-four, by and between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief Que-we-zance, or Hole-in-the-day, and Mis-qua-dace, or Turtle, on the part of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoish 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 seventh day of May, A. D. 1864, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief Hole-in-the-day, and Mis-qua-dace, for and on behalf of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoish 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 twenty-second of 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, and one section of land, to be located by the Secretary of the Interior, on the southeast side of Gull Lake, and which is hereby granted in fee simple to the chief Hole-in-the-day, and a section to chief Mis-qua-dace, at Sandy Lake, in like manner, and one section to chief Shaw-vosh-kung, at Mille Lac in like manner.

Gull lake and other reservations ceded to the United States, except, &c.  
Vol. x. p. 1166.

Grant to John Johnson.

Hole-in-the-day.  
Mis-qua-dace.  
Shaw-vosh-kung.

ARTICLE II. In consideration of the foregoing cession, the United States agree to set apart for the future home 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 Winnebagoish bands; that is to say, beginning at a point one mile south of the most southerly point of Leach Lake, and running thence in an easterly course to a point one mile south of the most southerly point

Reservation for the Chippewas of the Mississippi.

Boundaries.

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 Mashkordens River and lakes, until a point is reached north of the first-named river and lakes ; thence in a direct line northwesterly to the outlet of Two Routs Lake, then in a southwesterly direction to Turtle Lake, thence southwesterly to the head water of Rice River, thence northwesterly along the life of the Red Lake reservation to the mouth of Thief River, thence down the centre of the main channel of Red Lake River to a point opposite the mouth of Black River, thence southeasterly in a direct line with the outlet of Rice Lake to a point due west from the place of beginning, thence to the place of beginning.

Annuities to be extended for ten years.

Payments towards settlement for depredations, and to the chiefs.

Payments for clearing, &c., lots in reservation.

See Art. xiv.

Houses for chiefs.

Oxen, ploughs, and agricultural implements to be furnished.

Carpenters, blacksmiths, laborers, and physician.

Saw-mill.

Road, bridges, &c.

Buildings.

Board of visitors to be present at annuity payments, make inspection, and report annually.

ARTICLE III. In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree, first, to extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties ; second, and to pay towards the settlement of the claims for depredations committed by said Indians in 1862, the sum of twenty thousand dollars ; third, to the chiefs of the Chippewas of the Mississippi, ten thousand dollars, to be paid upon the ratification of this treaty ; and five thousand dollars to the chief Hole-in-the-day, for depredations committed in burning his house and furniture in 1862.

ARTICLE IV. The United States further agree to pay seven thousand five hundred (\$7,500) dollars for clearing, stumping, grubbing, breaking, and planting, on 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 Secretary of the Interior may select, as follows, viz : For the Gull Lake band, seventy (70) acres ; for the Mille Lac band, seventy (70) acres ; for the Sandy Lake band, fifty (50) acres ; for the Pokagomin band, fifty (50) acres ; for the Rabbit Lake band, forty (40) acres ; for the Rice Lake band, twenty (20) acres ; and to expend five thousand dollars (\$5,000) in building for the chiefs of said bands one house each, under the direction of the Secretary of the Interior.

ARTICLE V. The United States agree to furnish to said Indians, parties to this treaty, ten (10) 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 (200) grubbing hoes, ten (10) ploughs, ten (10) grindstones, one hundred (100) axes, handled, not to exceed in weight three and one half pounds each, twenty (20) spades, and other farming implements, provided it shall not amount to more than fifteen hundred dollars in one year ; also two carpenters, and two blacksmiths, and four farm laborers, and one physician.

ARTICLE VI. The United States further agree to pay annually one thousand dollars (\$1000) towards the support of a saw-mill to be built for the common use of the Chippewas of the Mississippi and the Red Lake and Pembina bands of Chippewa Indians, so long as the President of the United States may deem it necessary ; and to expend in building a road, bridges, &c., to their new agency seven thousand five hundred dollars (\$7,500) ; and to expend for new agency buildings to be located by the Secretary of the Interior for the common use of the Chippewas of the Mississippi, Red Lake, and Pembina, and Pillager and Lake Winnebagoish bands of Chippewa Indians, twenty-five thousand dollars (\$25,000).

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.

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 (\$150), to be determined by their agent according to their respective merits.

Chiefs with bands of less than fifty not to be recognized.

Gratuities.

ARTICLE IX. To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, trader, or other employees 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 benefit from this or any former treaties, and may be expelled from the reservation.

Agents, teachers, &c., to have families.

Improper persons not to have benefits of treaties.

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 requests of the chiefs, may recommend it; provided that no change shall take place oftener than once in two years.

Payment of annuities.

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.

Preference given to full or mixed bloods as laborers.

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 reservations, until, &c.

See Amendment, p. 88.

ARTICLE XIII. Female members of the family of any government employe[e] 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.

Certain females may be paid as teachers.

Proviso.

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, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863.

Provision for clearing, &c., lands to be in lieu of former provisos.

Vol. xii. p. 1249.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-quadace, on behalf of Indians parties to this treaty, have here-

Signature.

unto set their hands and affixed their seals this seventh day of May, A. D. one thousand eight hundred and sixty-four.

W. P. DOLE, *Commr. Ind. Affairs.*  
CLARK W. THOMPSON, *Supt. Ind. Affairs.*  
QUE-ZE-ZANCE, or HOLE-IN-THE-DAY, his x mark.  
MIS-QUA-DACE, or TURTLE, his x mark.

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

Signed in presence of  
PETER ROY, *Special Interpreter.*  
BENJN. THOMPSON.

Ratified by the  
Senate 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 ninth day of February, one thousand eight hundred and sixty-five, advise and consent to the ratification of the same, with an amendment, in the words and figures following, to wit :—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }  
WASHINGTON, February 9, 1865. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington *this* [the] seventh day of *March*, [May,] A. D. 1864, between Wm. P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief [s], Hole-in-the-day and Mis-qu-a-dace, for and on behalf of the Chippewas of the Mississippi, Pillager, and Lake Winnebagoishish bands of Chippewa Indians in Minnesota with the following

Amendment.

AMENDMENT.

Add to article twelve the following proviso :—

*Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

Attest: J. W. FORNEY, *Secretary.*

Amendment  
assented to.

And whereas the foregoing amendment having been fully interpreted and explained to Que-we-zance, or Hole-in-the-day, he did, in behalf of the Indians concerned, on the fourteenth day of February, one thousand eight hundred and sixty-five, give his free and voluntary assent to the same, in the words and figures following, to wit :—

WASHINGTON CITY, D. C. }  
February 14th, 1865. }

The amendment to Article XII. of the foregoing treaty, in the following words, viz :—

“ *Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct,” having been made at my instance, I, in behalf of the Indians concerned, do hereby assent thereto.

QUE-WE-ZANCE, or HOLE-IN-THE-DAY, his x mark.

Signed in presence of  
ASHTON S. H. WHITE,  
CHARLES E. MIX,  
PAUL H. BEAULIEU, *Interpreter*,  
PETER ROY, “

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 ninth of February, one thousand eight hundred and sixty-five, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

Proclaimed

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

Done at the city of Washington, this twentieth day of March,  
in the year of our Lord one thousand eight hundred and sixty-  
[SEAL] five, and of the Independence of the United States the  
eighty-ninth.

ABRAHAM LINCOLN,

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

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*Treaty between the United States of America and the Republic of Honduras; Concluded at Comayagua, July 4, 1864; Ratified by the President of the United States, March 9, 1865; Ratifications exchanged at Tegucigalpa, May 5, 1865; Proclaimed by the President of the United States, May 30, 1865.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 4, 1864.

### A PROCLAMATION.

WHEREAS a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Honduras was concluded and signed by their respective plenipotentiaries at Comayagua, on the fourth day of July, one thousand eight hundred and sixty-four, which treaty, being in the English and Spanish languages, is, word for word, as follows:—

Preamble.

*Treaty of friendship, commerce, and navigation, between the United States of America and the Republic of Honduras.*

*Tratado de Amistad, Comercio y Navegacion, entre la República de Honduras y los Estados Unidos de América.*

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

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

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras;

And his Excellency, the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

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

Habiendo tráfico comercial establecido hace algun tiempo, entre la República de Honduras y los Estados Unidos, ha parecido conveniente, para la seguridad, como tambien para el fomento de sus mútuos intereses, y para la conservacion de la buena inteligencia entre la mencionada República y los Estados Unidos, que las relaciones que ahora existen entre ambas partes, sean reconocidas y confirmadas formalmente, por medio de un tratado de amistad, comercio, y navegacion.

Contracting parties.

Con esto objeto, han sido nombrados los respectivos plenipotenciarios, á saber:

Por su Excelencia el Presidente de la República de Honduras, el Señor Licenciado Don Manuel Colindres, Ministro de Relaciones Exteriores de dicha República;

Plenipotenciaries.

Y por el Presidente de los Estados Unidos, Thomas H. Clay, Ministro Residente de los Estados Unidos en la República de Honduras;

Quienes, despues de haberse comunicado mútuamente sus plenos poderes y halládoslos en debida y regular forma, han acordado y concluido los artículos siguientes:—

## ARTICLE I.

Peace and am-  
ity. There shall be perpetual amity between the United States and their citizens on the one part, and the government of the Republic of Honduras and its citizens on the other.

## ARTICLE II.

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

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

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

## ARTICLE III.

Privileges of  
most favored na-  
tion. It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the foot-

## ARTICULO I.

Habrá una perpetua amistad entre el gobierno de la República de Honduras y sus ciudadanos por una parte, y los Estados Unidos y sus ciudadanos por otra parte.

## ARTICULO II.

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

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

Por el derecho de entrar én parages, puertos, y ríos de que se hace relacion; en este artículo, no está comprendido el privilegio del comercio de escala y cabotage, que únicamente será permitido á buques nacionales del país donde se hiciere semejante comercio.

## ARTICULO III.

Siendo la intencion de las dos altas partes contratantes, el obligarse por los artículos precedentes á tratarse la una á la otra en los mismos



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

## ARTICLE IV.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed on the importation into the territories of the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

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

## ARTICULO IV.

No se impondrán otros ó mas altos derechos á la importacion en los territorios de la República de Honduras, de cualesquiera artículos del producto natural, producciones, ó manufacturas de los territorios de los Estados Unidos, ni se impondrán otros ó mas altos derechos á la importacion en los territorios de los Estados Unidos de cualesquiera artículos del producto natural, producciones, ó manufacturas de la República de Honduras, que los que se pagan ó pagaren por semejantes artículos, cuando sean producto natural, producciones, ó manufacturas de cualquiera otro pais extranjero; ni se impondrán otros ó mas altos derechos ó impuestos en los territorios de cualquiera de las altas partes contratantes á la exportacion de cualesquiera artículos para los territorios de la otra, que los que se pagan ó pagaren por la exportacion de iguales artículos para cualquiera otro pais extranjero; ni se impondrá prohibicion alguna á la exportacion ó importacion de cualesquiera artículos del producto natural, producciones ó manufacturas de los territorios de la República de Honduras, ó de los territorios de los Estados Unidos para los dichos, ó de los dichos territorios de la República de Honduras; ó para los dichos, ó de los dichos territorios de los Estados Unidos, que no se extiendan igualmente á todas las otras naciones.

Duties on imports

Duties on exports

## ARTICLE V.

Tonnage, harbor, pilotage, &c., dues.

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

## ARTICLE VI.

Duties same on imports and exports in vessels of either country.

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

Bounties and drawbacks to be the same.

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

## ARTICULO V.

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

## ARTICULO VI.

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

Los mismos derechos pagaran y gozarán las mismas franquicias y descuentos concedidos á la exportacion para los territorios de los Estados Unidos, cualesquiera artículos de los productos naturales, producciones, ó manufacturas de la República de Honduras, ya sea que la exportacion se haga en buques de los Estados Unidos ó en los de Honduras; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos á la exportacion para la República de Honduras, de cualesquiera artículos de los productos naturales, producciones, ó manufacturas de los territorios de los Estados Unidos, sea que esta exportacion se haga en buques de Honduras ó en los de los Estados Unidos.

## ARTICLE VII.

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

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras under the same conditions.

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

## ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, ex-

## ARTICULO VII.

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

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

## ARTICULO VIII.

Por lo que toca á la policía de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes y efectos, la sucesion de las propiedades personales por testamento, ó de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó deno-

Rights of United States citizens in Honduras;

of citizens of Honduras in the United States.

Courts of justice equally open.

Other privileges of citizens of both countries the same.

change, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

Estates of persons deceased.

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

#### ARTICLE IX.

Exemption from compulsory military service.

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

#### ARTICLE X.

Diplomatic agents and consuls.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved

minacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, así como tambien á la administracion de justicia, los ciudadanos de las dos altas partes contratantes gozarán, recíprocamente, los mismos privilegios, libertades y derechos, que si fueran ciudadanos nativos, y no se les cargará en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, ó en adelante pagaren los ciudadanos nativos, sujetos por supuesto á las leyes y estatutos locales de cada país respectivamente.

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

#### ARTICULO IX.

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

#### ARTICULO X.

Cada una de las dos altas partes contratantes podrá nombrar cónsules, para la proteccion del comercio, que residan en qualquiera de los territorios de la otra parte; pero antes que ningun cónsul funcione como tal, deberá ser aprobado y ad-

and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted. The diplomatic agents and consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the diplomatic agents and consuls of the most favored nation.

## ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and, if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining, and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably,

mitido en la forma acostumbrada por el gobierno á quien se dirige; y cualquiera de las altas partes contratantes puede exceptuar de la residencia de cónsules aquellos puntos particulares, en que no tengan por conveniente admitirlos. Los agentes diplomáticos y los cónsules de la República de Honduras gozarán en los territorios de los Estados Unidos de todos los privilegios, exenciones é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favorecida; y del mismo modo, los agentes diplomáticos y cónsules de los Estados Unidos, en los territorios de la República de Honduras gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, exenciones ó inmunidades que se conceden, ó en adelante se concedieren, á los agentes diplomáticos y cónsules de la nacion mas favorecida, en la República de Honduras.

## ARTICULO XI.

Para mayor seguridad del comercio entre los ciudadanos de los Estados Unidos y los ciudadanos de la República de Honduras, se estipula que si en algun tiempo ocurriere desgraciadamente una interrupcion en las relaciones amistosas, y se efectuare, un rompimiento entre las dos altas partes contratantes, se concederán á los ciudadanos de cualquiera de las dos altas partes contratantes, que estén dentro de los territorios de la otra, si residen en las costas, seis meses, y un año entero á los que residen en el interior, para arreglar sus negocios y disponer de sus propiedades; y se les dará un salvo conducto, para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos ciudadanos de cualquiera de las dos altas partes contratantes que estén establecidos en cualquiera de los territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho tráfico y ocupacion, en el referido pais, sin que se les interrumpa en manera alguna en el goze absoluto de su libertad y de sus bienes,

Residence.

Rights of citizens in case of war between the two countries.

and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

## ARTICLE XII.

Liberty of person;

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

of religious belief.

Rights of burial.

## ARTICLE XIII.

Right to terminate certain articles of this treaty upon notice.

In order that the two high contracting parties may have the opportunity of hereafter treating and

mientras se conduzcan, pacíficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos de cualquiera clase que sean, bien que estén bajo su propia custodia ó confiados á individuos ó al Estado, no estarán sujetos á embargo ó secuestro, ni á ninguna carga ó imposición que la que se haga con respecto á los efectos ó bienes pertenecientes á los ciudadanos del país en que dichos ciudadanos residan. De igual modo ó en el mismo caso, ni las deudas entre particulares, ni los fondos públicos ni las acciones de compañías serán jamás confiscadas, secuestradas, ó detenidas.

## ARTICULO XII.

Los ciudadanos de la República de Honduras y los ciudadanos de los Estados Unidos, que residan en cualquiera de los territorios de la otra parte gozarán recíprocamente en sus casas, personas, y bienes, de la protección del gobierno, y continuarán en posesión de las garantías que actualmente tienen. No serán inquietados, molestados, ni perturbados en manera alguna, en razón de su creencia religiosa, ni en los ejercicios propios de su religión, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los territorios de las dos altas partes contratantes; con tal que respeten la religión de la nación en que residan, así como la constitución, leyes, y costumbres establecidas. Tendrán también libertad de enterrar á los ciudadanos de cualquiera de las dos altas partes contratantes, que murieren en los referidos territorios, en sus propios cementerios, que podrán del mismo modo libremente establecer y mantener; y no se molestarán los funerales ni los sepulcros de los muertos, de ningún modo ni por motivo alguno.

## ARTICULO XIII.

Para que las dos altas partes contratantes tengan, en lo futuro, oportunidad de tratar y ajustar cuales-

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

## ARTICLE XIV.

Inasmuch as a contract was entered into by the government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company" for the construction of a railway from the Atlantic to the Pacific oceans, through the territories of Honduras, which contract was ratified by the constitutional powers of the State, and proclaimed as a law on the 28th day of April, 1854; and inasmuch as, by the terms of article 5, section 6, of said contract, the government of Honduras, with "the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engages to open negotiations with the various governments with which it may have relations for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore, to carry out the obligations thus incurred:

1. The government of Honduras agrees that the right of way or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the government and citizens of the United States for all lawful pur-

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

## ARTICULO XIV.

En atencion á que ha sido concluido un contrato entre el gobierno de Honduras y una Compañia intitulada "Compañia del Camino de Hierro Inter-oceánico de Honduras," para construir un ferro y carril entre el Atlántico-el Pacífico, por el territorio de Honduras, cuyo contrato fué ratificado por los poderes supremos del Estado el 28 de Abril de 1854; y en atencion á que, segun el artículo 5, seccion 6, de dicho contrato, "el gobierno de Honduras, con objeto de asegurar la ruta de toda interrupcion ó disturbio, por cualquiera causa ó circunstancia, se obliga á abrir negociaciones con los gobiernos con quienes tenga relaciones, acerca del reconocimiento y perpetua neutralidad y proteccion de la ruta referida:"—para llenar esta obligacion:

Honduras Inter-oceanic Railway Company.

1º. El gobierno de Honduras conviene en que el derecho de tránsito por dicha ruta, ó cualquiera otra que se construya por su territorio, de mar á mar, será en todo tiempo abierta y libre para el gobierno y ciudadanos de los Estados Unidos, para todo objeto legal. Nin-

Right of transit, &c.

poses whatever. No tolls, duties, or charges of any kind shall be imposed by the government of Honduras on the transit of property belonging to the government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise, or other property belonging to citizens of the United States, passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time, be extended to citizens of the United States; and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras, of her own good-will, engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.

Sovereignty and property of Honduras in and over the line of road recognized and guaranteed.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure, for the benefit of mankind, the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees positively and efficaciously the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article. And when the proposed road shall have been completed, the United States equally en-

gun impuesto, derecho ó carga de cualquier especie, se impondrá por el gobierno de Honduras, en el tránsito, á toda propiedad que pertenezca al gobierno de los Estados Unidos, á las malas públicas enviadas bajo su autoridad, ni sobre los ciudadanos de la misma nacion. Y todo producto legal, manufacturas, mercancías ó propiedades de los ciudadanos Norte-Americanos, que pasen en aquella direccion, no serán sujetas á ningun derecho de importacion ó exportacion, ni á arbitrarios impuestos ó cargas de tránsito, y serán aseguradas y protegidas de toda interrupcion ó detencion de parte del estado. Tambien se obliga el gobierno de la República de Honduras, á que todo privilegio ó ventaja comercial ó de cualquiera especie, que se conceda á súbditos ó ciudadanos de otra nacion, será igualmente estensible á los ciudadanos de los Estados Unidos; y por último, como una prueba de su disposicion á conceder al tránsito y comercio del mundo todas las ventajas que presenta su posicion respecto á los dos oceanos, Honduras se obliga á establecer puertos francos, los dos de las estremidades de la línea, para todo objeto de comercio legal.

2º. En consideracion á estas concesiones, para asegurar la construccion y permanencia de la ruta referida, así como las ventajas que su no interrupcion ofrece al género humano, el gobierno de los Estados Unidos reconoce los derechos de soberanía y propiedad de Honduras sobre la línea de la ruta; y por la misma razon garantiza positiva y eficazmente su entera neutralidad, en tanto que el gobierno de los Estados Unidos goce de los privilegios concedidos en el artículo anterior. Y cuando el camino proyectado sea concluido, el gobierno de los Estados Unidos igualmente se compromete á protegerlo, en union con el de Honduras, de toda interrupcion, ataque



gages, in conjunction with Honduras, to protect the same from interruption, seizure, or unjust confiscation, from whatsoever quarter the attempt may proceed.

3°. Nevertheless, the United States, in according its protection to the said route or road, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

## ARTICLE XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

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

Done at Comayagua this fourth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

THOS. H. CLAY. [L. s.]  
M. COLINDRES. [L. s.]

ó injusta confiscacion de cualquiera parte que proceda.

3°. No obstante, debe entenderse que al conceder el gobierno de los Estados Unidos su proteccion y garantía sobre la neutralidad de la ruta, es con la condicion de que la retirará si las personas que componen la compañía adoptan ó establecen regulaciones concernientes al tráfico, contrarias al espíritu é intencion de este artículo, ya sea haciendo distinciones en favor de alguna nacion ó naciones, ó sobre el comercio de alguna de ellas, imponiendo exacciones opresivas sobre los pasajeros, buques, efectos, mercancías ó artículos. Pero el gobierno de los Estados Unidos, no retirará dicha proteccion y garantía, sin dar aviso al de Honduras seis meses ántes.

Protection and guaranty may be withdrawn.

## ARTICULO XV.

El presente tratado será ratificado, y las ratificaciones cambiadas en Comayagua en el término de un año, ó ántes si posible fuese.

Ratifications, when to be exchanged.

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

Signatures.

Hecho en la ciudad de Comayagua, el dia cuatro de Julio, del año de nuestro Señor mil ochocientos sesenta y cuatro.

M. COLINDRES. [L. s.]  
THOS. H. CLAY. [L. s.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Tegucigalpa on the fifth day of May last:

Now, therefore, be it known, that I, ANDREW JOHNSON, 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.

## TREATY WITH HONDURAS. JULY 4, 1864.

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

Done at the city of Washington, this thirtieth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of [SEAL.] the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President :

W. HUNTER, *Acting Secretary of State.*

*Treaty of Amity, Commerce, and Navigation, and for the Extradition of Fugitive Criminals, between the United States of America and the Republic of Hayti; Concluded and Signed at Port-au-Prince, November 3, 1864; Ratified by the President of the United States, May 18, 1865; Ratifications Exchanged at Washington, May 22, 1865; Proclaimed by the President of the United States, July 6, 1865.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Nov. 3, 1864.

## A PROCLAMATION.

WHEREAS a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals, between the United States of America and the Republic of Hayti, was concluded and signed at Port-au-Prince, on the third day of November, in the year of our Lord one thousand eight hundred and sixty-four, which treaty, being in the English and French languages, is word for word as follows:—

Preamble.

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, 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 amity, commerce, and navigation, and for the extradition of fugitive criminals.

La République d'Haïti et les Etats Unis de l'Amérique, désirant rendre durables et solides l'amitié et la bonne entente, qui règnent heureusement entre les deux nations et asseoir leurs relations commerciales sur les bases les plus libérales, ont résolu de fixer d'une manière claire, nette, et positive, les règles qui devront être, à l'avenir, religieusement, suivies, entre l'une et l'autre, au moyen d'un traité d'amitié, de commerce et de navigation, ainsi que d'extradition de criminels fugitifs.

Contracting parties.

For this purpose they have appointed as their plenipotentiaries, to wit: the President of the United States, Benjamin F. Whidden, commissioner and consul-general of the United States to the Republic of Hayti; and the President of Hayti, Boyer Bazelais, chef d'escadron, his aide-de-camp and secretary, who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles:—

Dans ce but, ils ont appointé pour leurs plenipotentiaires, à savoir: le Président d'Haïti, le Sieur Boyer Bazelais, chef d'escadron, son aide-de-camp et son secrétaire; et le Président des Etats Unis, le Sieur Benjamin F. Whidden, commissaire et consul-général des Etats Unis près la République d'Haïti; lesquels, après une mutuelle communication de leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles ci-après:—

Plenipotentiaries.

### ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere

### ARTICLE I.

Il y aura paix parfaite, solide, et inviolable, et amitié sincère entre la Peace and amity.

friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

## ARTICLE II.

Privileges of most favored nation. The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or state, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other government, nation, or state, shall have been gratuitous; or in return for an equivalent compensation, if the concession shall have been conditional.

## ARTICLE III.

Rights in case of war. If by any fatality (which cannot be expected, and which God forbid) 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; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their ves-

République d'Haïti et les Etats Unis d'Amérique, dans toute l'étendue de leurs possessions et territoire et entre leur peuple et citoyens, respectivement, sans distinction de personnes ni de lieux.

## ARTICLE II.

La République d'Haïti et les Etats Unis d'Amérique, désirant vivre en paix et en harmonie avec toutes les autres nations de la terre, au moyen d'une politique franche et également amicale envers toutes, sont convenus que toute faveur, exemption, privilèges ou immunités quelconques, en matière de commerce ou de navigation, que l'une des deux parties a accordés ou pourra, par la suite, accorder aux citoyens ou sujets de tout autre gouvernement, nation, ou état, s'étendront, en identité de cas et de circonstances, aux citoyens de l'autre partie contractante, gratuitement, si la concession en faveur de cet autre gouvernement, nation, ou état, a été gratuite; ou en retour d'une compensation équivalente, si la concession a été conditionnelle.

## ARTICLE III.

Si, par quelque fatalité, (à laquelle on ne peut s'attendre et que Dieu détourne!) les deux nations venaient à être en guerre entre elles, le délai de six mois, après la déclaration d'une telle guerre, sera accordé aux négociants et autres citoyens et habitants, respectivement de chaque côté, durant lequel délai, ils seront libres de se retirer avec leurs effets et mobiliers, qu'ils auront le droit d'emporter, de faire partir ou de vendre, comme bon leur semblera, sans le moindre empêchement; et ne pourront leurs effets, bien moins leurs personnes, être saisis durant ce délai de six mois; immunité, qui ne doit être, en aucune manière, entendue comme empêchant l'exécution des engagements civils et commerciaux existants; tout au contraire des passe-ports, qui seront valables pour le temps que nécessitera leur retour, leur seront donnés pour leurs

vessels and their 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.

## ARTICLE IV.

Neither the money, debts, shares in the public funds or in banks, or any other property, of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

## ARTICLE V.

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 duty 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 VI.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general 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 respectively, as well in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws.

navires et les effets qu'ils voudront emporter ou expédier, et de tels passe-ports seront un sauf-conduit contre les insultes et les captures que des corsaires pourraient tenter contre leurs personnes et leurs effets.

## ARTICLE IV.

Ni l'argent, les créances, les actions dans les fonds publics ou dans les banques, ni aucune autre propriété de l'une ou de l'autre partie, ne pourront jamais, en cas de guerre ou de différend national, être séquestrés ou confisqués.

Property not to be confiscated.

## ARTICLE V.

Les citoyens de chacune des hautes parties contractantes résidant ou établis sur le territoire de l'autre, seront exempts de toute contrainte au service militaire, sur terre comme sur mer, de tous emprunts forcés et de toutes exactions ou réquisitions militaires; ils ne pourront pas, non plus être obligés à fournir contribution en aucune manière plus fortement ou autrement que les nationaux.

Exemption from compulsory military duty.

## ARTICLE VI.

Il sera permis aux citoyens de chacune des parties contractantes d'entrer, de séjourner, de s'établir et de résider dans toutes les parties du territoire de l'autre; d'entreprendre le commerce, de louer et d'occuper des magasins, pourvu qu'ils se soumettent aux lois tant générales que spéciales concernant le droit de voyager, de résider et de commercer. Tout le temps qu'ils se conformeront aux lois et aux règlements en vigueur, ils seront libres de diriger eux-mêmes leurs propres affaires, sous la juridiction de l'une ou de l'autre partie, respectivement, tant à l'égard de la consignment et de la vente de leurs marchandises, qu'à l'égard du chargement, du déchargement et de l'expédition de leurs navires. Ils pourront aussi employer tels agents ou courtiers qu'ils jugeront convenable d'employer, ceci étant clairement entendu qu'ils sont aussi soumis à la même loi.

Rights of residence and business.

Privileges of courts.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all 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, furnishing security in the cases required: for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

#### ARTICLE VII.

Books and papers not to be examined, unless, &c.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge.

#### ARTICLE VIII.

Liberty of conscience.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions, or worship, 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.

Rights of burial.

#### ARTICLE IX.

Disposal of property by will.

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

Succession to personal property.

Les citoyens des parties contractantes auront libre accès près les tribunaux de justice dans toutes les causes où ils seront intéressés, aux mêmes conditions que les lois et les usages du pays font aux nationaux; fournissant des sûretés dans les cas requis. A l'effet de quoi, ils pourront employer, pour défendre leurs intérêts et leurs droits, tels avocats, procureurs, chargés d'affaires et autres agents qu'ils jugeront convenable de nommer, conformément aux lois et usages du pays.

#### ARTICLE VII.

Aucun examen, ni inspection des livres, papiers ou comptes des citoyens de l'un des deux pays résidant dans les limites de la juridiction de l'autre, ne pourra avoir lieu, sans un ordre légal émané d'un tribunal ou d'un juge compétent.

#### ARTICLE VIII.

Les citoyens de chacune des hautes parties contractantes, résidant sur le territoire de l'autre, jouiront d'une entière liberté de conscience. Ils ne seront ni inquiétés, ni molestés à cause de leurs opinions religieuses et de leur culte, pourvu qu'ils respectent les lois et les coutumes établies du pays. En outre, les corps des citoyens de l'une des parties, qui viendront à décéder sur le territoire de l'autre, seront enterrés dans les cimetières publics, ou dans tous autres lieux convenables de sépulture, qui seront protégés contre toute violation ou toute insulte par les autorités locales.

#### ARTICLE IX.

Les citoyens de chacune des hautes parties contractantes auront, dans la juridiction de l'autre, la faculté de disposer de leurs biens mobiliers par vente, donation, testament, ou autrement; et, leurs successeurs, citoyens de l'autre partie contractante, pourront hériter de leurs biens mobiliers soit par testament, soit *ab-intestat*. Ils pourront en prendre possession soit par eux-

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, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated.

## ARTICLE X.

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 the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, than shall be levied or collected of the vessels of the most favored nation.

And reciprocally whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, than shall be levied or collected of the vessels of the most favored nation.

## ARTICLE XI.

It is also hereby agreed that whatever may be lawfully exported or reexported from the one country in its own vessels, to any foreign country, may in like manner be exported or reexported in vessels of

mêmes, soit par des tiers agissant pour eux, comme ils le voudront, et en disposer sans payer d'autres droits que ceux auxquels sont assujettis, dans les mêmes circonstances, les citoyens du pays, où sont situés les dits biens mobiliers. En l'absence de successeur, il sera pris du bien les mêmes soins qu'en pareille occurrence, la loi ordonne de prendre du bien d'un national, et ce, tandis que celui qui y aura légitimement droit, prendra ses mesures pour se l'assurer. Si, parmi les prétendants, il s'élève une contestation sur la légitimité de leur droit respectif à la propriété, cette contestation sera jugée par les tribunaux de justice du pays où le bien est situé.

## ARTICLE X.

Les hautes parties contractantes conviennent par ces présentes, que les produits, articles manufactures et marchandises de toutes sortes d'un pays étranger quelconque, qui peuvent être de temps à autre, légalement importés aux Etats Unis par leurs propres navires, pourront l'être également par navires d'Haïti, et qu'il ne sera imposé ou prélevé des droits plus élevés ou autres, sur le tonnage ou la cargaison des navires que ceux imposés ou prélevés sur les navires de la nation la plus favorisée. Et, réciproquement, les produits, articles manufactures et marchandises de toutes sortes d'un pays étranger quelconque, qui peuvent être de temps à autre légalement importés à Haïti par ses propres navires, pourront l'être également par navires appartenant aux Etats Unis; et, il ne sera imposé ni prélevé des droits plus forts ou autres, sur le tonnage et la cargaison, que ceux imposés ou prélevés sur les navires de la nation la plus favorisée.

## ARTICLE XI.

Il est de même convenu, par les présentes, que tout ce qui pourra être légalement exporté ou réexporté d'un des deux pays, par ses propres navires pour un pays étranger quelconque, pourra être

Imports.

Exports.

the other; and the same duties, bounties, and drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It is also understood that the foregoing principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from ports of any other nation.

#### ARTICLE XII.

Coasting trade  
not included.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

#### ARTICLE XIII.

Rates of duties.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti 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 Hayti, nor in Hayti, on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country.

No prohibition  
on importation.

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 Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

également exporté ou réexporté par les navires de l'autre; et les mêmes droits seront prélevés, les mêmes primes et drawbacks seront accordés, que pour les navires de la nation la plus favorisée.

Il est aussi entendu que les principes ci-dessus seront appliqués, que les navires aient été expédiés directement des ports de la nation à laquelle ils appartiennent ou des ports de toute autre nation.

#### ARTICLE XII.

Les dispositions de ce traité ne doivent pas être entendues comme s'appliquant au commerce de cabotage des parties contractantes, lequel demeure respectivement réservé, par chacune d'elles, exclusivement pour être réglé par ses propres lois.

#### ARTICLE XIII.

Aucun droit plus élevé ou autre ne sera imposé sur l'importation aux Etats Unis d'un article quelconque, du crû, de la production ou de la fabrication d'Haïti ou de ses pêcheries; aucun droit plus élevé ou autre ne sera imposé sur l'importation en Haïti d'un article quelconque du crû, de la production ou de la fabrication des Etats Unis ou de leurs pêcheries, que ceux qui sont ou seront payés pour les mêmes articles du crû, de la production, de la fabrication de tout autre pays étranger, ou de ses pêcheries.

Il ne sera imposé de droits ou frais autres ou plus élevés aux Etats Unis, sur l'exportation d'un article quelconque pour Haïti, ni en Haïti sur l'exportation d'un article quelconque pour les Etats Unis, que ceux qui sont ou seront payés, à l'exportation des mêmes articles pour n'importe quel pays étranger.

Aucune prohibition ne sera établie contre l'importation, des ports des Etats Unis à ceux d'Haïti ou de ceux d'Haïti à ceux des Etats Unis, d'un article du crû, de la production, de la fabrication des Etats Unis ou de leurs pêcheries, ou d'Haïti et de ses pêcheries, qui ne s'étendra également à tout autre pays étranger.



## ARTICLE XIV.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

## ARTICLE XV.

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 war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels, and placing themselves in a condition to continue their voyage without obstacle 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 that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

## ARTICLE XVI.

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 like cases.

If the repairs which a stranded

## ARTICLE XIV.

Il est convenu par les présentes que si l'une ou l'autre des hautes parties contractantes venait par la suite à établir des droits différentiels sur les produits de tout autre nation, l'autre partie aura la faculté de déterminer l'origine de ses propres produits destinés à entrer dans le pays où les droits différentiels sont établis. Discriminating duties.

## ARTICLE XV.

Toutes les fois que les citoyens de l'une ou de l'autre des parties contractantes se trouveront forcés de chercher refuge ou asile, dans les fleuves, les ports ou les possessions de l'autre, avec leurs navires, soit de commerce soit de guerre, par suite de mauvais temps, de poursuite de pirates ou d'ennemis, ou de manque de provisions ou d'eau, ils seront accueillis et traités avec humanité, recevant toute facilité et protection pour réparer leurs navires et se mettre en état de continuer leur voyage sans obstacle ni empêchement d'aucune sorte. Rights of asylum and refuge.

Et les dispositions de cet article seront applicables aux corsaires, ou navires privés de guerre aussi bien qu'aux navires publics de guerre, jusqu'à ce que les deux hautes parties contractantes aient abandonné ce mode d'hostilité, par suite de l'abandon général du droit de capturer la propriété privée sur les hautes mers.

## ARTICLE XVI.

Quand un navire de l'une des parties aura fait naufrage, aura échoué ou aura été autrement endommagé sur les côtes ou dans la juridiction de l'autre, les citoyens, respectivement, recevront pour eux-mêmes aussi bien que pour leur navire et leurs effets, la même assistance qui eût été due, en pareil cas, aux habitants du pays où l'accident est survenu, et ils seront dans l'obligation de payer les mêmes dépenses et les mêmes frais de sauvetage qu'en semblable circonstance auraient payés les mêmes habitants. Rights of those shipwrecked.

Si les réparations qu'exige un Repairs of vessels.

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 cases by national vessels.

## ARTICLE XVII.

Ships of either country not affected by ownership of merchandise on board, contraband excepted.

It shall be lawful for the citizens of either republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from ports and places of those who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several powers, unless such ports or places are blockaded, besieged, or invested.

## ARTICLE XVIII.

Rules as to blockade, &c.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties 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

navire échoué rendent nécessaire le déchargement de la totalité ou d'une partie quelconque de sa cargaison, il ne sera payé sur la cargaison qui aura été remportée d'autres droits de douane, frais et rétributions, que ceux qu'auraient eu à payer, en pareil cas, les navires nationaux.

## ARTICLE XVII.

Il sera permis aux citoyens de l'une ou de l'autre république de faire voile avec leurs navires et marchandises (les articles de contrebande exceptés) en toute liberté et en toute sécurité, et sans distinction aucune, quant à qui sont propriétaires des marchandises chargées sur ces navires, d'un port quelconque vers les places de ceux qui sont actuellement ou pourront être par la suite en état d'hostilité avec l'une ou l'autre des parties contractantes.

Il sera également permis aux citoyens susdits de faire voile avec leurs navires et marchandises susmentionnées et de commercer avec la même liberté et la même sécurité, non seulement des ports et des places de ceux qui sont ennemis des deux parties ou de l'une d'elles, aux ports de l'autre et aux ports neutres, mais aussi d'une place appartenant à un ennemi à une autre place appartenant à un ennemi, que ces places soient sous la juridiction d'une ou de plusieurs puissances, excepté si les dits ports ou places sont bloqués, assiégés ou investis.

## ARTICLE XVIII.

Et, comme il arrive fréquemment que des navires partent pour un port ou une place appartenant à l'ennemi, sans savoir que ces points sont assiégés, bloqués ou investis, il est ici convenu entre les hautes parties contractantes, que tout navire qui se trouvera dans ce cas pourra être renvoyé de ces ports ou places, mais ne sera pas détenu, ni aucune partie de sa cargaison, si elle n'est de contrebande, confisquée, à moins qu'après l'avis d'un tel blocus ou d'un tel investissement le même navire ne tentât encore d'entrer. Mais il lui

port or place she shall think proper, provided the same be not blockaded, besieged, or invested. 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 XIX.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:—

1. 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 neutral vessels, with the exception of articles contraband of war.

2. That the property of neutrals on board of 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 of 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 enemy. 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 XX.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name

sera permis d'aller vers tout autre port ou place, selon son désir, pourvu que ces derniers points ne soient ni bloqués, ni assiégés, ni investis. Les navires de l'une ou de l'autre des deux parties qui seraient entrés dans de tels ports ou places, avant que ces ports ou places, eussent été effectivement assiégés, bloqués ou investis par l'autre, ne seront pas empêchés de les quitter, avec leurs chargements, et s'ils y sont trouvés après la réduction ou la reddition de la place, ils ne seront pas sujets à confiscation, mais devront être remis à leurs propriétaires.

## ARTICLE XIX.

Les deux hautes parties contractantes reconnaissent comme permanents et immuables les principes ci-après, à savoir:—

1. Que le navire libre fait la marchandise libre, c'est à dire, que les effets et marchandises, appartenant aux sujets ou aux citoyens d'une puissance ou d'un état en guerre, ne peuvent être ni saisis ni confisqués, si on les trouve à bord d'un navire neutre, à moins que ce ne soient des articles de contrebande de guerre.

2. Que la propriété des neutres à bord d'un navire ennemi n'est pas sujette à confiscation, à moins qu'elle ne soit contrebande de guerre.

La même neutralité s'étend aux personnes trouvées à bord d'un navire neutre, avec cette conséquence, à savoir que, quoique ces personnes puissent être des ennemis des deux parties ou de l'une d'elles, elles ne pourront pas être enlevées du dit navire, à moins que ce ne soient des officiers ou des soldats au service actuel de l'ennemi. Les parties contractantes s'engagent à appliquer ces principes au commerce et à la navigation de toutes les puissances et de tous les états qui consentiront à les adopter comme permanents et immuables.

## ARTICLE XX.

La liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à l'exception, seulement, de celles désignées sous le

Recognition of certain principles.

Free ships make free goods.

Property of neutrals.

Contraband of war to include

what goods.

of contraband of war, and under this name shall be comprehended:—

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

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

3. Cavalry belts and horses, with their harness.

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

#### ARTICLE XXI.

Goods not included in list of contraband to be free for commerce.

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 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 the time besieged or blockaded.

#### ARTICLE XXII.

Merchant ships in time of war to exhibit, &c.

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 may be just grounds of suspicion, shall be obliged to exhibit not only their passports but likewise their certificates, showing that their goods are not of the quality of those specified as contraband in this treaty.

#### ARTICLE XXIII.

To avoid all kind of vexation and

nom de contrebande de guerre, et sous ce nom sont compris:—

1. Les canons, mortiers, obusiers, pierriers, espingoles, mousquets, fusils, mousquetons, carabines, pistolets, piques, épées, sabres, lances, javelines, hallebardes, grenades, bombes, poudre, mèches, boulets et tout ce qui tient à l'emploi des armes.

2. Les boucliers, casques, cuirasses, cottes de maille, accoutrements et vêtements militaires confectionnés dans la forme et pour un service militaire.

3. Les ceinturons de cavalerie et les chevaux avec leurs harnais.

4. Et généralement toutes armes offensives et défensives fabriquées avec du fer, de l'acier, du cuivre, de l'airain, ou avec toute autre préparation et dans le but de faire la guerre par terre ou par mer.

#### ARTICLE XXI.

Toutes autres marchandises et tous autres articles, non compris parmi ceux de contrebande explicitement énumérés et classés comme dessus, seront considérés libres et objets d'un commerce libre et légal, et pourront ainsi être transportés de la manière la plus libre, par les citoyens de deux parties contractantes, même à des places appartenant à l'ennemi, à l'exception de celles de ces places qui se trouveront actuellement assiégées ou bloquées.

#### ARTICLE XXII.

En temps de guerre, les bâtiments de commerce appartenant aux citoyens de l'une ou de l'autre des parties contractantes, qui seront expédiés pour un port ennemi de l'une des deux parties, seront, si leur voyage et les articles de leur chargement fournissent de justes motifs de suspicion, tenus d'exhiber non seulement leurs passe-ports, mais encore les certificats dont ils sont porteurs pour prouver que leurs marchandises ne sont pas de la qualité de celles spécifiées comme contrebande par ce traité.

#### ARTICLE XXIII.

Pour éviter toutes sortes de vexa-

abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, it is hereby agreed that when one party shall be engaged in war, and the other party shall be neutral, the vessels of the neutral party shall be furnished with passports, that it may appear thereby that they really belong to citizens of the neutral party. These passports shall be valid for any number of voyages, but shall be renewed every year.

If the vessels are laden, in addition to the passports above named, they shall be provided with certificates, in due form, made out by the officers of the place whence they sailed, so that it may be known whether they carry any contraband goods. And if it shall not appear from the said certificates that there are contraband goods on board, the vessels shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such vessel, and the commander of the same shall offer to deliver them up, that offer shall be accepted; and a receipt for the same shall be given, and the vessel shall be at liberty to pursue her voyage, unless the quantity of contraband goods be greater than can be conveniently received on board the ship-of-war or privateer, in which case, as in all other cases of just detention, the vessel shall be carried to the nearest safe and convenient port for the delivery of the same.

In case any vessel 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 vessel belongs to citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

tion et d'abus dans l'examen des papiers concernant la propriété des navires appartenant aux citoyens des parties contractantes, il est convenu, par les présentes, que, lorsque l'une des parties se trouvera en guerre et que l'autre sera neutre, les bâtiments de la partie neutre seront munis de passe-ports, afin qu'il soit par là évident qu'ils appartiennent réellement à des citoyens de la partie neutre. Ces passe-ports seront valables pour un nombre quelconque de voyages, mais seront renouvelés tous les ans.

Neutral vessels  
to have passports,  
&c.

Si les bâtiments sont chargés, il leur sera, en outre des passe-ports susmentionnés, fourni des certificats, dressés en due forme et délivrés par les officiers de la place du départ, afin que l'on puisse savoir si les dits bâtiments sont porteurs d'articles de contrebande. Et, s'il n'appert pas de ces certificats qu'il existe à bord des articles de contrebande, les bâtiments seront laissés libres de poursuivre leur voyage. S'il résulte, au contraire, de ces certificats que des articles de contrebande existent sur un tel navire, et si le commandant de ce navire offre de s'en dessaisir, cette offre sera acceptée, il lui en sera délivré reçu et le navire sera laissé libre de continuer son voyage, à moins que les articles de contrebande ne soient en trop grande quantité pour pouvoir être commodément reçus à bord du navire de guerre ou du corsaire. Dans ce dernier cas, comme dans tous les autres cas d'une juste détention, le navire sera dirigé sur le port le plus voisin, le plus sûr et le plus convenable pour la délivrance des dits articles.

Dans le cas où un bâtiment n'aura pas été muni d'un passe-port ou de certificats, dont il est nécessaire qu'il soit pourvu d'après ce que dessus, un tel cas sera examiné par un juge ou un tribunal compétent; et s'il appert d'autres documents ou d'autres preuves, admissibles suivant les us et coutumes des nations, que le bâtiment appartient aux citoyens ou aux sujets de la partie neutre, il ne sera pas confisqué, mais sera relâché avec son chargement (les articles de contrebande exceptés) et sera laissé libre de poursuivre son voyage.

## ARTICLE XXIV.

Manner of  
search of vessels.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that, whenever a ship-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 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 all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood 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 purpose whatever.

## ARTICLE XXV.

Ships under  
convoy not to be  
visited or search-  
ed.

It is expressly agreed by the high contracting parties that the stipulations before mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applicable only to ships sailing without a 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 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 XXIV.

Afin de prévenir tout désordre dans la visite et l'examen des bâtiments et des cargaisons des deux parties contractantes sur les hautes mers, il est ici convenu, que, lorsqu'un navire de guerre rencontrera un bâtiment neutre de l'autre partie contractante, le premier se tiendra à une distance convenable, et enverra sa chaloupe avec seulement deux ou trois hommes, pour qu'ils effectuent l'examen des papiers relatifs à la propriété du bâtiment et de son chargement, sans se livrer à aucune exaction, violence ou mauvais traitement, ce dont les commandants des dits navires armés seront responsables de leurs personnes et de leurs biens. Pour cet effet les commandants de tous navires privés armés devront, avant de recevoir leurs commissions, fournir une garantie suffisante pour répondre de tous les dommages qu'ils pourront occasioner; et il est ici convenu et entendu que la partie neutre ne sera, dans aucun cas, appelée sur le navire visitant, ni pour la présentation de ses papiers ni pour aucun autre motif quelconque.

## ARTICLE XXV.

Il est expressément convenu entre les deux hautes parties contractantes que les stipulations ci-dessus concernant la conduite à tenir sur mer par les croiseurs de la partie belligérante envers les bâtiments de la partie neutre ne seront applicables qu'aux bâtiments voyageant sans convoi; que lorsque les dits bâtiments seront convoyés, l'intention des parties étant d'observer tous les égards dûs à la protection du pavillon qui flotte sur les navires publics, il ne sera pas permis de les visiter; mais que la déclaration verbale du commandant du convoi, que les bâtiments escortés par lui appartiennent à la nation, dont il porte le pavillon et n'ont à leur bord aucun article de contrebande, sera considérée comme entièrement suffisante par les croiseurs respectifs, les deux parties s'engageant réciproquement à ne pas admettre sous la protection de leurs convois des bâtiments qui seraient porteurs d'articles de contrebande destinés à un ennemi.

## ARTICLE XXVI.

Whenever 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 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 XXVII.

That proper care may be taken of the vessel and cargo, and embezzlement prevented in time of war, it is hereby agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured vessel from on board thereof, during the time the vessel 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, mate, and passengers, five hundred dollars each, and for the sailors one hundred dollars each.

## ARTICLE XXVI.

Toutes les fois que des bâtiments seront capturés ou détenus pour être conduits dans un port sous la charge d'apporter à l'ennemi des articles de contrebande, le capteur devra fournir reçu de ceux des papiers du bâtiment qu'il aura retenus, lequel reçu sera annexé à une copie des dits papiers; et il ne sera pas permis de briser ou d'ouvrir les panneaux, coffres, malles, barils, colis ou vases trouvés à bord, ni d'enlever la moindre partie des effets, à moins que le chargement ne soit transporté à terre en présence des officiers compétents et qu'il n'en soit, par eux, dressé inventaire. Il ne sera pas non plus permis de vendre, d'échanger ni d'aliéner d'aucune façon les dits articles de contrebande, sans qu'il y ait eu poursuite légale, et que le juge ou les juges compétents aient prononcé contre de tels articles sentence de confiscation.

Provisions in case of captures.

## ARTICLE XXVII.

Afin que des soins convenables soient pris des bâtiments et de leurs chargements, et que toutes malversations soient empêchées, en temps de guerre, il est ici convenu qu'il ne sera pas permis d'éloigner du bord le maître, le commandant ou le subrécargue d'un bâtiment capturé, durant le temps que ce bâtiment sera encore en mer après la capture, ou durant la procédure qui se poursuivra contre le dit bâtiment, sa cargaison ou tout ce qui y a trait; et, dans tous les cas où un bâtiment appartenant à des citoyens de l'une ou de l'autre partie aura été capturé, confisqué et détenu pour être adjugé, ses officiers, ses passagers et son équipage devront être traités avec hospitalité. Ils ne devront pas être emprisonnés, ni être privés d'aucune partie de leurs vêtements, de la possession de leur argent, n'excédant pas pour le capitaine, le subrécargue, le second et les passagers, chacun, cinq cents dollars, et pour les matelots, chacun, cent dollars.

Care of captured property.

## ARTICLE XXVIII.

Prize courts alone to take cognizance of prize cases.

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 all of 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 XXIX.

No duties on prize ships or their captors.

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 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 nation.

## ARTICLE XXX.

Foreign 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

## ARTICLE XXVIII.

Il est de plus convenu que, dans tous les cas, les cours établies pour le jugement des prises seront, dans le pays où les prises seront amenées, seules habiles à en connaître. Et, toutes les fois qu'un tel tribunal de l'une ou de l'autre partie aura prononcé son jugement contre un navire, des marchandises ou des propriétés réclamées par des citoyens de l'autre partie, la sentence ou le décret devra mentionner les raisons et les motifs sur lesquels on s'est fondé; et copie authentique de cette sentence ou de ce décret et de toute la procédure y relative sera, sur sa demande, délivrée au capitaine ou à l'agent du dit bâtiment, et ce, sans délai et moyennant paiement des frais légaux.

## ARTICLE XXIX.

Quand des navires de guerre des deux parties contractantes, ou des navires appartenant à leurs citoyens et armés en guerre, seront admis à entrer avec leurs prises, dans les ports de l'une ou de l'autre partie, ils ne seront obligés de payer aucun droit ni aux officiers de la place, ni aux juges, ni à tous autres; les prises, quand elles arriveront et entreront dans les ports d'une des parties, ne seront non plus ni arrêtées ni saisies, et les officiers de la place ne pourront faire aucune perquisition sur la légalité de telles prises; mais les navires pourront, en tout temps hisser leurs voiles, partir et conduire leurs prises vers les lieux mentionnés dans leurs commissions, que les commandants des dits navires seront tenus d'exhiber. Il est entendu toutefois, que les privilèges conférés par cet article ne s'étendront pas au-delà de ceux accordés soit par la loi, soit par traité avec la nation la plus favorisée.

## ARTICLE XXX.

Il ne sera pas permis à des corsaires étrangers, qui tiennent leurs commissions d'un prince ou d'un état en guerre avec l'une des deux



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.

## ARTICLE XXXI.

No citizen of Hayti 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 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 Hayti, 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 commission or letters of marque, he shall be punished according to their respective laws.

## ARTICLE XXXII.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the envoys, ministers, and other diplomatic agents, of any other

nations; d'équiper leurs navires dans les ports de l'une ou de l'autre, d'y vendre ni d'y échanger, en aucune façon, leurs prises; il ne leur sera pas non plus permis de s'y procurer des provisions, excepté ce qui leur sera nécessaire pour aller vers le port le plus voisin appartenant au prince ou à l'état de qui ils tiennent leurs commissions.

## ARTICLE XXXI.

Aucun citoyen d'Haïti ne pourra demander à un prince ou à un état en guerre avec les Etats Unis, ni accepter d'eux de commission ou de lettre de marque en vue d'armer un ou des navires pour être employés comme corsaires contre les dits Etats Unis, ou l'un des dits Etats, ni contre les citoyens, le peuple, ou les habitants des dits états ou de l'un d'eux, ou contre les propriétés d'aucun de leurs habitants. Les citoyens des dits Etats Unis ne pourront pas, non plus, demander à aucun prince ou à aucun état en guerre avec la République d'Haïti ni accepter d'eux de commission ou de lettre de marque, en vue d'armer un ou des navires pour être employés comme corsaires contre les citoyens ou les habitants d'Haïti ou contre les propriétés d'aucun d'eux. Et, si une personne quelconque de l'une ou de l'autre nation accepte de telles commissions ou de telles lettres de marque, cette personne sera punie conformément aux lois respectives de chaque pays.

Citizens of either country not to take letters of marque against the other.

## ARTICLE XXXII.

Les hautes parties contractantes, désirant éviter toute inégalité dans leurs communications publiques et dans leurs rapports officiels, sont convenues d'accorder à leurs envoyés, ministres et autres agents diplomatiques les mêmes faveurs, privilèges, immunités, et exemptions dont jouissent ou jouiront les nations les plus favorisées; et, il demeure entendu que, quels que soient les faveurs, privilèges, immunités et exemptions que les Etats Unis d'Amérique ou la République d'Haïti jugeront à propos de conférer aux

Equal rights of diplomatic agents &c.

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

envoyés, ministres et autres agents diplomatiques d'une puissance étrangère quelconque, ces privilèges, &ca., &ca., seront par le même acte, étendus aux agents de chacune des parties contractantes.

## ARTICLE XXXIII.

## ARTICLE XXXIII.

Consuls and  
vice-consuls.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation.

Afin de protéger plus efficacement le commerce et la navigation de leurs citoyens respectifs, les États Unis d'Amérique et la République d'Hayti sont convenus d'admettre et de recevoir, mutuellement, des consuls et vice-consuls dans tous leurs ports ouverts au commerce extérieur; lesquels jouiront, dans l'étendue de leurs circonscriptions consulaires, de tous les droits, prérogatives et immunités des consuls et vice-consuls de la nation la plus favorisée.

## ARTICLE XXXIV.

## ARTICLE XXXIV.

Exequaturs.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form; and, having obtained their *exequatur*, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside.

Pour que les consuls et vice-consuls des deux parties contractantes puissent jouir des droits, prérogatives, et immunités attachés au caractère public dont ils sont revêtus, ils devront, avant d'entrer dans l'exercice de leurs fonctions officielles, exhiber au gouvernement près duquel ils sont accrédités leurs commissions ou lettres patentes en due forme; et, lorsqu'ils auront obtenu leur *exequatur*, ils seront reconnus, dans leur caractère officiel, par les autorités, les magistrats et les habitants de la circonscription consulaire de leur résidence.

## ARTICLE XXXV.

## ARTICLE XXXV.

Consuls, &c.,  
exempt from per-  
sonal taxes, &c.

It is also agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all kinds of imposts, taxes, 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 everything besides, subject to the laws of

Il est aussi convenu que les consuls, leurs secrétaires, officiers et autres personnes attachés à leur service, s'ils ne sont pas citoyens du pays où réside le consul, seront exempts de tous impôts, taxes, et contributions, à l'exception de ceux qu'ils seront obligés de payer à cause de leur commerce et de leurs propriétés, et auxquels sont assujettis les citoyens ou les habitants du pays où ils résident, qu'ils soient natifs ou étrangers, étant, en outre, en tout soumis aux lois des états respectifs.

the respective States. The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize, or in any way interfere with them.

## ARTICLE XXXVI.

The said consuls and vice-consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of 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 a 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, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

## ARTICLE XXXVII.

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

## ARTICLE XXXVIII.

It is agreed that the high contracting parties shall, on requisitions

Les archives et les papiers des consuls seront inviolablement respectés; et sous aucun prétexte ne sera-t-il permis à une personne, à un magistrat ou à une autorité publique quelconque de les saisir, ou de s'en mêler d'aucune façon.

## ARTICLE XXXVI.

Les dits consuls et vice-consuls auront le pouvoir de requérir l'assistance des autorités du pays, à l'effet d'arrêter, de détenir et de faire garder en dépôt les déserteurs des navires de guerre et des navires marchands de leur pays. Pour cela, ils devront s'adresser aux tribunaux, juges et officiers compétents, et devront, par écrit, faire la demande de ces déserteurs en prouvant par l'exhibition des registres des navires, des rôles d'équipage ou d'autres documents officiels que de tels individus font partie de l'équipage. Et, la réclamation étant établie, la remise des déserteurs ne pourra pas être refusée. A leur arrestation, les déserteurs seront mis à la disposition des consuls et vice-consuls, et pourront être enfermés dans les prisons publiques à la requête et aux frais de ceux qui les auront réclamés, pour être en suite envoyés aux navires auxquels ils appartiennent, ou à tous autres navires du même pays. Mais si, dans les trois mois du jour de leur arrestation, ils n'étaient pas renvoyés chez eux, ils seront alors remis en liberté et ne pourront plus être arrêtés pour la même cause.

Consuls, &c., may have the aid of the local authorities to arrest, &c., deserters.

## ARTICLE XXXVII.

En vue de protéger d'une manière plus efficace leur commerce et leur navigation, les deux parties contractantes conviennent, par les présentes, de conclure, aussitôt que les circonstances le permettront par la suite, une convention consulaire qui énoncera spécialement les pouvoirs et les immunités des consuls et des vice-consuls des parties respectives.

Consular convention to be had.

## ARTICLE XXXVIII.

Il est convenu que les hautes parties contractantes, sur réquisi-

Surrender of fugitives from justice.

made in their name, through the medium of their respective diplomatic agents, 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 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 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.

Proof required.

Crimes for which surrender shall be made.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning,) attempt to commit murder, piracy, rape, forgery, the counterfeiting of money, the utterance of forged paper, arson, robbery, and 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 XXXIX.

#### ARTICLE XL.

Surrender to be made only by the executive.

The surrender shall be made, on the part of each country, only by the authority of the executive thereof. The expenses of the detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

#### ARTICLE XLI.

Certain offences not included.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver

tions faites en leur nom par l'intermédiaire de leurs agents diplomatiques respectifs, devront livrer aux mains de la justice les personnes qui, accusées des crimes énumérés en l'article ci-après qu'elles auront commis dans l'étendue de la juridiction de la partie réquérante, se seront ensuite réfugiées ou auront été trouvées sur le territoire de l'autre; *pourvu* qu'il n'en soit ainsi que lorsque le fait de la perpétration du crime soit tellement établi qu'il eût justifié leur prise de corps et leur mise en jugement si le crime avait été commis dans le pays où seront trouvées les personnes ainsi accusées. En tout quoi les tribunaux du dit pays procéderont et décideront suivant leurs propres lois.

#### ARTICLE XXXIX.

Seront livrées, conformément aux clauses du présent traité, les personnes qui seront accusées de l'un des crimes ci-après, à savoir: meurtre, (assassinat, parricide, infanticide et empoisonnement compris;) tentative de meurtre; piraterie, rapt, faux; contrefaçon de monnaie; mise en circulation de faux papiers; crime d'incendie; vol; ainsi que détournement pratiqué par des officiers publics ou par des personnes prises à gages ou salariées, au détriment de leurs patrons, quand ces crimes entraînent des peines infamantes.

#### ARTICLE XL.

La remise de l'accusé de la part de chaque pays, sera faite seulement par l'autorité exécutive et les frais de détention et de remise, faits en vertu des articles précédents, seront à la charge de la partie demanderesse.

#### ARTICLE XLI.

Les dispositions des articles précédents, relatives à l'extradition des criminels fugitifs, ne s'appliqueront pas à des infractions commises avant la date des présentes, ni à celles ayant un caractère politique. Aucune des parties contractantes ne

up its own citizens under the provisions of this treaty.

## ARTICLE XLII.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid.

## ARTICLE XLIII.

The present treaty 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 Washington within six months from the date hereof, or sooner, if possible.

In faith whereof the respective plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have hereunto affixed their seals.

Done, in duplicate, at the city of Port-au-Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

B. F. WHIDDEN. [L. s.]  
BOYER BAZELAIS. [L. s.]

sera tenue, par ce traité, de délivrer ses propres citoyens.

## ARTICLE XLII.

Le présent traité demeurera en vigueur pendant l'espace de huit années à partir de la date de l'échange des ratifications; et, si, un an avant l'expiration de cette période, ni l'une ni l'autre des parties contractantes ne notifie à l'autre son intention d'y mettre fin, le dit traité continuera à être en vigueur d'année en année, jusqu'au terme d'une année après notification officielle faite en vue d'y mettre fin, comme il est dit plus haut.

Treaty, how long to remain in force.

## ARTICLE XLIII.

Le présent traité sera, des deux côtés, soumis à l'approbation et à la ratification des autorités compétentes respectives de chacune des parties contractantes, et les ratifications seront échangées à Washington, dans les six mois à partir de cette date, ou plutôt, si c'est possible.

Ratifications, when to be exchanged.

En foi de quoi, les plenipotentiaries respectifs ont signé les articles ci-dessus, rédigés tant en anglais qu'en français, et y ont apposé leurs sceaux.

Fait double, en la ville du Port-au-Prince, le troisième jour de Novembre, de l'année de Notre Seigneur mil huit cent soixante quatre.

BOYER BAZELAIS. [L. s.]  
B. F. WHIDDEN. [L. s.]

Signatures.

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

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, 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.

Exchange of ratifications.

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

Done at the city of Washington, this sixth day of July, in the year of our Lord one thousand eight hundred and sixty-five, and of the [L. s.] Independence of the United States of America the ninetieth.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD, *Secretary of State.*