

TREATIES.

Treaty between the United States and the Confederated Tribes of Sacs and Foxes of the Mississippi; Made October 1, 1859; Ratified July 9, 1860.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: October 1, 1859.

A PROCLAMATION.

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

WHEREAS a treaty was made and concluded at the Sac and Fox Agency in the Territory of Kansas, on the first day of October, one thousand eight hundred and fifty-nine, by and between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen hereinafter named representing the confederated tribes of Sacs and Foxes of the Mississippi, which treaty is in the following words, to wit:—

Preamble

Articles of agreement and convention made and concluded at the Sac and Fox agency, in the Territory of Kansas, on the first day of October, in the year of our Lord one thousand eight hundred and fifty-nine, by and between Alfred B. Greenwood, commissioner on the part of the United States, and the following named chiefs and delegates, representing the confederated tribes of Sacs and Foxes of the Mississippi, viz. Ke-o-kuk, Mack-a-sah-pee, Sha-bah-caw-kah, Mat-tah-tah, My-ah-pit, Kaw-ah-kee, Kah-sha-moh-mee, Maw-mee-won-e-kah, and Cheko-skuk, they being thereto duly authorized by said confederated tribes.

Contracting parties.

ARTICLE I. The Sacs and Foxes of the Mississippi having now more lands than are necessary for their occupancy and use, and being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severalty, to the individual members of the tribe, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the portion of their present reservation contained within the following boundaries, that is to say: beginning at a point on the northern boundary line of their reservation, six miles west of the northeastern corner of the same; running thence due south, to the southern boundary of the same, twenty miles; thence west, and along said southern boundary, twelve miles; thence due north, to the northern boundary of said reservation, twenty miles; and thence east, along said boundary line, twelve miles, to the place of beginning—estimated to contain about one hundred and fifty-three thousand and six hundred acres—shall be set apart and retained by them for the purposes aforesaid.

Part of present reservation to be set apart.

Post, p. 400.

Boundaries.

Assignment to each member of the confederated tribe;

for agent;

for school.

Locations.

Intermediate parcels.

Lands to be known as, &c.

Laws.

White persons not to reside thereon except, &c.

Division and assignment how made.

Certificates for tracts.

Tracts not to be disposed of, &c.;

to be exempt, &c.

Certain lands of present reservation to be sold, and proceeds how applied.

Post, p. 495.

Sales, how made.

ARTICLE II. Out of the lands so set apart and retained there shall be assigned to each member of said confederated tribe, without distinction of age or sex, a tract of eighty acres, to include, in every case, as far as practicable, a reasonable portion of timber. One hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent for the time being of said confederated tribe; and one hundred and sixty acres shall also be reserved for the establishment and support of a school for the education of the youth of the tribe. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned by the Sacs and Foxes of the Mississippi in common; but, in case of increase in the tribe, or other cause, rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned or unassigned, embraced within said exterior boundary, shall constitute and be known as the reservation of the Sacs and Foxes of the Mississippi; and all laws which have been, or may be, passed by the Congress of the United States regulating trade and intercourse with Indian tribes shall have full force and effect over the same, and no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation, without the written permission of the superintendent of the central superintendency, or of the agent of the tribe.

ARTICLE III. The division and assignment in severalty among the Sacs and Foxes of the Mississippi of the land hereinbefore reserved for that purpose shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the Sac and Fox tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE IV. For the purpose of establishing the Sacs and Foxes of the Mississippi comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion of their present reservation, not stipulated to be retained and divided as aforesaid, shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder, for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, and

the proceeds thereof to be expended, for the purposes hereinbefore recited, in such manner as the Secretary of the Interior may think proper. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and the improvements. And if, after assigning to all the members of the tribe entitled thereto their proportion of land in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundaries of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and to apply the proceeds of such sale to the purposes and in the mode hereinbefore provided with respect to that portion of their present reservation not retained for distribution.

Improvements.

ARTICLE V. The Sacs and Foxes of the Mississippi being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their best interests that they should be allowed to commence their new mode of life, free from the embarrassments of debt, it is stipulated and agreed that debts which may be due and owing at the date of the signing and execution hereof, either by the said confederated tribes of Sacs and Foxes, or by individual members thereof, shall be liquidated, and paid out of the fund arising from the sale of their surplus lands, so far as the same shall be found to be just and valid on an examination thereof, to be made by their agent and the superintendent of Indian affairs for the central superintendency, subject to revision and correction by the Secretary of the Interior.

Debts of the Indians to be paid, &c.

ARTICLE VI. Should the proceeds of the surplus lands aforesaid prove insufficient to carry out the purposes and stipulations of this agreement, and further aid be, from time to time, requisite to enable the Sacs and Foxes of the Mississippi to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be necessary therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties; and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Sacs and Foxes of the Mississippi in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interest.

If proceeds of lands are insufficient, other moneys to be taken.

Provisions of former treaties may be changed.

ARTICLE VII. The Sacs and Foxes of the Mississippi, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and to that end to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages, and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them at the expense of the tribe as may be actually necessary for that purpose: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty shall not be entitled to the benefit of any of its stipulations.

All members of the tribe to share herein.

To come in within one year

Expenses of the treaty, &c.

ARTICLE VIII. All the expenses connected with and incident to the making of this agreement, and the carrying out its provisions, shall be defrayed out of the funds of the Sacs and Foxes of the Mississippi.

Roads and highways.

ARTICLE IX. It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines pass through the lands of said Indians, shall have right of way on the payment of a just compensation therefor in money.

Railroads.

Mixed and half bloods and whole bloods intermarried with white men.

ARTICLE X. The Sacs and Foxes of the Mississippi being anxious to make some suitable provision for their mixed and half bloods, and such of their women, (whole bloods,) who have intermarried with white men, it is agreed that there shall be assigned to the mixed and half bloods of their tribe, and to such whole blood females as have intermarried with white men, at the date of this agreement, three hundred and twenty acres each; the location and allotments of said lands to be made out of that portion relinquished by this treaty to the United States in trust, provided the mixed or half bloods, and such females of their tribes as have intermarried with white men, desire to do so. The allotments to such of the mixed or half bloods as may be minors to be made by the agent of the tribe, subject to the confirmation and approval of the Secretary of the Interior; and in allotting lands to those provided for in this article, said allotments shall be made so as to include their improvements, (if any,) provided it can be done, and at the same time make said allotments conform to the public surveys. And it is further agreed between the parties to this agreement, that Thomas Connelly, a half-breed, and a member of the tribe who has been uniformly kind to his people, shall be permitted to so locate his three hundred and twenty acres as to include Randal's dwelling and trading-house, if it can be done so as to harmonize with the public surveys; and provided the said Connelly shall pay to the owner of said improvements a fair valuation therefor. The lands granted by this article shall remain inalienable except to the United States or members of the tribe, nor shall the mixed or half bloods, or such females as have intermarried with white men, participate in the proceeds of the lands herein ceded.

Post, p. 498.

Thomas Connelly.

Funds withheld to be paid. Vol. vii. p. 597.

ARTICLE XI. The United States also agree to cause to be paid to the tribe any funds that may have heretofore been withheld under the provisions of the fifth article of the treaty of one thousand eight hundred and forty-two, the same to be extended for their benefit, or paid in money, as the Secretary may direct.

Treaty when to take effect.

ARTICLE XII. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

Execution.

In testimony whereof, the said Alfred B. Greenwood, commissioner as aforesaid, and the said chiefs and delegates of the Sacs and Foxes of the Mississippi, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

ALFRED B. GREENWOOD.

[L. s.]

Sacs.

KE-O-KUK,	his x mark.	[L. s.]
MACK-AH-SAH-PEE,	his x mark.	[L. s.]
SHAW-PAH-CAW,	his x mark.	[L. s.]
MAT-TAH-TAH,	his x mark.	[L. s.]
MY-AH-PIT,	his x mark.	[L. s.]
KAW-AH-KEE,	his x mark.	[L. s.]

Foxes.

KA-SHA-MAH-ME,	his x mark.	[L. s.]
MAW-ME-WONE-CAH,	his x mark.	[L. s.]
CHE-CO-SKUK,	his x mark.	[L. s.]

In presence of—

PERREY FULLER, *U. S. Agent.*
 THOS. J. CONNOLLY, *U. S. Interpreter.*
 G. BAILEY, *Secretary to Comm'r.*
 J. M. LUCE.
 H. S. RANDALL.
 JOHN GOODELL.

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

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 June 27, 1860. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Sac and Fox agency, in the Territory of Kansas, on the first day of October, one thousand eight hundred and fifty-nine, by and between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen representing the confederated tribes of Sacs and Foxes of the Mississippi.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in the resolution of the twenty-seventh day of June, one thousand eight hundred and sixty, accept, ratify and confirm said treaty.

Proclamation.

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

Done at the city of Washington, this ninth day of July, in the year of our Lord one thousand eight hundred and sixty, and of the [L. s.] independence of the United States of America the eighty-fifth.

JAMES BUCHANAN.

By the President:

WM. HENRY TRESNOT, *Acting Secretary of State.*

General Convention of Amity, Commerce, and Navigation, and for the Surrender of Fugitive Criminals, between the United States of America and the Dominican Republic; Signed at Santo Domingo February 8, 1867; Ratified by President of United States July 31, 1867; Exchanged at Santo Domingo October 5, 1867; Proclaimed by President of United States October 24, 1867.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Feb. 8, 1867.

A PROCLAMATION.

WHEREAS, a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals, between the United States of America and the Dominican Republic, was concluded and signed by their respective plenipotentiaries, at the city of Santo Domingo, on the eighth day of February, one thousand eight hundred and sixty-seven, which convention, being in the English and Spanish languages, is word for word, as follows :

Preamble.

The United States of America and the Dominican Republic, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose they have appointed as their plenipotentiaries, to wit: the President of the United States, John Somers Smith, commercial agent of the United States at the city of Santo Domingo, and the President of the Dominican Republic, José Gabriel García, Secretary of State in the Department of Foreign Relations, and Juan Ramon Fiallo, ex-Secretary of the Treasury, who, after a communication of their respective full powers, have agreed to the following articles :

La República Dominicana y los Estados Unidos de América, igualmente animados del deseo de mantener las cordiales relaciones que existen entre ambos países, de estrechar, si es posible, sus lazos de amistad, y de aumentar por todos los medios que están á su alcance las relaciones comerciales de sus respectivos ciudadanos, mutuamente han resuelto celebrar un convenio general de amistad, comercio y navegación, y de entrega de reos prófugos. Con este fin han nombrado por sus plenipotenciarios, á saber: el Presidente de la República Dominicana, á José Gabriel García, Secretario de Estado en el Despacho de Relaciones Exteriores, y á Juan Ramon Fiallo, ex Secretario de Estado en el de Hacienda; y el Presidente de los Estados Unidos, á John Somers Smith, agente comercial de los Estados Unidos en Santo Domingo, los cuales, despues de haberse comunicado sus respectivos plenos poderes, han convenido en los artículos siguientes:

Contracting parties.

ARTICLE I.

Peace and
friendship.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republic of the United States of America and the Dominican Republic, and between their respective countries, territories, cities, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe-conduct against the insults and captures which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other, shall not be confiscated or sequestered.

Provision in
case of wars.

Passports.

ARTICULO 1°.

Quieren las altas partes contratantes que continue habiendo paz firme, inviolable y universal, y amistad verdadera y sincera entre las Repúblicas Dominicana y los Estados Unidos de América, y entre sus respectivos países, territorios, ciudades, villas y poblaciones, sin escepcion de personas ni lugares. Si desgraciadamente ambas naciones se vieren envueltas en guerra una contra otra, se concederá el término de seis meses despues de la declaracion de ella á los comerciantes y otros ciudadanos y habitantes respectivamente por cada parte, para que en ese tiempo tengan libertad de retirarse con sus efectos y muebles que tendrán derecho de llevarse, enviar fuera ó vender como les plazca, sin el menor impedimento; durante dicho término de seis meses no serán cogidos sus efectos y mucho menos sus personas; por el contrario, los pasaportes que se les dieren, serán válidos durante el tiempo necesario á su vuelta, y comprenderán sus buques y los efectos que deseen llevar consigo ó enviar fuera, sirviéndoles de salvo conducto contra los insultos y capturas que los buques privados de guerra intenten contra sus personas y efectos; y no se confiscarán, ni secuestrarán el dinero, las deudas, las acciones de los fondos públicos, ó de los bancos, ni ningunos otros bienes muebles ó raíces que pertenezcan á los ciudadanos de una parte en los territorios de la otra.

ARTICLE II.

ARTICULO 2°.

Exemption
from compulsory
military
service, forced
loans, &c.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever, higher or other than those that are or may be paid by native citizens.

Los ciudadanos de cada una de las altas partes contratantes residentes ó establecidos en el territorio de la otra, estarán exentos de todo servicio militar forzado, de mar ó de tierra, y de todo préstamo forzoso ó exacciones ó requisiciones militares; ni serán compelidos á pagar contribuciones cualesquiera mayores ú otras que las que pagan ó pagaren los ciudadanos naturales.

ARTICLE III.

ARTICULO 3°.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defence of their interests and rights such advocates, attorneys, and other agents as they may think proper.

Se permitirá á los ciudadanos de las partes contratantes entrar, morar, establecerse y residir en todas las partes de dichos territorios, y los que deseen dedicarse á negocios, tendrán derecho para tomar en alquiler y ocupar almacenes, siempre que se sometan á las leyes, asi generales como especiales, relativas á los derechos de viajar, residir ó traficar. Mientras se conformen con las leyes y reglamentos vigentes, tendrán libertad de manejar ellos mismos sus propios negocios con sujecion á la jurisdiccion de cada parte, asi con respecto á la consignacion y venta de sus mercancías por mayor ó menor, como con respecto á la carga, descarga y despacho de sus buques. Tambien podrán emplear aquellos agentes ó corredores que crean conveniente, y en todos estos casos serán tratados como los ciudadanos del pais donde residan, entendiéndose, sin embargo, claramente, que tambien en cuanto á la venta por mayor ó menor estarán sujetos á tales leyes y reglamentos. Tendrán abiertos los tribunales de justicia en las causas en que puedan ser partes, en los mismos términos que las leyes y uso del pais concedan á los ciudadanos naturales, para lo cual podrán emplear en defensa de sus intereses y derechos aquellos abogados, procuradores y otros agentes que crean conveniente.

Right of residence and to do business;

to employ agents;

to have free access to judicial tribunals.

ARTICLE IV.

ARTICULO 4°.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief, nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose; provided, that in so doing they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one

Los ciudadanos de cada una de las altas partes contratantes residentes en la otra, gozarán de la mas perfecta libertad de conciencia, sin ser molestados de ningun modo por su creencia religiosa. Ni serán de ninguna manera incomodados ni perturbados en el ejercicio de su culto religioso en casas particulares, ó en las capillas y lugares que elijan al efecto, siempre que observen el decoro debido á las leyes, usos y costumbres del pais. Se conviene asi mismo, en que los ciudadanos de un pais que mueran en el territorio del otro puedan ser enterrados, ó en los

Liberty of conscience and religious worship.

Right of
burial.

country dying in the territory of the other, may be interred either in the ordinary cemeteries or in such others as may be selected for that purpose by their own government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries and funeral processions, going to or returning from them, shall be protected from violation or disturbance.

ARTICLE V.

Disposition of
personal prop-
erty.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be finally decided by the judicial tribunals of the country in which it is situated.

Real estate
of persons
deceased.

When on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

cementerios comunes, ó en otros que sean elejidos á ese fin, con el consentimiento de las autoridades locales, por su propio gobierno, ó por sus amigos ó representantes personales. Todos esos cementerios y las procesiones funerales, ó en su ida ó en su vuelta, serán protegidas de violacion ó perturbacion.

ARTICULO 5º.

Los ciudadanos de cada una de las altas partes contratantes, dentro de la jurisdiccion de la otra, tendrán poder para disponer de sus bienes muebles por venta, donacion, testamento, ó de otro modo; y sus representantes personales, siendo ciudadanos de la otra parte contratante, sucederan en sus bienes muebles, ya sea por testamento, ó ab intestato. Podrán tomar posesion de ellos, bien sea por sí mismos, ó por otros que hagan sus veces, segun su voluntad, y disponer de los mismos, pagando solo aquellos derechos que estuvieren sujetos á pagar en iguales casos los ciudadanos del pais en donde estuvieren situados los dichos bienes muebles. A falta de representante personal se cuidará de los bienes del mismo modo que se cuidaria con arreglo á las leyes de los bienes de un natural en caso semejante, mientras el legítimo dueño tome providencias para asegurarlos. Si se suscitare cuestion entre los reclamantes sobre la legítima propiedad de los bienes, aquella será definitivamente decidida por los tribunales de justicia del pais donde se hallaren estos situados.

Quando al morir alguna persona que tenga bienes raices, dentro del territorio de una parte, ellos pasaran segun el derecho de la tierra, á un ciudadano de la otra, si no lo inhabilitara su calidad de extrangero, se le concederá el mayor plazo que permitan las leyes del pais donde estuvieren situados, para disponer de ellos, y no será sometido, cuando lo haga á otros ni mas altos derechos, que los que deberia pagar si fuera ciudadano del pais en que tales bienes raices esten situados.

ARTICLE VI.

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 Dominican republic, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States, or a vessel under the flag of the Dominican republic. And, reciprocally, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Dominican republic in her own vessels, may also be imported in vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of the Dominican republic, or under the flag of the United States.

Whatever can be lawfully exported or re-exported by one party in its own vessels to any foreign country, may, in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens.

But vessels of either country shall be allowed to discharge a part

ARTICULO 6°.

Las altas partes contratantes convienen en que cualquiera clase de productos, manufacturas ó mercancías de cualquier pais extranjero que puedan ser en cualquier tiempo legalmente importados en la República Dominicana en sus propios buques, puedan tambien ser importados en los buques de los Estados Unidos, y en que no se impondrán, ni cobrarán otros ni mas altos derechos de tonelada ó por el cargamento de los buques, ya sea que se haga la importacion en buque que lleve la bandera de la República Dominicana ó en buque que lleve la bandera de los Estados Unidos. Y recíprocamente cualquier clase de productos, manufacturas ó mercancías de cualquier pais extranjero, que puedan ser en cualquier tiempo legalmente importados en los Estados Unidos en sus propios buques, podrán tambien ser importados en buques de la República Dominicana, y no se impondrán ni cobrarán otros ni mas altos derechos de tonelada, ó por el cargamento del buque, bien se haga la importacion en buque que lleve la bandera de la República Dominicana ó la de los Estados Unidos.

Todo lo que legalmente pueda exportarse ó re-exportarse por una parte en sus propios buques, para cualquier pais extranjero, podrá de la misma manera ser exportado ó re-exportado en los buques de la otra. Y se cobrarán y concederán los mismos derechos, premios y descuentos, sea que la exportacion ó re-exportacion se haga en buques de la una ó de la otra, ni se impondrán en los puertos de una parte á buques de la otra, otros ni mas altos derechos de cualquier género que los que paguen ó pagaren en los mismos puertos buques nacionales.

ARTICULO 7°.

El precedente artículo no es aplicable al comercio de cabotage de las partes contratantes, que respectiva y exclusivamente reserva cada una á sus propios ciudadanos.

Pero se permitirá á los buques de cualquiera de los dos paises descar-

Imports.

Tonnage and other duties.

Exports.

Duties, charges, &c.

Coasting trade reserved for citizens.

Discharge of vessels.

of their cargoes at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

ARTICLE VIII.

What to be deemed Dominican vessels.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of the Dominican republic, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Dominican vessel.

ARTICLE IX.

No higher or other duties on imports;

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of the Dominican republic, or of her fisheries; and no higher or other duty shall be imposed on the importation into the Dominican republic 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.

on exports.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to the Dominican republic, nor in the Dominican republic on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

No prohibition that does not apply to all other countries.

No prohibition shall be imposed on the importation of any article,

gar una parte de sus cargamentos en un puerto habilitado, y pasar á otro puerto ó puertos habilitados de los territorios de la otra á descargar el resto, sin pagar otros ni mas altos derechos de puerto ni de tonelada que los que pagarian buques nacionales en semejantes casos; entendiéndose esto mientras las leyes de ambos países permitan dichos actos á buques extranjeros.

ARTICULO 8°.

Para cabal inteligencia de las estipulaciones precedentes, se ha convenido en que todo buque perteneciente esclusivamente á ciudadano ó ciudadanos de la República Dominicana, y cuyo capitan sea tambien ciudadano de ella, y supuesto que dicho buque haya cumplido con todos los demas requisitos establecidos por la ley para adquirir su nacionalidad, aunque su construccion y tripulacion sean extranjeras, será considerado para todos los efectos de este tratado como buque Dominicano.

ARTICULO 9°.

No se impondrán otros ni mas altos derechos á la importacion en la República Dominicana, de cualquier artículo, produccion ó manufactura de los Estados Unidos ó de sus pesquerias, ni se impondrán otros ni mas altos derechos á la importacion en los Estados Unidos de cualquier artículo, produccion ó manufactura de la República Dominicana ó de sus pesquerias, que los que se paguen ó pagaren por igual artículo, produccion ó manufactura de cualquier otro pais extranjero ó de sus pesquerias.

No se impondrán otros ni mas altos derechos ni cargas en la República Dominicana á la exportacion de cualquier artículo para los Estados Unidos, ni en los Estados Unidos á la esportacion de cualquier artículo para la República Dominicana, que los que se paguen ó pagaren á la esportacion de igual artículo para cualquier otro pais extranjero.

No se impondrá ninguna prohibicion á la importacion ó exportacion

the growth, produce, or manufacture of the United States or their fisheries, or of the Dominican republic and her fisheries, from or to the ports of the United States or the Dominican republic, which shall not equally extend to every other foreign country.

ARTICLE X.

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

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened, and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels. It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

de cualquier artículo, producción ó manufactura de la República Dominicana ó de sus pesquerías, ó de los Estados Unidos ó de las suyas que procedan de los puertos de la República Dominicana ó de los Estados Unidos ó que se destinen á ellos, que no se estienda igualmente á todos los demas países extranjeros.

ARTICULO 10.

Si alguna de las altas partes contratantes impusiere en lo sucesivo derechos diferenciales á los productos de cualquiera otra nacion, la otra parte tendra libertad para determinar por sí la manera de acreditar el origen de aquellos productos suyos que se destinen al pais por el cual se hubieren impuesto los derechos diferenciales.

Discriminating duties.

ARTICULO 11.

Cuando algun buque de cualquiera de las partes naufragare, encallare ó sufiere otra averia en las costas, ó dentro de la jurisdiccion de la otra, sus respectivos ciudadanos recibirán para sí y sus buques y efectos la misma ayuda que se deberia á los habitantes del pais donde ocurrió el accidente, y tendran que pagar las mismas cargas y derechos de salvamento que dichos habitantes habrian de pagar en igual caso.

Wrecks.

Si las reparaciones que requiera un buque encallado hicieren necesaria la descarga del todo ó parte de su cargamento, no se pagarán derechos de aduana, cargas ni honorarios por el cargamento que se sacare, sino los que paguen en el mismo caso buques nacionales. Se entiende sin embargo que, si mientras el buque se esté reparando, se desembarcare el cargamento y se guardare en un depósito destinado para la recepcion de géneros cuyos derechos no se han pagado, el cargamento quedará sujeto á las cargas y honorarios que legalmente se deban á los que cuidan tales almacenes.

Cargo of stranded vessels unladen for repairs.

ARTICLE XII.

Trading from
and to enemies'
ports.

It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same power, unless such ports or places be effectively blockaded, besieged, or invested.

Blockaded
ports.

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

ARTICLE XIII.

Contraband of
war.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only

ARTICULO 12.

Será lícito á los ciudadanos de cualquiera de los dos países navegar con sus buques y mercancias (exceptuando siempre los géneros de contrabando) de un puerto cualquiera á los del enemigo de la otra y navegar y traficar con sus buques y mercancias, con perfecta seguridad y libertad, de los países, puertos y lugares de los que sean enemigos de una de las partes, sin oposicion ni molestia, y pasar no solo directamente de los lugares y puertos mencionados del enemigo, á puertos y lugares neutrales, sino tambien de un lugar perteneciente á un enemigo, á otro lugar enemigo, ya sea que estén ó no bajo la jurisdiccion de la misma potencia, á ménos que tales puertos ó lugares estén efectivamente bloqueados, sitiados ó embestidos.

Y por quanto frecuentemente sucede que navegan buques para un puerto ó lugar perteneciente á un enemigo sin saber que aquel esté sitiado, bloqueado ó embestido, se conviene en que pueda hacerse volver, de tal puerto ó lugar á todo buque que se halle en estas circunstancias; pero no será detenida, ni confiscada parte alguna de su cargamento, no siendo contrabando á ménos que, despues de la intimacion de semejante bloqueo ó ataque, intentare otra vez entrar; mas le será permitido ir á cualquier otro puerto ó lugar que juzgue conveniente, con tal que este no se halle bloqueado, sitiado ó embestido. Ni se impedirá á ningun buque de cualquiera de las partes que haya entrado en tal puerto ó lugar, antes de estar efectivamente sitiado, bloqueado ó embestido por la otra, salir de él con su cargamento, ni si fuere hallado allí despues de la reduccion y entrega del lugar es tará sujeto á confiscacion el buque, ni su cargamento, si no que serán restituidos á sus dueños.

ARTICULO 13.

La libertad de navegacion y de comercio se estenderá á toda clase de mercancias, esceptuando única-

which are distinguished by the name 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, breast-plates, 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 XIV.

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 XV.

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

mente las designadas con el nombre de contrabando de guerra, y bajo este nombre se comprenderán

1°. Los cañones, morteros, obuses, pedreros, espingaldas, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, arpones, alabardas, granadas, bombas, pólvora, mechas, balas, y todo lo que corresponda al uso de las armas.

2°. Los broqueles, cascos, corazas, cotas de malla, avios y vestiduras hechas en forma militar y para uso de los militares.

3°. Los cinturones de caballería y los caballos con sus arneses.

4°. Y generalmente, todas las armas ofensivas y defensivas, ya sean de hierro, acero, bronce, cobre, ó de cualquier otro material, con tal que sirvan para hacer la guerra por mar ó por tierra.

ARTICULO 14.

Toda otra mercancía ó artículo no comprendido entre aquellos artículos de contrabando, esplicitamente enumerados y clasificados arriba, serán considerados libres y objetos de un comercio libre y legal, y podrán ser trasportados libremente por los ciudadanos de las dos partes contratantes, aun á plazas pertenecientes á un enemigo, exceptuando solamente aquellos que se encuentren en la actualidad sitiadas ó bloqueadas.

Articles not enumerated as contraband to be held as free.

ARTICULO 15.

Las dos altas partes contratantes reconocen como permanentes é inmutables los siguientes principios, á saber:

1°. Que los buques libres hacen libre la mercancía; es decir: que los efectos ó mercancías pertenecientes á súbditos ó ciudadanos de una potencia ó de un estado en guerra, no pueden ser capturadas ni confiscadas si se encuentran á bordo de un buque neutral á menos que no sean artículos de contrabando de guerra.

Free ships make free goods.

2°. Que la propiedad de los neutrals á bordo de un buque enemigo, no está sujeta á confiscación á menos que ella no sea contrabando de guerra.

Neutral property on enemies' vessels.

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 XVI.

Merchant vessels in time of war bound to an enemies' port to exhibit passports and certificates.

In time of war the merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports or roads not only their passports but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

ARTICLE XVII.

Passports in time of war.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party: they shall be valid for any number of voyages, but shall be renewed every year; that is, if the ship happens to return home in the space of a year. If the ships are laden they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to

Certificates.

La misma neutralidad se hará extensiva á las personas que se encuentren á bordo de un buque neutral, con esta consecuencia, á saber, que aunque estas personas puedan ser enemigas de las dos partes contratantes, ó de una de ellas, no podrán ser extraídas de dicho buque, á no ser que sean oficiales ó soldados en servicio actual del enemigo. Las partes contratantes se obligan á aplicar estos principios al comercio y á la navegacion de todas las potencias y estados que consientan en adoptarlos como permanentes é inmutables.

ARTICULO 16.

En tiempo de guerra los buques mercantes pertenecientes á ciudadanos de cualquiera de las partes contratantes destinados á algun puerto del enemigo de una de ellas, y respecto á cuyo viage y artículos de cargamento hubiere justos motivos de sospecha, tendrán obligacion de exhibir, así en alta mar como en los puertos ó radas, no solo sus pasaportes, sino tambien sus certificados para demostrar que sus géneros no son de la cualidad de los especificados como contrabando en el artículo décimo tercero de la presente convencion.

ARTICULO 17.

Y para evitar las capturas fundadas en leves sospechas é impedir los daños consiguientes, se conviene en que cuando una parte estuviere en guerra y la otra permaneciere neutral, se darán á los buques de la parte neutral, pasaportes de los cuales aparezca que los buques pertenecen realmente á ciudadanos de la parte neutral; estos pasaportes les servirán para cualquier número de viages, pero se renovarán de año en año, entendiéndose esto, si acaso el buque volviese á su pais dentro del espacio de un año. Si los buques están cargados, no solo irán provistos de los pasaportes arriba mencionados, sino tambien de certificados tales que por ellos se conozca si llevan géneros de contrabando, y no se requerirá ningun otro papel,

the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage unless the quantity of the contraband goods be greater than can conveniently be received on board the ship-of-war or privateer, in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure and the passport remain in full force.

ARTICLE XVIII.

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,

no obstante cualquier uso ó ordenanza en contrario. Y si no constare de dichos certificados que hay á bordo géneros de contrabando, se permitirá á los buques proseguir sus viages. Si constare de los certificados que hay á bordo de tal buque géneros de contrabando, y su comandante ofreciere entregarlos, se aceptará la oferta, se dará un recibo de ellos y quedará el buque en libertad de continuar su viage; á menos que la cantidad de los géneros de contrabando sea mayor que la que convenientemente pueda recibirse á bordo del buque de guerra, público ó privado; caso en el cual el buque será llevado, para que los entregue, como en todos los demas de justa detencion, al puerto mas inmediato, cómodo y seguro.

Si algun buque no estuviere provisto del pasaporte ó certificado que se requieren segun lo dicho, podrá un juez ó tribunal competente examinar la causa, y si se viere de otros documentos ó pruebas, admisibles segun el uso de las naciones, que el buque pertenece á los ciudadanos ó súbditos de la parte neutral, no será confiscado sino puesto en libertad con su cargamento (escepto los géneros de contrabando) y se le permitirá seguir su viage.

Si el capitán de un buque nombrado en el pasaporte, llegare á morir, ó faltare por cualquiera otra causa, y fuere puesto otro en su lugar, gozarán sin embargo de igual seguridad el buque y su cargamento y el pasaporte conservará toda su fuerza.

ARTICULO 18.

A fin de prevenir todo desórden en las visitas y exámenes de los buques y cargamentos de las dos partes contratantes en alta mar, se conviene que cuando un buque de guerra encuentre un buque neutral de la otra parte contratante, permanecerá á una distancia conveniente y enviará su bote, con dos ó tres hombres solamente para que efectúe el examen de los documentos relativos á la propiedad del buque y de su cargamento, sin en-

Cases when passports and certificates to be examined, &c.

Provision in case of master's death.

Visiting, &c. of vessels, &c. on the high seas.

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 XIX.

Rules to apply only to ships sailing without convoy.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective 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 XX.

Provisions in case of capture or detention.

In all cases where vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the hatches,

tregarse á ninguna exaccion, violencia ó maltratamiento, de lo que serán responsables los comandantes de dichos buques de guerra con sus personas é intereses. Para esto los comandantes de todos los buques privados armados en guerra deberán antes de recibir sus comisiones, dar una garantía suficiente para responder de todos los daños que puedan ocasionar; y se conviene y entiende, que la parte neutral, no será en ningún caso llamada á bordo del buque visitante ni para la presentación de sus documentos, ni para ningún otro objeto.

ARTICULO 19.

Las altas partes contratantes convienen espresamente en que las estipulaciones arriba mencionadas relativas á la conducta que ha de observarse en el mar por los cruceros de la parte beligerante con los buques de la parte neutral, solamente se aplicarán á buques que naveguen sin convói, y que cuando dichos buques fueren convoyados, queriendo las partes observar todos los miramientos debidos á la bandera que despliegan los buques públicos que los protegen, no será lícito visitarlos, sino que los respectivos cruceros considerarán como enteramente suficiente la declaración verbal que haga el comandante del convói de que los buques que convoya pertenecen á la nación cuya bandera lleva él y que no tienen á su bordo géneros de contrabando; obligándose recíprocamente ambas partes á no admitir bajo la protección de sus convoyes, buques que tengan á su bordo géneros de contrabando destinados á un enemigo.

ARTICULO 20.

En todos los casos en que se capturaren ó detuvieren buques para conducirlos á un puerto con motivo de que llevan géneros de contrabando, el captor dará de los papeles del buque que retegga un recibo que pondrá al pié de una copia de ellos; y no será lícito romper ni abrir los cuarteles, arcas, baules cubas, fardos, ni vasos hallados á

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 XXI.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXII.

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

bordo, ni sacar la menor porcion del cargamento, á menos que se lleve á tierra, y á presencia de los empleados competentes los cuales harán de él un inventario. Ni será lícito vender, permutar ni enagenar de ningun modo dichos artículos de contrabando, á menos que haya habido procedimiento legal y que el juez ó jueces competentes hayan pronunciado contra ellos sentencia de confiscacion.

ARTICULO 21.

Y para que se cuide convenientemente en dicho tiempo de guerra el buque y carga, y se impida su hurto, se conviene en que no será lícito quitar de á bordo de ningun buque capturado, á su capitan, comandante, ni sobrecargo, durante el tiempo que estuviere el buque en el mar despues de la captura, ó mientras penden los procedimientos contra él, el cargamento ó cualquiera cosa que le concierna. Y en todos los casos en que se capturare, ó cojiere, y se retuviere para que se adjudique, algun buque de los ciudadanos de cualquiera de las partes, se dará hospitalidad á susempleados, pasajeros y tripulacion; ellos no serán encarcelados, ni privados de parte alguna de sus vestidos, ni de la posesion y uso de su dinero, en cuanto no exceda de quinientos pesos por cabeza tratándose del capitan, sobrecargo, piloto y pasajeros, ni de cien pesos por cada uno de los marineros.

Same subject

ARTICULO 22.

Se conviene ademas en que en todos los casos que ocurran tan solo los tribunales establecidos para causas de presas, en el pais á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante tribunal de cualquiera de las partes pronunciare sentencia contra algun buque, ó géneros ó propiedad, reclamados por los ciudadanos de la otra parte, la sentencia ó decreto hará mencion de las razones ó motivos en que se haya fundado aquella, y se entregará sin

Courts for prize causes.

sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXIII.

No duty, &c.
on prize ships,
&c.

When the ships-of-war of the two contracting parties, or those belonging to their citizens, which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested, or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships-of-war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nations.

ARTICLE XXIV.

Privateers of
hostile powers.

It shall not be lawful for any foreign privateers who have commissions from any prince or State in enmity with either nation, to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that prince or State from which they have received their commissions.

ARTICLE XXV.

Further provisions as to
privateers.

No citizen of the Dominican Republic 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

demora alguna al comandante ó agente de dicho buque, si lo reclamare, un testimonio auténtico de la sentencia ó decreto, y de todo el proceso, pagando por él los derechos legales.

ARTICULO 23.

Cuando se admitan con sus presas en los puertos de cualquiera de las dos partes los buques de guerra de ellas ó los pertenecientes á sus ciudadanos que estén armados en guerra, dichos buques públicos ó privados, como tampoco sus presas no serán obligados á pagar ningun derecho á los empleados del lugar, jueces ni ningunos otros; ni serán detenidas ni embargadas tales presas cuando lleguen á los puertos de cualquiera de las partes y entren en ellos, ni sobre su legalidad harán ningun exámen los empleados del lugar; sino que tales buques de guerra podrán en cualquier tiempo izar las velas y partir, y llevarse sus presas á los lugares indicados en sus patentes que sus comandantes deberán mostrar. Entiéndese sin embargo, que, los privilegios conferidos en este artículo no se estenderán mas allá de los que se concedan por ley, ó por tratado con las naciones mas favorecidas.

ARTICULO 24.

No será lícito á ningunos armadores extranjeros que hayan recibido patente de cualquier príncipe ó estado que sea enemigo de cualquiera de las dos naciones, equipar sus buques en los puertos de la otra, ni vender, ni de ninguna manera permutar sus presas, ni se les permitirá comprar provisiones, sino las que sean necesarias para ir al próximo puerto del príncipe ó estado de que hayan recibido sus patentes.

ARTICULO 25.

De ningun príncipe ó estado con quien los Estados Unidos estén en guerra, solicitarán ni tomarán los ciudadanos de la República Dominicana patentes ni letras de marca

States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of the Dominican Republic, or any of them, or the property of any of them, from any prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commissions of letters of marque, he shall be punished according to their respective laws.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other, consuls or vice-consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said consuls or vice-consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a consular agent, to reside in any ports or commercial places of the latter, such consul or agent shall continue to be regarded, notwithstanding his quality of a foreign consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

The said consuls and vice-consuls shall have the right, as such, to sit as judges and arbitrators in such

para armar ningun buque ó buques y salir á corso contra los dichos Estados Unidos ó alguno de ellos, ó contra los ciudadanos, pueblos ó habitantes de dichos Estados Unidos ó alguno de ellos, ni contra los bienes de ninguno de sus habitantes; ni ningun ciudadano ni habitante de los Estados Unidos ó alguno de ellos solicitará ni tomará de ningun príncipe ó estado con quien la República Dominicana esté en guerra patentes ni letras de marca para armar algun buque ó buques y salir á corso contra los ciudadanos ó habitantes de dicha República, ó alguno de ellos, y si algun individuo de cualquiera de las dos naciones tomare tales patentes ó letras de marca, será castigado conforme á sus respectivas leyes.

ARTICULO 26.

Las altas partes contratantes se conceden recíprocamente la libertad de tener en los puertos de la otra cónsules y vice cónsules nombrados por ellas mismas, los cuales gozarán de los propios privilegios y facultades que los de la nacion mas favorecida; pero si alguno de dichos cónsules ó vice cónsules ejercieren el comercio, estarán sujetos á las mismas leyes y usos á que estuvieren sujetos en el mismo lugar los particulares de su nacion.

Se entiende que, siempre que cualquiera de las dos partes contratantes elijiere á un ciudadano de la otra por agente consular con residencia en puertos ó plazas comerciales de la última, tal cónsul ó agente continuará siendo considerado, no obstante su calidad de cónsul extranjero, como ciudadano de la nacion á que pertenece, y consiguientemente estará sometido á las leyes y reglamentos á que en el lugar de su residencia lo estuvieren los naturales. Sin embargo, esta obligacion en ningun respecto embarazará el ejercicio de sus funciones consulares, ni afectará la inviolabilidad de los archivos consulares.

Dichos cónsules y vice cónsules tendrán como tales el derecho de

Consuls, vice-consuls, &c.

Residencia.

differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

Deserters from vessels.

The said consuls and vice-consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships-of-war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and, on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the consuls and vice-consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XXVII.

Extradition of criminals.

The United States of America and the Dominican republic, on requisitions made in their name

servir de jueces arbitradores en las diferencias que se susciten entre los capitanes y tripulaciones de los buques pertenecientes á la nacion cuyos intereses están puestos á su cuidado, sin intervencion de las autoridades locales, á menos que se requiera la asistencia de ellas, ó que la conducta de las tripulaciones ó del capitán turbe el orden ó la tranquilidad del país. Se entiende sin embargo, que esta especie de juicio ó arbitramento no privará á las partes contendientes del derecho que tienen para recurrir, cuando vuelvan á su país á la autoridad judicial de este.

Dichos cónsules y vice cónsules tendrán la facultad de requerir la asistencia de las autoridades locales para el arresto y prision de los desertores de los buques de guerra y mercantes de su país. A este fin se dirigirán á los tribunales, jueces y empleados competentes, y reclamarán por escrito tales desertores, probando con la exhibicion de los registros de los buques, los roles de las tripulaciones ó cualesquiera otros documentos oficiales, que tales individuos formaban parte de aquella; y probada así esta demanda, no se negará la entrega. Tales desertores, cuando sean arrestados, serán puestos á la disposicion de los cónsules y vice cónsules, y podrán ser encerrados en las cárceles públicas á solicitud y espensas de los que los reclamen para ser enviados á los buques á que pertenezcan ó á otros del mismo país. Pero si no fueren mandados dentro de tres meses contados desde el día de su arresto, serán puestos en libertad, y no volverán á ser arrestados por la misma causa. Si se viere sin embargo que el desertor ha cometido algun crimen ó delito, se deferirá su entrega hasta que el tribunal donde penda su causa haya pronunciado sentencia y se haya llevado esta á ejecucion.

ARTICULO 27.

La Republica Dominicana y los Estados Unidos de América en virtud de requisitorias que se hagan en

through the medium of their respective diplomatic and consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ARTICLE XXVIII.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: murder (including assassination, parricide, infanticide, and poisoning); attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XXIX.

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

ARTICLE XXX.

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

su nombre, por el órgano de sus respectivos agentes diplomáticos y consulares, entregarán á la justicia las personas á quienes imputándose los crímenes enumerados en el artículo siguiente, cometidos dentro de la jurisdicción de la parte requerente, buscaren asilo ó fueren encontrados dentro de los territorios de la otra; con tal que se haga esto solamente, cuando el hecho de la comision del crimen esté acreditado de modo que justificase la aprehension y sometimiento á juicio de las personas acusadas, si se hubiese cometido el crimen en el pais donde se hallen, en todo lo cual los tribunales de dicho pais procederán y decidirán conforme á sus leyes.

Proviso.

ARTICULO 28.

Conforme á las disposiciones de esta couvencion, serán entregadas las personas á quienes se impute alguno de los crímenes siguientes, a saber: Homicidio voluntario (incluyendo el asesinato, el parricidio, el enfanticidio, y el envenenamiento); conato de homicidio; fuerza hecha á muger; falsificacion; fabricacion de moneda falsa; incendio; robo con violencia, intimidacion, ó entrada violenta en una casa habitada; pirateria; peculado ó hurto cometido por personas alquiladas ó asalariadas en detrimento de los que las emplean, cuando estos crímenes esten sujetos á castigo infamante.

Crimes for which surrender is to be made.

ARTICULO 29.

Por parte de cada pais, la entrega será hecha solamente de orden del ejecutivo. Los gastos de detencion y entrega hechos en virtud de los artículos precedentes, correrán á cargo de la parte reclamante.

Surrender how to be made.

Expenses.

ARTICULO 30.

Las disposiciones de los artículos anteriores relativos á la entrega de reos prófugos, no se aplicarán á delitos cometidos antes de esta fecha, ni á los de carácter político.

No surrender for political offences.

ARTICLE XXXI.

ARTICULO 31.

Convention to last for eight years.

This convention is concluded for the term of eight years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

Continuance.

Esta convencion se celebra por el término de ocho años, contados desde el cange de las ratificaciones; y si un año antes de espirar ese plazo, ninguna de las partes contratantes hubiere anunciado á la otra, por medio de una notificacion oficial, su voluntad de detener los efectos de dicha convencion, esta continuará obligatoria por doce meses mas, y así en adelante, de año en año, hasta que terminen los doce meses que seguirán á semejante declaracion, sea qual fuere el tiempo en que tenga efecto.

ARTICLE XXXII.

ARTICULO 32.

Convention to be ratified.

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

In faith whereof, the respective plenipotentiaries have signed the foregoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of Santo Domingo, this eighth day of February, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. s.] JNO. SOMERS SMITH.
[L. s.] JOSE G. GARCIA.
[L. s.] JUAN R. FIALLO.

Esta convencion será sometida por ambas partes á la aprobacion y ratificacion de las respectivas autoridades competentes de cada una de las contratantes, y las ratificaciones cangeadas en Santo Domingo luego que las circunstancias lo permitan.

En fé de lo cual los respectivos plenipotenciarios han firmado y sellado los precedentes artículos en Español y en Inglés.

Hecho por duplicado en la ciudad de Santo Domingo á ocho de Febrero del año del Señor de mil ochocientos sesenta y siete.

[L. s.] JOSE G. GARCIA.
[L. s.] JUAN R. FIALLO.
[L. s.] JNO. SOMERS SMITH.

Ratification.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Santo Domingo on the fifth instant:

Proclamation.

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

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

Done at the city of Washington, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and
[SEAL.] sixty-seven, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Queen of Madagascar; Concluded February 14, 1867; Ratified July 8, 1868; Proclaimed October 1, 1868.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Feb. 14, 1867.

A PROCLAMATION.

WHEREAS a treaty of commerce between the United States of America and her Majesty the Queen of Madagascar was concluded and signed by their respective plenipotentiaries at Antananarivo, the fourteenth day of February, eighteen hundred and sixty-seven, which treaty is word for word as follows:—

Preamble.

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND OF HER MAJESTY THE QUEEN OF MADAGASCAR.

Between Rainimaharavo, chief secretary of state, 16 vtra., Adriantsitohaina, 16 vtra., Rafaralahibemalo, head of the civilians, on the part of the government of her Majesty the Queen of Madagascar, and Major John P. Finkelmeier, the commercial agent of the U. S. for Madagascar, on the part of the government of the U. S. of America, all duly authorized to that effect by their respective governments, the following articles of a commercial treaty have this day been drawn up and signed by mutual agreement:

Contracting parties.

ARTICLE I. Her Majesty Rasoherina Manjaka, Queen of Madagascar, and his Excellency Andrew Johnson, President of the United States of America, both desirous, for the good and welfare of their respective countries, to enter into a more close commercial relation and friendship between the subjects of her Majesty and the people of the United States, hereby solemnly declare that peace and good friendship shall exist between them and their respective heirs and successors forever without war.

Peace and friendship.

ARTICLE II. The dominions of each contracting party, as well as the right of domicile of their inhabitants, are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the kingdom are in certain premises, they may be entered in concert with the United States consul, or, in his absence, by a duly authorized officer, to look after the offender.

Right of domicile.

When any premises may be entered.

The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other. Citizens of the United States of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs. New places of worship, however, shall not be builded by them without the permission of the government.

Religious worship.

Rights of persons and property.

They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or storehouses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines, on land leased by them, in accordance with the laws of Madagascar for buildings; hire laborers not soldiers, and if slaves, not without permission of their masters.

See p. 493.

Should the Queen, however, require the services of such laborers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for land.

Contracts for renting or leasing land or houses or hiring laborers may be executed by deeds signed before the United States consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the control of a governor, duly appointed by her Majesty, with the exception of Ambohimanga, Ambohimanambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of commerce granted to other favored nations.

Trade.

Subjects of the Queen in the United States. Commerce.

The subjects of her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

Tariff.

ARTICLE III. Commerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now or may hereafter be trading. Citizens of America shall, however, pay a duty, not exceeding ten per cent, on both exports and imports in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, lighthouse dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favored nations shall not equally be liable.

Prohibiting imports and exports.

Ports.

Ports of Madagascar where there is no military station under the control of a governor must not be entered by United States vessels.

Consuls.

ARTICLE IV. Each contracting party may appoint consuls, to reside in the dominions of each other, who shall enjoy all privileges granted to consuls of the most favored nations, to be witness of the good relationship existing between both nations, and to regulate and protect commerce.

Rights of citizens of each country when in the other country.

ARTICLE V. Citizens of the United States who enter Madagascar, and subjects of her Majesty the Queen of Madagascar while sojourning in America, are subject to the laws of trade and commerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offences, they shall be under the exclusive civil and criminal jurisdiction of their own consul only, duly invested with the necessary powers.

But should any American citizen be guilty of a serious criminal offence against the laws of Madagascar, he shall be liable to banishment from the country.

Disputes, &c.

All disputes and differences arising within the dominions of her Majesty, between citizens of the United States and subjects of Madagascar, shall be decided before the United States consul, and an officer, duly authorized by her Majesty's government, who shall afford mutual assistance and every facility to each other in recovering debts.

Vessels.

ARTICLE VI. No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar; nor shall any subject of her Majesty the Queen be permitted to embark on board an American vessel without a passport from her Majesty's government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant vessel.

Deserters.

ARTICLE VII. In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, her Majesty engages to order the governor to grant every assistance in his power to secure the property and to restore it to the owner or to the United States consul, if this be not impossible.

Shipwreck.

ARTICLE VIII. The above articles of treaty, made in good faith, shall be submitted to both the government of the United States of America and her Majesty the Queen of Madagascar for ratification, and such ratifications be exchanged within six months from date of ratification, at Antananarivo.

Treaty, when to be ratified;

Should it, at any future time, seem desirable, in the interest of either of the contracting parties, to alter or add to the present treaty, such alterations or additions shall be effected with the consent of both parties.

may be altered.

Duplicate originals of this treaty, with corresponding text in the English and Malagasy languages, which shall be both of equal authority, have been signed and sealed at Antananarivo this day.

SUPPLEMENTARY ARTICLE TO § II

P. S. — Should there be any business of the Queen requiring the services of such laborers, they shall be permitted to leave without giving previous notice. The sentence in article II, stating that previous notice must be given, refers only to laborers leaving on their own account.

Supplementary article.
See p. 492.

J. P. FINKELMEIER, [SEAL.]
RAINIMAHARAVO, [SEAL.]
Chief Secretary of State, 16 vtra.
ANDRIANTSITOHAINA, 16 vtra.
RAFARALAHIBEMALO,
Head of the Civilians.

ANTANANARIVO, 14th February, 1867.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications were exchanged at Antananarivo on the eighth of July last:

Ratification.

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.

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

Done in the city of Washington this first day of October, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-second.

Proclamation

[SEAL.] ANDREW JOHNSON.
By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Tribe of Sac and Fox Indians of the Mississippi; Concluded February 18, 1867; Ratification advised, with Amendments, July 25, 1868; Amendments accepted September 2, 1868; Proclaimed October 14, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Feb. 18, 1867.

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

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, Thomas Murphy, and Henry W. Martin, commissioners, on the part of the United States, and Keokuk, Chekuskuk, Uc-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, chiefs of the tribe of Sac and Fox Indians of the Mississippi, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

Contracting parties.

Articles of agreement made and concluded this eighteenth day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs; William H. Watson, Special Commissioner; Thomas Murphy, Superintendent of Indian Affairs for Kansas; and Henry W. Martin, United States Indian Agent, duly authorized, and the tribes of Sacs and Foxes of the Mississippi, represented by Keokuk, Chekuskuk, Uc-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, chiefs of said tribes.

ARTICLE I. The Sacs and Foxes of the Mississippi cede to the government of the United States all the lands, with the improvements thereon, contained in their unsold portion of their diminished reserve defined in the first article of their treaty ratified July ninth, one thousand eight hundred and sixty, (the said tract containing about eighty-six thousand and four hundred acres, and being more particularly described by the survey and plats on file in the Department of the Interior,) except as reserved in previous treaties, or in this treaty.

Cession of lands to the United States.

Ante, p. 467.

ARTICLE II. The said Indians also cede to the United States a full and complete title to the lands, with the improvements thereon, now remaining unsold in that portion of their old reservation provided by article four of the treaty of July ninth, one thousand eight hundred and sixty, to be sold by the government for their benefit, the cession herein made being subject to the exceptions defined in this treaty.

Additional cession.

Ante, p. 468.

ARTICLE III. The United States agree to pay to the Sac and Fox Indians, parties to this treaty, at the rate of one dollar an acre for the whole of the land ceded in the two preceding sections, being about one hundred and fifty-seven thousand acres of land, less the amount of land set apart for individuals; and further agree to pay the outstanding indebtedness of the said tribe, now represented by scrip issued under the provisions of previous treaties, and amounting, on the first of November, eighteen hundred and sixty-five, to twenty-six thousand five hundred and sev-

Payments by the United States.

Amended.
Post, p. 500.

enty-four dollars, besides the interest thereon; and the amount herein provided to be paid to said Indians, after deducting such sums as, under the provisions of this treaty, are to be expended for their removal, subsistence, and establishing them in their new country, shall be added to their invested funds, and five per cent interest paid thereon in the same manner as the interest of their present funds is now paid.

Lands ceded, when to be at the disposal of the United States.

ARTICLE IV. At any time after the ratification of this treaty, the lands ceded in the first article shall be held and considered at the disposal of the United States, and the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands; except that, until the time for the removal of the Indians is fixed by public notice, under the provisions of this treaty, no interference shall be made with the rights of the Indians as the occupants of the lands, but they shall remain in all respects without molestation, in the same manner as if this treaty had not been made: *And provided further*, That inasmuch as there are valuable improvements upon said reservation, such improvements shall be appraised under the direction of the Secretary of the Interior, and the appraised value of the same shall be paid to the United States, before title is given to any individual or corporation for the lands upon which such improvements are situated.

Amended.
Post, p. 500.

Proviso.

Same subject.

ARTICLE V. The lands ceded in the second article of this treaty, being the unsold remainder of the lands provided in the fourth article of the treaty of July ninth, one thousand eight hundred and sixty, to be sold in trust for said Indians, shall, immediately upon the ratification of this treaty, become the property of the United States, and shall be open to entry and settlement, and the legal rights of railroad corporations shall accrue thereon; and the lands in the second article ceded, as well as those ceded in the first article, shall be subject to all the laws and regulations of the general land office the same as other public lands, except as relates to the provisions in the next preceding article relating to the time when they shall be open for settlement, and the requirement of payment for the improvements; and should there be any improvements upon the land ceded in the second article, they shall be appraised, and payment shall be required therefor; and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States, and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof.

Amended.
Post, p. 500.

New reservation for the Sacs and Foxes;

how to be selected;

how surveyed.

Proviso.

ARTICLE VI. The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding seven hundred and fifty square miles in extent. The selection of such new reservation shall be made under the direction of the Secretary of the Interior, and with his approval, by commissioners appointed by the said Secretary, who shall visit the Indian country, with delegations from all the tribes proposing to remove thereto, as soon as practicable after the ratification of this treaty; and said reservation shall be surveyed as to its exterior lines, at the cost of the United States, under the direction of the Commissioner of Indian Affairs, not to exceed three thousand dollars: *Provided*, That if it shall be found impracticable to select a suitable home for the tribe except by purchase from the Cherokees, the United States will pay towards the said purchase the same amount that would have been payable to the Creeks if the reservation had been selected upon the former Creek lands; and in that case the balance of the money payable to the Cherokees shall be deducted from the amount due the Sacs and Foxes under this treaty.

Buildings to be erected.

ARTICLE VII. As soon as practicable after the selection of the new reservation herein provided for, there shall be erected thereon, at the cost of the United States, a dwelling-house for the agent of the tribe, a house and shop for a blacksmith, and dwelling-house for a physician, the aggre-

gate cost of which shall not exceed ten thousand dollars; and also at the expense of the tribe, five dwelling-houses for the chiefs, to cost in all not more than five thousand dollars.

As soon as practicable after such selection of a reservation as it may, in the discretion of the Secretary of the Interior, be deemed advisable for the Indians to remove thereto, regard being had to the proper season of the year for such removal, notice shall be given to their agent, directing such removal; and whenever such time shall be fixed, public notice thereof shall be given in three leading newspapers of Kansas, and thereafter the land ceded to the United States by the first article of this treaty, shall be open to entry and settlement, under the provisions of the fourth article.

Removal of
the Indians to
new reservation.

ARTICLE VIII. No part of the invested funds of the tribe, or of any moneys which may be due to them under the provisions of previous treaties, nor of any moneys provided to be paid to them by this treaty, shall be used in payment of any claims against the tribe accruing previous to the ratification of this treaty, unless herein expressly provided for.

Certain claims
against the
tribe, how not
to be paid.

ARTICLE IX. In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary s[c]hool buildings and dwelling for teacher, and the further sum of five thousand dollars, if the chiefs shall so request; and the annual amount of five thousand dollars shall be set apart from the income of their funds, after the erection of such school buildings, for the support of the school; and after the settlement of the tribe upon their new reservation, the sum of ten thousand dollars of the income of their funds may be annually used, with the consent of the chiefs, under the direction of the Secretary of the Interior, for agricultural implements and assistance, purchase of stock, and otherwise in encouraging and assisting such of the tribe as will *turn* [turn] their attention to agriculture, and in support of their national government, for which last-mentioned purpose the sum of five hundred dollars shall be annually paid to each of the five chiefs, two hundred dollars to each of ten councillors, two hundred dollars to their *mashal* [marshal], and the remaining three hundred dollars be subject to the disposal of the chiefs.

Manual labor
school, school
buildings, &c.

Section sub-
stituted for this.
Post, p. 500.

ARTICLE X. The United States agree to pay annually, for five years after the removal of the tribe, the sum of fifteen hundred dollars for the support of a physician and purchase of medicines, and also the sum of three hundred and fifty dollars annually for the same time, in order that the tribe may provide itself with tobacco and salt.

Physician,
medicines, to-
bacco and salt.

ARTICLE XI. In consideration of certain improvements made by John Goodell upon the lands of the nation within their present reservation, and of his services as their interpreter, he shall be allowed to select therefrom a half-section of land; and it is further provided that of said land, Sarah A. Whistler and Pash-e-ca-cah, or Amelia Mitchell, shall each be allowed to select a half-section of land, the latter selection to include the house in which she lives; and Julia A. Goodell one quarter section, besides the land, not exceeding eight acres, upon which her house and improvements are situated; and Mary A. Means one quarter section, to includ[e] the improvements occupied by her; and there shall also be allowed to Antoine Gokey and William Avery, each one hundred and sixty acres, to Leo Whistler and Gertrude Whistler, each three hundred and twenty acres, and to James Thorpe, Virginia Thorpe, and Cassandra Thorpe, Thomas J. Miles, and Hattie Miles, each eighty acres, to be selected from unimproved lands: *Provided*, That they may select from lands upon which improvements exist, by paying the appraised value of such improvements; but no selection shall include the agency, mission, or mill

Grant of lands
to certain per-
sons.

Amended.
Post, p. 501.

buildings; and upon the approval by the Secretary of the Interior of such selections, patents in fee simple shall be issued to the respective parties, their heirs or assigns.

Land to Samuel Black;

ARTICLE XII. In consideration of the faithful services of Samuel Black in protecting their houses and timber from trespass and depredation, there shall be patented to him in fee simple the tract of land upon which he lives, being the west half of the northwest quarter section four, town[ship] seventeen, range sixteen.

to Thomas C. Stevens & Co. Amended. Post, p. 501.

ARTICLE XIII. Thomas C. Stevens and Company, licensed traders, having erected valuable building at the agency, it is agreed that they may have a patent for the land, not exceeding eight acres, upon which such improvements are built, and not to include any other improvements, on the payment of two dollars and fifty cents per acre.

The Sacs and Foxes of Missouri may unite with, &c.

ARTICLE XIV. The Sacs and Foxes, parties to this treaty, agree that the Sacs and Foxes of Missouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a part of their people, upon their contributing to the common fund such a portion of their funds as will place them on an equal footing in regard to annuities.

Certain claims against the United States to be paid.

ARTICLE XV. The claims of the Sacs and Foxes against the United States for stealing of stock, which have heretofore been adjusted, amounting to sixteen thousand four hundred dollars, shall be paid by the United States, and the amount disbursed and expended for the benefit of the tribe in such objects for their improvement and comfort upon the new reservation as the chiefs, through their agent, shall desire; and whereas the Indians claim that one full payment due under previous treaty has never been made to them, it is agreed that a careful examination of the books of the Commissioner of Indian Affairs shall be made, and if any sum is found to be still due and unpaid, the same shall be paid to them per capita in the same manner as their annuities are paid.

Advance to the Indians for subsistence and removal.

ARTICLE XVI. The United States will advance to the said tribe of Indians the sum of twenty thousand dollars, or so much thereof as may be necessary, to pay the expenses of their subsistence for the first year after their arrival at their new home in the Indian country, and to pay the necessary expenses of removal, and furnish necessary rations for the journey during such removal; said removal to be made under direction of the superintendent or agent, or other person specially designated by the Secretary of the Interior; the moneys thus expended to be deducted from the whole amount provided to be paid for their lands herein ceded.

Amended. Post, p. 501.

Patents for lands heretofore selected and approved.

ARTICLE XVII. It is hereby provided that the half-breeds and full-bloods of the tribe, who were entitled to selections of land under the Sac and Fox treaty, ratified July ninth, one thousand eight hundred and sixty, and which selections have been approved by the Secretary of the Interior, shall be entitled to patents in fee-simple for the lands heretofore selected, according to the schedule annexed to this treaty: *Provided*, That where such selections have been made and the allottees have sold their lands for a valuable consideration and have since died, the Secretary of the Interior shall, upon full proof being made, cause patents to issue to the purchasers or their assigns.

Ante, p. 470.

Amended. Post, p. 501.

Sales of land to be approved, &c.

ARTICLE XVIII. All sales hereafter made by or on behalf of persons to whom lands are assigned in this treaty shall receive the approval of the Secretary of the Interior before taking effect in conveying title to lands so sold.

Expenses of treaty. See p. 501. For substitute for this article and additional article, see post, p. 501.

ARTICLE XIX. The United States agree to pay the expenses of negotiating this treaty, not to exceed the sum of fifteen hundred dollars.

ARTICLE XX. The stipulations of all former treaties now in force, and not inconsistent with the provisions of this treaty, shall remain in full force; and all treaties or parts of treaties heretofore made which conflict with the provisions of this treaty are hereby abrogated.

In testimony whereof, the parties hereinbefore named have hereunto set their hands and seals the day and year first above mentioned.

LEWIS V. BOGY, [SEAL.]
Commissioner of Indian Affairs.

W. H. WATSON, [SEAL.]
Special Commissioner.

THOS. MURPHY, [SEAL.]
Superintendent of Indian Affairs.

HENRY W. MARTIN, [SEAL.]
U. S. Indian Agent.

KEOKUK, his X mark. [SEAL.]

CHEKUSKUK, his X mark. [SEAL.]

UC-QUAW-HO-KO, his X mark. [SEAL.]

MUT-TUT-TAH, his X mark. [SEAL.]

MAN-AH TO-WAH, his X mark. [SEAL.]

In presence of—

ANTOINE GOKEY, his X mark,
U. S. Interpreter.

CHARLES E. MIX.

THOS. E. MCGRAW.

WM. WHISTLER.

C. H. NORRIS.

VITAL JARROT.

G. P. BEAUVAIS.

H. W. FARNSWORTH.

List of Sac and Fox lands selected for individuals referred to in Article Schedule annexed.
XVII. of the above treaty, selected by Perry Fuller, agent.

Names of Persons.	Description of Land.	Section.]	Town[ship.]	Range.
Alvira Connolly.....	S. $\frac{1}{2}$ NW. $\frac{1}{4}$	5	17	18
Do.....	SW. $\frac{1}{4}$	5	17	18
Do.....	N. $\frac{1}{2}$ NW. $\frac{1}{4}$	8	17	18
Alexander Connolly.....	E. $\frac{1}{2}$	4	17	18
Cordelia Connolly.....	E. $\frac{1}{2}$	35	16	17
Isaac Goodell.....	W. $\frac{1}{2}$	3	17	18
Kish-Kah-Iwah.....	S. $\frac{1}{2}$	16	17	18
Mary I. Thorp.....	E. $\frac{1}{2}$	12	17	17
Hiram P. Thorp.....	E. $\frac{1}{2}$	1	17	17
Francis A. Thorp.....	W. $\frac{1}{2}$	6	17	18
Amelia McPherson.....	W. $\frac{1}{2}$	1	17	17
Sarah A. Whistler.....	SW. $\frac{1}{4}$	34	16	18
Do.....	SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	35	16	18
Do.....	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	2	17	18
Do.....	NW. $\frac{1}{4}$ SW. $\frac{1}{4}$	2	17	18
Julia A. Goodell.....	N. $\frac{1}{2}$	21	17	18
Susan J. Goodell.....	E. $\frac{1}{2}$	3	17	18
John Goodell, jr.....	E. $\frac{1}{2}$	17	17	18
Jane Goodell.....	NE. $\frac{1}{4}$	10	17	18
Do.....	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do.....	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	17	18
Do.....	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	11	17	18
Mary A. Byington.....	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	9	17	18
Do.....	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	9	17	18
Do.....	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	10	17	18
Do.....	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do.....	NE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Margaret Miles.....	W. $\frac{1}{2}$	4	17	18
Thomas J. Connolly.....	SW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Do.....	SE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Do.....	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	16	17	18
Do.....	NW. $\frac{1}{4}$	16	17	18
Charles T. Connolly.....	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	9	17	18
Do.....	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	9	17	18
Do.....	NW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Do.....	SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	9	17	18
Do.....	S. $\frac{1}{2}$ SW. $\frac{1}{4}$	9	17	18

The following were selected by C. C. Hutchinson :

Names of Persons.	Description.	Sec[tion.]	Town[ship.]	Range.
Kaw-Kol-we-nah	E. $\frac{1}{2}$	2	17	17
George Powers	NE. $\frac{1}{4}$	8	17	18
Do	S. $\frac{1}{2}$ NW. $\frac{1}{4}$	8	17	18
Do	N. $\frac{1}{2}$ SW. $\frac{1}{4}$	8	17	18
Joseph Gokey	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	21	17	18
Do	N. $\frac{1}{2}$ NW. $\frac{1}{4}$	28	17	18
Do	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	28	17	18
Do	NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	28	17	18
Do	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	29	17	18
Met-tach-ah-pack-o tah	E. $\frac{1}{2}$	7	17	18
Mack-oh-tah-o-quit	W. $\frac{1}{2}$	7	17	18

Ratification with amendments.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
July 25, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of Articles of Agreement made and concluded the eighteenth day of February, eighteen hundred and sixty-seven, between the United States and the Sac and Fox tribes of Indians, with the following

AMENDMENTS :

Amendments.
Art. III.
Ante, p. 496.
Art. IV.
Ante, p. 496.

ARTICLE III. After the words "the interest thereon" insert: "out of the proceeds of the sale of lands ceded in this treaty."

ARTICLE IV. Strike out the following words: "And the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands."

Art. V.
Ante, p. 496.

ARTICLE V. Strike out the words: "and the legal rights of railroad corporations shall accrue thereon."

Same article. Strike out the words: "and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States, and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof"; and insert in lieu thereof the following words: "*Provided*, That such lands shall be subject to sale, in tracts of not exceeding one hundred and sixty acres to any one person, and at a price not less than one dollar and fifty cents per acre."

Art. IX.
Ante, p. 497.

Strike out all of Article IX., and insert in lieu thereof as follows :

"In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of five thousand dollars shall be set apart from the income of their funds after the erection of such school buildings, for the support of the school; and after settlement of the tribe upon their new reservation, the sum of five thousand dollars of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last-mentioned amount

the sum of five hundred dollars shall be annually paid to each of the chiefs."

ARTICLE XI. After the words "Thomas J. Miles," strike out the word "and."

Art. XI.
Ante, p. 497.

Same article. After the words "Hattie Miles," insert the words: "Ema-Ke-O-Kuck, Hannie-Ke-O-Kuck, Mo-Co-P-quah."

Same article. After the words "each eighty acres," insert the words: "Man-a-tah, Pah-me-che-kaw-paw, Henry Jones, Wilson McKinney, and Carrie C. Capper, each one hundred and sixty acres."

Same article. After the words "unimproved lands," insert the following words:

"*Provided*, That the parties herein named shall pay to the Secretary of the Interior, within three months after the ratification of this treaty, the sum of one dollar per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided also*, That George Powers, the present Government Interpreter, for valuable services rendered and uniform kindness towards the nation, shall have patented to him, in fee simple, three hundred and twenty acres of land, to be located by the agent: *Provided also*."

Same article. After the word "selections," insert the following words: "And on payment therefor as hereinbefore provided."

ARTICLE XIII. Strike out the words "Thomas C. Stevens and Company," and insert in lieu thereof the words: "John K. Rankin."

Art. XIII.
Ante, p. 498.

Same article. After the words "agreed that," strike out the word "they."

ARTICLE XVI. Strike out the words "or other persons specially," and insert in lieu thereof the words: "to be."

Art. XVI.
Ante, p. 498.

ARTICLE XVII. Strike out the words "and have since died," and insert in lieu thereof the words: "not less than one dollar and twenty-five cents per acre."

Art. XVII.
Ante, p. 498.

At the end of Article XIX. add the following words: "not to exceed the sum of fifteen hundred dollars."

Art. XIX.
Ante, p. 498.

Strike out all of Article XX., and insert in lieu thereof the following words:

Art. XX.
Ante, p. 498.

"The chiefs and headmen of the Sacs and Foxes having permitted their employees to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four, and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore specially excepted, and the mill and mission building, to wit: commencing at the northwest corner of section thirty-three, township sixteen, range seventeen, thence east two and a quarter ($2\frac{1}{4}$) miles to the reservation line; thence south along said line four miles; thence west two and a fourth ($2\frac{1}{4}$) miles to the southwest corner of section sixteen, township seventeen, range seventeen; thence north along the section line to the place of beginning, are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than two dollars per acre in addition to the appraised value of the improvements. The avails of said lands shall be expended by the agent, under the direction of the chiefs, for the benefit of the nation."

Provisions as to cultivated farms.

Insert the following as an additional article, to wit:

"ARTICLE XXI. The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall partici-

Art. XXI.
Absent members of the tribe

to be notified of
this treaty, &c.

pate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren; and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands who do not permanently reside on the reservation set apart to them by the Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed that all money accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency, on their lands as then located."

Attest:

GEO. C. GORHAM,

Secretary.

By W. J. McDONALD,

Chief Clerk.

Amendments
assented to.

And whereas the foregoing amendments having been fully explained and interpreted to the chiefs of the said tribe of Sac and Fox Indians of the Mississippi, whose names are subscribed to the writing hereto following, they did, on the second day of September, one thousand eight hundred and sixty-eight, give their free and voluntary assent to the said amendments in the words and figures following, to wit:

Whereas the Senate of the United States did on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of Articles of Agreement made and concluded the eighteenth day of February, one thousand eight hundred and sixty-seven, between the United States and the Sac and Fox tribes of Indians, with the following

AMENDMENTS:

ARTICLE III. After the words "the interest thereon" insert: "out of the proceeds of the sale of lands ceded in this treaty."

ARTICLE IV. Strike out the following words: "and the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands."

ARTICLE V. Strike out the words: "and the legal rights of railroad corporations shall accrue thereon."

Same article. Strike out the words: "and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof"; and insert in lieu thereof the following words:

"Provided, That such lands shall be subject to sale in tracts of not exceeding one hundred and sixty acres to any one person and at a price not less than one dollar and fifty cents per acre."

Strike out all of Article IX., and insert in lieu thereof as follows:

"In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school, and there shall also be set apart from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of five thousand dollars shall be set apart from the income of their funds, after the erection of such school

buildings, for the support of the school; and after settlement of the tribe upon their new reservation the sum of five thousand dollars of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last-mentioned amount the sum of five hundred dollars shall be annually paid to each of the chiefs.

ARTICLE XI. After the words "Thomas J. Miles" strike out the word "and."

Same article. After the words "Hattie Miles" insert the words: "Emma Ke-o-kuck, Hannie Ke-o-kuck, Mo-Co-P-quah."

Same article. After the words "each eighty acres" insert the words: "Man-a-tah, Pah-me-che-kaw-paw, Henry Jones, Wilson McKinney, and Carrie C. Capper, each one hundred and sixty acres."

Same article. After the words "unimproved lands" insert the following words:

"*Provided*, That the parties herein named shall pay to the Secretary of the Interior within three months after the ratification of this treaty the sum of one dollar per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided, also*, That George Powers, the present Government Interpreter, for valuable services rendered and uniform kindness towards the nation, shall have patented to him, in fee simple, three hundred and twenty acres of land, to be located by the agent: *Provided, also*."

Same article. After the word "selections" insert the following words: "and on payment therefor or [as] hereinbefore provided."

ARTICLE XIII. Strike out the words "Thomas C. Stephens and Company," and insert in lieu thereof the words: "John K. Rankin."

Same article. After the words "agreed that," strike out the word "they."

ARTICLE XVI. Strike out the words "or other persons specially," and insert in lieu thereof the words: "to be."

ARTICLE XVII. Strike out the words "and have since died," and insert in lieu thereof the words: "not less than one dollar and twenty-five cents per acre."

At the end of Article XIX. add the following words: "not to exceed the sum of fifteen hundred dollars."

Strike out all of Article XX., and insert in lieu thereof the following words:

"The chiefs and headmen of the Sacs and Foxes having permitted their employees to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four, and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore specially excepted, and the mill and mission building, to wit: Commencing at the northwest corner of section thirty-three, township sixteen, range seventeen, thence east two and a quarter ($2\frac{1}{4}$) miles to the reservation line; thence south along said line four miles; thence west two and a fourth ($2\frac{1}{4}$) miles to the southwest corner of section sixteen, township seventeen, range seventeen; thence north along the section line to the place of beginning, are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and that the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than two dollars per acre in addition to the appraised value of the improvements. The avails of said lands shall be expended by the agent under the direction of the chiefs for the benefit of the nation.

Insert the following as an additional article, to wit: —

“ARTICLE XXI. The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent, notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren, and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands, who do not permanently reside on the reservation set apart to them by the Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed, that all money, accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency on their lands as then located.”

Now, therefore, we the undersigned, chiefs of the said tribe of Sac and Fox Indians of the Mississippi, having had the said amendments read, interpreted, and explained to us, and the same having been fully understood by us, do hereby assent and agree to the same.

Witness our hands and seals this second day of September, A. D. one thousand eight hundred and sixty-eight.

KEOKUK,	his x mark,	[SEAL.]
CHE-KO-SKUK,	his x mark,	[SEAL.]
UC-QUAW-HO-KO,	his x mark,	[SEAL.]
PAH-TECK-QUAW,	his x mark,	[SEAL.]
MUT-TUT-TAH,	his x mark,	[SEAL.]
MAN-AH-TO-WAH,	his x mark,	[SEAL.]
WAW-COM-MO,	his x mark,	[SEAL.]

For the Sacs and Foxes of the Mississippi.

Signed in presence of —

ALBERT WILEY, *United States Indian Agent.*
 GEORGE POWERS, *United States Interpreter.*
 JAMES H. EMBRY, *Special Agent.*
 WARNER CRAIG,
 JOHN K. RANKIN.

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendments, as aforesaid.

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

Done at the city of Washington, this fourteenth day of October, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Sissiton and Warpeton Bands of Dakota or Sioux Indians; Concluded February 19, 1867; Ratification advised, with Amendments, April 15, 1867; Amendments accepted April 22, 1867; Proclaimed May 2, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Feb. 19, 1867.

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of February in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy and William H. Watson, Commissioners, on the part of the United States, and Gabriel Renville, Wamdiupiduta, Tacandupahotanka, and other Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit :

Preamble.

Whereas it is understood that a portion of the Sissiton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely perilled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sissiton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the northwest, where they still remain; and

Whereas Congress, in confiscating the Sioux annuities and reservations, made no provision for the support of these, the friendly portion of the Sissiton and Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sissitons and Warpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence: therefore,

A treaty has been made and entered into, at Washington city, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners, on the part of the United States, and the undersigned chiefs and headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, as follows, to wit :

Contracting parties.

Friendly relations.

ARTICLE I. The Sissiton and Warpeton bands of Dakota Sioux Indians, represented in council, will continue their friendly relations with the government and people of the United States, and bind themselves individually and collectively to use their influence to the extent of their ability to prevent other bands of Dakota or other adjacent tribes from making hostile demonstrations against the government or people of the United States.

Cession of right to construct wagon-roads, railroads, mail stations, and telegraph lines.

ARTICLE II. The said bands hereby cede to the United States the right to construct wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that *that* may be selected by authority of the government, said lands so claimed being bounded on the south and east by the treaty line of 1851 and the Red river of the North to the mouth of Goose river, on the north by the Goose river and a line running from the source thereof by the most westerly point of Devil's lake to the Chief's Bluff at the head of James river, and on the west by the James river to the mouth of Mocasín river, and thence to Kapeska lake.

Boundaries.

Permanent reservation set apart.

ARTICLE III. For and in consideration of the cession above mentioned, and in consideration of the faithful and important services said to have been rendered by the friendly bands of Sissitons and Warpetons Sioux here represented, and also in consideration of the confiscation of all their annuities, reservations, and improvements, it is agreed that there shall be set apart for the members of said bands who have heretofore surrendered to the authorities of the government, and were not sent to the Crow Creek reservation, and for the members of said bands who were released from prison in 1866, the following described lands as a permanent reservation, viz. :

Boundaries.

Beginning at the head of Lake Travers [e], and thence along the treaty line of the treaty of 1851 to Kapeska lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie [s], and thence passing north of Skunk lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.

Reservation.

ARTICLE IV. It is further agreed that a reservation be set apart for all other members of said bands who were not sent to the Crow Creek reservation, and also for the Cut head bands of Yanktonais Sioux, a reservation bounded as follows, viz. :

Boundaries.

Beginning at the most easterly point of Devil's lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne river; thence down said river to a point opposite the lower end of Aspen island, and thence on a direct line to the place of beginning.

Reservations to be apportioned in tracts of 160 acres to, &c.

ARTICLE V. The said reservations shall be apportioned in tracts of (160) one hundred and sixty acres to each head of a family, or single person over the age of (21) twenty-one years, belonging to said bands, and entitled to locate thereon, who may desire to locate permanently and cultivate the soil as a means of subsistence: each (160) one hundred and sixty acres so allotted to be made to conform to the legal subdivisions of the government surveys, when such surveys shall have been made; and every person to whom lands may be allotted under the provisions of this article who shall occupy and cultivate a portion thereof for five consecutive years shall thereafter be entitled to receive a patent for the same so soon as he shall have fifty acres of said tract fenced, ploughed, and in crop: *Provided*, [That] said patent shall not authorize any transfer of said lands, or portions thereof, except to the United States, but said lands and the improvements thereon shall descend to the proper heirs of the persons obtaining a patent.

Tracts to conform to legal subdivisions.

Patents, when to issue, effect of.

ARTICLE VI. To enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse reservation for the year 1867, three hundred and fifty thousand dollars; for the year 1868, two hundred and fifty thousand dollars; for the year 1869, one hundred thousand dollars; for the year 1870, fifty thousand dollars; and thirty thousand dollars annually thereafter; and to enable the Indians on said reservation to return at once to their agricultural habits and life, and be enabled to cultivate a crop the coming season, the expenditures set forth in the schedule hereunto attached, shall be made at as early a day as possible.

ARTICLE VII. An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be (500) five hundred persons located permanently upon the Devil's Lake reservation, there shall be an agent, or other competent person, appointed to superintend the agricultural, educational, and mechanical interests of said Indians, and thereafter there shall be expended to aid said Indians in their agricultural improvements and civilization, for the first year, one hundred thousand dollars; for the second year, two hundred thousand dollars; for the third year, one hundred thousand dollars; for the fourth year, fifty thousand dollars; and thirty thousand dollars annually thereafter.

ARTICLE VIII. All expenditures to be made upon said reservation[s] (except as per schedule aforesaid) shall be made for the agricultural improvement and civilization of the Indians upon the respective reservations, in such manner as the President of the United States shall direct, but no issue of goods, provisions, groceries, or other articles, (except houses, which will be provided for Indians and mixed-bloods entitled to locate on the respective reservations as they advance in agriculture,) shall be made to Indians or mixed-bloods on either reservation, unless it be made in payment of labor performed, or to be performed, or for produce delivered: *Provided*, That when persons on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from the supplies provided for said bands.

ARTICLE IX. As it is contemplated that the agent will supply the Indians and mixed-bloods with clothing, provisions, &c., in payment for labor, as provided in Article VIII., and it being desirable that no encouragement be afforded them to rely upon the chase as a means of subsistence, no person will be permitted to trade upon either of the reservations nor within the limits of the land claimed by said bands, as designated in the second article of this treaty; and it is also agreed that no person, not a member of said bands, parties hereto, whether white, mixed-blood, or Indian, except persons in the employ of the government, or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE X. It is further agreed that the said bands, parties to this treaty, will guarantee the safety of travel, of the transportation of the mails, supplies, &c., the protection of mail stations and property connected therewith, upon the lands claimed by them as before specified, and the safety of the frontier settlers of Minnesota and eastern Dakota from trespass by hostile or unfriendly Indians; said safety of travel and transportation and protection of mail stations and property to extend over any rout[e] across the lands claimed by said bands as hereinbefore set forth.

ARTICLE XI. To enable said Indians to make good the guarantee above specified, the President of the United States will cause the selection and appointment of a suitable person, satisfactory to the Indians here represented, who shall organize not less than two hundred and fifty members of said bands for service as scouts. The person so selected shall command and control the operations of said scouts, under such regulations,

Expenditures on reservations for benefit of the Indians.

See *post*, p. 509.

Agent at Lake Traverse, and other agents.

See *post*, p. 509.

Expenditures to be made for the agricultural improvement and civilization of the Indians.

See *post*, p. 509.

Proviso.

No person to trade in reservations, nor, &c.

See *post*, pp. 509, 510.

Safety of travel, mails, mail stations, and frontier settlers.

See *post*, pp. 509, 510.

Members of the bands to be organized as scouts.

See *post*, p. 509.

and shall report to such civil or military officer of the government, as the President may direct; and the President may at any time dispense with said organization: *Provided*, [That] the said guarantees specified in article X. shall not be in force until the organization aforesaid is made, nor after it is dispensed with.

Scouts to furnish horses, arms, &c.
Pay, &c.

ARTICLE XII. Each scout so employed will furnish his own horse, arms, ammunition, transportation, and equipments of all kinds, and receive from the United States sixty dollars per month, and rations for himself and family, and grain rations for his horse, in full of all allowances whatever: *Provided*, That there shall be one chief of station to every twelve men, who shall receive fifteen dollars per month extra, and there shall be one chief of escort to every fifty men, who shall receive twenty dollars per month extra, and one chief of band to every hundred men, who shall receive thirty dollars per month extra. The commandant of the organization to receive such compensation as the President may direct.

Chiefs of stations.
See *post*, p. 509.

Scouts to enforce rules, &c.
See *post*, p. 509.

ARTICLE XIII. Whenever the organization of scouts as before specified shall be dispensed with, the said bands shall have authority to organize under the direction of the agent, and without expense to the government, scouts sufficient to enforce any and all rules, regulations, or laws which may be prescribed by the government, or adopted by the chiefs and head men in council upon either reservation, for the security of life and property and the progress of agricultural improvement and civilization upon such reservation.

Debts and claims to be paid to whom.
See *post*, p. 509.

ARTICLE XIV. It is further provided that the balance of debts or claims against the Sisseton and Warpeton bands of Sioux Indians provided to be paid by the third article of the treaty of 1858, and the decision of the Secretary of the Interior in 1861, are to be paid to the claimants, their attorneys or assignees, as shown to be due by the schedules exhibiting the settlement of said claims, after an examination by the Commissioner of Indian Affairs, and on file in the Department of the Interior, amounting in the aggregate to twenty-four thousand three hundred and seventy-one dollars and eighty cents.

Execution.

In testimony whereof, we, the commissioners representing the United States, and the delegates representing the Sisseton and Warpeton bands of Sioux Indians, have hereunto set our hands and seals, at the place and on the day and year above written.

LEWIS V. BOGY,
Commissioner of Indian Affairs,
W. H. WATSON.

Signed in presence of—

CHARLES E. MIX.

GABRIEL RENVILLE,	
head chief Siss[i]ton and Wa[r]peton bands.	
WAMDIUPIDUTA, his x mark,	
head Siss[i]ton chief.	
TACANDUPAHOTANKA, his x mark,	
head Wa[r]peton chief.	
OYEHDUZE, his x mark,	chief Sisseton.
UMPETUTOKCA, his x mark,	“ Wahpeton.
JOHN OTHERDAY.	
AKICITANANJIN, his x mark,	Sisseton soldier.
WAXICUNMAZA, his x mark,	“ “
WASUKIYE, his x mark,	“ “
WAMDIDUTA, his x mark,	“ “
HOKXIDANWAXTE, his x mark,	“ “
WAKANTO, his x mark,	“ “
ECANAJINKE, his x mark,	“ “
CANTEIYAPA, his x mark,	“ “

TIHDONICA, his x mark,	Sissiton soldier.
TAWAPAHAMAZA, his x mark,	“ “
WANDIYEZA, his x mark,	“ “
TACUNRPIPETA, his x mark,	“ “
WICUMRPINUMPA, his x mark,	Wa[r]peton “
XUPEHIYU, his x mark,	“ “
ECETUKIYE, his x mark,	“ “
KANGIDUTA, his x mark,	“ “

Witnesses to signatures of above chiefs and soldiers :

- CHARLES E. MIX.
- BEN'N THOMPSON.
- J. R. BROWN.
- ANEXUS M. A. BROWN, *Interpreter.*
- CHAS. CRAWFORD.
- THOS. E. MCGRAW.
- J. H. LEAVENWORTH.
- A. B. NORTON.
- GEO. B. JONAS.
- FRANK S. MIX.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit :

Ratification
advised with
amendments.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

April 15, 1867.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty between the United States and the Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota Indians, concluded February 19th, 1867, with the following

AMENDMENTS.

Strike out all of said treaty from and following the 6th to the 14th article, both inclusive, and insert in lieu thereof the following, viz :

Ante, pp. 507,
508.

ARTICLE VI. And, further, in consideration of the destitution of said bands of Sissiton and Warpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriations as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862 ; including, if thought advisable, the establishment and support of local and manual labor schools ; the employment of agricultural, mechanical, and other teachers ; the opening and improvement of individual farms ; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

Congress will
make appropri-
ations to enable
Indians to return
to an agricultu-
ral life, &c.

ARTICLE VII. An agent shall be appointed for said bands, who shall be located at Lake Traverse ; and whenever there shall be five hundred (500) persons of said bands permanently located upon the Devil's Lake reservation there shall be an agent or other competent person appointed to superintend at that place the agricultural, educational, and mechanical interests of said bands.

Agents.

ARTICLE VIII. All expenditures under the provisions of this treaty shall be made for the agricultural improvement and civilization of the

Expenditures.

Goods, provisions, &c. not to be issued to Indians, &c. unless.

Proviso.

No person to trade for furs and peltries.

Members of bands only, except, &c. to locate on lands.

Chiefs and headmen may adopt rules.

Amendments assented to.

members of said bands authorized to locate upon the respective reservations, as hereinbefore specified, in such manner as may be directed by law; but no goods, provisions, groceries, or other articles — except materials for the erection of houses and articles to facilitate the operations of agriculture — shall be issued to Indians or mixed-bloods on either reservation unless it be in payment for labor performed or for produce delivered: *Provided*, That, when persons located on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from such supplies as may be provided for said bands.

ARTICLE IX. The withdrawal of the Indians from all dependence upon the chase as a means of subsistence being necessary to the adoption of civilized habits among them, it is desirable that no encouragement be afforded them to continue their hunting operations as means of support, and, therefore, it is agreed that no person will be authorized to trade for furs or peltries within the limits of the land claimed by said bands, as specified in the second article of this treaty, it being contemplated that the Indians will rely solely upon agricultural and mechanical labor for subsistence, and that the agent will supply the Indians and mixed-bloods on the respective reservations with clothing, provisions, &c., as set forth in article eight, so soon as the same shall be provided for that purpose. And it is further agreed that no person not a member of said bands, parties hereto whether white, mixed-blood, or Indian, except persons in the employ of the government or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE X. The chiefs and headmen located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations, and shall have authority, under the direction of the agent, and without expense to the government, to organize a force sufficient to carry out all such rules, regulations, or laws, and all rules and regulations for the government of said Indians, as may be prescribed by the Interior Department: *Provided*, That all rules, regulations, or laws adopted or amended by the chiefs and headmen on either reservation shall receive the sanction of the agent.

Attest:

J. W. FORNEY, *Secretary*,
by W. J. McDONALD, *Chief Clerk*.

And whereas, the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, whose names are hereinafter signed, they did on the twenty-second day of April, one thousand eight hundred and sixty-seven, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

The foregoing amendments having been fully explained and interpreted to us, the Chiefs and Headmen of the Sissiton and Warpeton bands of *Dacotah* [Dakota] or Sioux Indians, now therefore, we, the Chiefs and Headmen of said bands, duly authorized by our people, do hereby accept, assent, and agree to the said amendments as above written, the same being fully understood by us.

Witness our hands and seals this 22d day of April, 1867, at Washington, D. C.

GABRIEL RENVILLE,
head chief of Sissiton and Warpeton bands.
WAMDIUPIDUTA, his x mark,
head Sissiton Chief.

[SEAL.]

[SEAL.]

TACANDUPAHOTANKA, his x mark,			
head Warpeton Chief.			[SEAL.]
OYEHDUZE, his x mark,			
Chief Sissiton.			[SEAL.]
JOHN OTHERDAY, chief Warpeton.			[SEAL.]
AKICITANANJON, his x mark,	Sissiton soldier		[SEAL.]
WAXICUNMAZA, his x mark,	"	"	[SEAL.]
WASUKIYE, his x mark,	"	"	[SEAL.]
WAMDIDUTA, his x mark,	"	"	[SEAL.]
HOKXIDANWAXTE, his x mark,	"	"	[SEAL.]
WAKANTO, his x mark,	"	"	[SEAL.]
ECANAJINKE, his x mark,	"	"	[SEAL.]
CANTEIYAPA, his x mark,	"	"	[SEAL.]
TIHDONICA, his x mark,	"	"	[SEAL.]
TAWAPAHAMAZA, his x mark,	"	"	[SEAL.]
WANDIYEZA, his x mark,	"	"	[SEAL.]
TACUNRPIPETA, his x mark,	"	"	[SEAL.]
XUPEHIYEE, his x mark,	Warpeton	"	[SEAL.]
WICUNRPINUPA,	"	"	[SEAL.]
ECETUKIYA,	"	"	[SEAL.]
HANGIDUTA, (dead,)	"	"	[SEAL.]

Signed in presence of

N. G. TAYLOR, *Comr. Ind. Affrs.*
 BENJ'N THOMPSON, *Special Agent.*
 J. R. BROWN, *Spl. Agt.*
 ALF. A. TAYLOR.
 W. P. DOLE.
 H. H. YOUNG.
 ANEXUS M. A. BROWN, *Interp[r]eter.*
 CHAS. CRAWFORD, *Interpreter.*
 CHARLES E. MIX.

Proclamation

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifteenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty, with the amendments as aforesaid.

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

Done at the city of Washington this second day of May, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Senecas, Mixed Senecas and Shawnees, Quapaws, Confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blanchard's Fork and Roche de Bœuf, and certain Wyandottes; Concluded February 23, 1867; Ratification advised, with Amendments, June 18, 1868; Amendments accepted September 1, 7, 8, and 15, 1868; Proclaimed October 14, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Feb. 23, 1867.

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

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-third day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, Thomas Murphy, George C. Snow, and G. A. Colton, commissioners, on the part of the United States, and certain chiefs, delegates, and headmen of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Miamies, Ottawas of Blanchard's Fork and Roche de Bœuf, and certain Wyandottes, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble.

Contracting parties.

Articles of agreement, concluded at Washington, D. C., the twenty-third day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs, George C. Snow, and G. A. Colton, U. S. Indian agents, duly authorized, and the Senecas, represented by George Spicer and John Mush; the mixed Senecas and Shawnees, by John Whitetree, John Young, and Lewis Davis; the Quapaws, by S. G. Vallier and Ka-zhe-cah; the confederated Peorias, Kaskaskias, Weas, and Piankeshaws, by Baptiste Peoria, John Mitchell, and Edward Black; the Miamies, by Thomas Metosenyah and Thomas Richardville, and the Ottawas of Blanchard's Fork and Roche de Bœuf, by John White and J. T. Jones, and including certain Wyandott[e]s, represented by Tauromeé, or John Hat, and John Karaho.

Whereas it is desirable that arrangements should be made by which portions of certain tribes, parties hereto, now residing in Kansas, should be enabled to remove to other lands in the Indian country south of that State, while other portions of said tribes desire to dissolve their tribal relations and become citizens; and whereas it is necessary to provide certain tribes, parties hereto, now residing in the Indian country, with means of rebuilding their houses, reopening their farms, and supporting their families, they having been driven from their reservations early in the late war, and suffered greatly for several years, and being willing to sell a portion of their lands to procure such relief; and whereas a portion of the Wyandottes, parties to the treaty of one thousand eight hundred and fifty-five, although taking lands in severalty, have sold said lands and are still poor, and have not been compelled to become citizens, but have remained with-

Preamble.

Vol. x. p. 1159.

out clearly recognized organization, while others who did become citizens are unfitted for the responsibilities of citizenship; and whereas the Wyandottes, treated with in eighteen hundred and fifty-five, have just claims against the government, which will enable the portion of their people herein referred to to begin anew a tribal existence: Therefore it is agreed:

Cession of
land to the
United States by
the Senecas, &c.

ARTICLE I. The Senecas cede to the United States a strip of land on the north side of their present reservation in the Indian country; the land so ceded to be bounded on the east by the State of Missouri, on the north by the north line of the reservation, on the west by the Neosho river, and running south for the necessary distance, to contain twenty thousand acres; for which the government is to pay twenty thousand dollars upon the ratification of this treaty; the south line of said tract to be ascertained by survey, at the cost of the United States.

Further ces-
sion.

ARTICLE II. The Senecas now confederated with the Shawnees, and owning an undivided half of a reservation in the Indian country immediately north of the Seneca reservation mentioned in the preceding article, cede to the United States one half of said Seneca and Shawnee reserve, which it is mutually agreed shall be the north half, bounded on the east by the State of Missouri, north by the Quapaw reserve, west by the Neosho river, and south by an east and west line bisecting the present Seneca and Shawnee reserve into equal parts, the said line to be determined by survey, at the expense of the United States; for which tract of land, estimated to contain about thirty thousand acres, the United States will pay the sum of twenty-four thousand dollars.

Cession of
lands to the
United States by
the Shawnees;

ARTICLE III. The Shawnees, heretofore confederated with the Senecas, cede to the United States that portion of their remaining lands, bounded as follows, beginning at a point where Spring river crosses the south line of the tract in the second article ceded to the United States, thence down said river to the south line of the Shawnee reserve, thence west to the Neosho river, thence up said river to the south line of the tract ceded in the second article, and thence east to the place of beginning; supposed to contain about twelve thousand acres, the area to be ascertained by survey, at the expense of the United States; the United States to pay for the same at the rate of one dollar per acre, as soon as the area shall be ascertained.

by the Qua-
paws.

ARTICLE IV. The Quapaws cede to the United States that portion of their land lying in the State of Kansas, being a strip of land on the north line of their reservation, about one half-mile in width, and containing about twelve sections in all, excepting therefrom one half section to be patented to Samuel G. Vallier, including his improvements. Also the further tract within their present reserve, bounded as follows: Beginning at a point in the Neosho river where the south line of the Quapaw reserve strikes that stream, thence east three miles, thence north to the Kansas boundary line, thence west on said line to the Neosho river, thence down said river to the place of beginning; and the United States will pay to the Quapaws for the half-mile strip lying in Kansas at the rate of one dollar and twenty-five cents per acre, whenever the area of the same shall be ascertained; and for the other tract described in this article at the rate of one dollar and fifteen cents per acre, whenever the area of the same shall be ascertained by survey, said survey to be made at the cost of the tribe to which said tract is herein provided to be sold; and the land in Kansas herein ceded shall be open to entry and settlement, the same as other public lands, within sixty days after the completion of the survey thereof.

Amended.
Post, p. 526.

PROVISIONS RELATING TO THE SENEICAS.

Senecas to

ARTICLE V. The Senecas now confederated with the Shawnees, the said Shawnees thereto consenting, agree to dissolve their connection with

the said Shawnees, and to unite with the Senecas, parties to the treaty of February twenty-eighth, one thousand eight hundred and thirty-one, upon their reservation described in article second of said treaty; and the several bands of Senecas will unite their funds into one common fund for the benefit of the whole tribe; and an equitable division shall be made of all funds or annuities now held in common by the Senecas and Shawnees.

ARTICLE VI. Of the sum of twenty-four thousand dollars to be paid to the Senecas, as provided in the second article, the sum of four thousand dollars shall be paid to them immediately after the ratification of this treaty, to enable them to re-establish their homes and provide themselves with agricultural implements, seed, and provisions for themselves and their families; and the balance of the said first-mentioned sum, being twenty thousand dollars, shall be consolidated with the twenty thousand dollars in the first article provided to be paid, and invested for the tribe of Senecas, as constituted by this treaty, at five per cent interest, to be paid per capita semi-annually; and their annuity of five hundred dollars in specie, provided by article four of the treaty of September twenty-ninth, one thousand eight hundred and seventeen, shall likewise become the property of the tribe.

ARTICLE VII. The amount annually due the Senecas under the provisions of article four of the treaty of February twenty-eighth, one thousand eight hundred and thirty-one, for blacksmith, after their separation from the Shawnees, shall be annually paid to them as a national fund, to enable them to purchase such articles for their wants and improvements in agriculture as the chiefs, with the consent of their agent, may designate; and this provision shall apply also to the fund for support of a miller belonging to the Senecas heretofore occupying the southernmost reserve referred to in this treaty; and there shall be added to the said fund whatever amount belonging to either band of the Senecas shall be found due and unpaid upon an examination of their accounts with the government, and particularly the amount of bonds and stocks invested in their name; and the interest thereon shall be annually paid to the said Senecas for the purposes mentioned in this article.

PROVISIONS RELATING TO THE SHAWNEES.

ARTICLE VIII. Of the amount in the third article provided to be paid to the Shawnees by the United States for the lands therein ceded, the sum of two thousand dollars shall be advanced to them to be used in establishing their homes, and the balance of the said amount shall be invested for the said tribe, under the name of Eastern Shawnees, and five per cent be paid semi-annually thereon; and the amount due and unpaid upon the bonds or stocks invested in their name shall be paid to them, as well as the interest thereon hereafter to become due, to be used under the direction of the chiefs, with the consent of the agent, for the purchase of agricultural implements or other articles necessary for the general welfare of the people; and the one half of the blacksmith fund remaining after the division to be made with the Senecas provided for in article five shall remain devoted to the same purpose, and the government will add thereto the sum of five hundred dollars annually for five years.

PROVISIONS RELATING TO THE QUAPAWS.

ARTICLE IX. Of the amount to be paid to the Quapaws for the lands ceded by them in the fourth article of this treaty, the sum of five thousand dollars shall be paid to them upon the ratification of this treaty, to assist them in re-establishing themselves at their homes upon their remaining reservation; and the balance of said amount shall be invested as a permanent fund at five per cent interest, payable per capita semi-annually.

separate from
the Shawnees.
Vol. vii. p. 349.

Payments to
the Senecas.

Vol. vii. p. 161.

Payments for
improvements
in agriculture.

Payments to
the Shawnees.

Payments to
the Quapaws.

School fund.

ARTICLE X. If the Osage mission school should be closed, so that the school fund of the Quapaws cannot be used for them to advantage at that institution, the said fund shall remain in the treasury of the United States until such time as it can, under the direction of the Secretary of the Interior, with the consent of the chiefs, be used to advantage in establishing a school upon their reservation.

Aid in agriculture.

Vol. vii. p. 425.

ARTICLE XI. The amount now due and unpaid for a farmer, under the provisions of the third article of their treaty of May thirteen one thousand eight hundred and thirty-eight [three], may be used by the chiefs and council for the purchase of provisions, farming implements, seed, and otherwise for the purpose of assisting the people in agriculture; and their annual income now paid for farmer shall hereafter be set apart for the purposes of assistance and improvement in agriculture.

CLAIMS FOR LOSSES BY THE WAR.

Claims for losses by the war.

Commission to investigate claims.

Award of damages.

Proviso.

Amended. Post, p. 526.

ARTICLE XII. Whereas the aforesaid Senecas, mixed Senecas and Shawnees, and Quapaws were driven from their homes during the late war, and their property destroyed, the government being under obligations to protect them, but for the time unable to do so, it is agreed that a commission of not to exceed two persons shall be appointed by the Secretary of the Interior, who shall proceed to their country and make careful investigation of their claims for losses, and make full report of the same to the department; and the Secretary of the Interior shall, upon such report, make such awards as he may deem equitable and just; and upon such award the United States will pay the claimants the amounts declared to be due: *Provided*, That the sums so paid shall not exceed thirty-five thousand dollars for the Senecas, twenty-five thousand dollars for the Shawnees, and thirty thousand dollars for the Quapaws; and if the awards shall exceed such amounts in either case, the claimants shall be paid pro rata from the amount appropriated.

Wyandottes.

Land set apart for the Wyandottes.

Vol. x. p. 1159.

Payment.

Register to be taken.

Who to constitute the tribe. Proviso.

Amended. Post, p. 526.

Upon completion of register,

PROVISIONS IN RELATION TO THE WYANDOTTES.

ARTICLE XIII. The United States will set apart for the Wyandottes, for their future home, the land ceded by the Senecas in the first article hereof, and described in said article, to be owned by the said Wyandottes in common; and in order to reorganize and provide for the said Wyandottes, many of whom have been in a disorganized and unfortunate condition since their treaty of one thousand eight hundred and fifty-five, it is provided that there shall be recognized as due and paid to the Wyandottes of all classes the sum of eighty-three thousand eight hundred and fourteen dollars and forty cents, as more particularly stated and described in the schedule annexed to this treaty, marked "A." A register of the whole people, resident in Kansas and elsewhere, shall be taken by the agent of the Delawares, under the direction of the Secretary of the Interior, on or before the first of July, one thousand eight hundred and sixty-seven, which shall show the names of all who declare their desire to be and remain Indians, and in a tribal condition, together with incompetents and orphans, as described in the treaty of one thousand eight hundred and fifty-five; and all such persons, and those only, shall hereafter constitute the tribe: *Provided*, That no one who has heretofore consented to become a citizen, nor the wife or children of any such person, shall be allowed to become members of the tribe, except by the free consent of the tribe after its new organization, and unless the agent shall certify that such party is, through poverty or incapacity, unfit to continue in the exercise of the responsibilities of citizenship of the United States, and likely to become a public charge.

ARTICLE XIV. Whenever the register in the next preceding article shall have been completed and returned to the Commissioner of Indian

Affairs, the amount of money in said article acknowledged to be due to the Wyandott[e]s shall be divided, and that portion equitably due to the citizens of said people shall be paid to them, or their heirs, under the direction of the Secretary of the Interior; and the balance, after deducting the cost of the land purchased from the Senecas by the first article hereof, and the sum of five thousand dollars to enable the Wyandott[e]s to establish themselves in their new homes, shall be paid to the Wyandott[e] tribe per capita; and the United States further agree to pay to the said Wyandott[e]s the sum of eleven thousand seven hundred and twenty-seven dollars and seventy-four cents, being the amount of taxes levied under the authority of the State of Kansas, contrary to the terms of the treaty of one thousand eight hundred and fifty-five, previous to the organization of the State government and for five years thereafter; in consideration of which the said Wyandott[e]s, receiving their portion of the said sum, shall in each case relinquish in writing by themselves, or through the Delaware agent as their guardian, all further claim against the United States as to matters relating to the said taxes.

amount to be divided.

Remainder, how to be applied.

Amended. Post, p. 527.

Vol. x. p. 1159.

ARTICLE XV. All restrictions upon the sale of lands assigned and patented to "incompetent" Wyandott[e]s under the fourth article of the treaty of one thousand eight hundred and fifty-five, shall be removed after the ratification of this treaty, but no sale of lands heretofore assigned to orphans or incompetents shall be made, under decree of any court, or otherwise, for or on account of any claim, judgment, execution or order, or for taxes, until voluntarily sold by the patentee or his or her heirs, with the approval of the Secretary of the Interior; and whereas many sales of land belonging to this class have heretofore been made, contrary to the spirit and intent of the treaty of one thousand eight hundred and fifty-five, it is agreed that a thorough examination and report shall be made, under direction of the Secretary of the Interior, in order to ascertain the facts relating to all such cases, and upon a full examination of such report, and hearing of the parties interested, the said Secretary may confirm the said sales, or require an additional amount to be paid, or declare such sales entirely void, as the very right of the several cases may require.

Certain restrictions upon sales of lands removed.

Vol. x. p. 1161.

PROVISIONS RELATING TO THE OTTAWAS.

Ottawas.

ARTICLE XVI. The west part of the Shawnee reservation, ceded to the United States by the third article, is hereby sold to the Ottawas at one dollar per acre; and for the purpose of paying for said reservation the United States shall take the necessary amount, whenever the area of such land shall be found by actual survey, from the funds in the hands of the government arising from the sale of the Ottawa trust lands, as provided in the ninth article of the treaty of one thousand eight hundred and sixty-two, and the balance of said fund, after the payment of accounts provided for in article five of the treaty of one thousand eight hundred and sixty-two, shall be paid to the tribe per capita.

Sale of land to the Ottawas. Payment.

Vol. xii. p. 1240.

ARTICLE XVII. The provisions of the Ottawa treaty of one thousand eight hundred and sixty-two, under which all the tribe were to become citizens upon the sixteenth of July, one thousand eight hundred and sixty-seven, are hereby extended for two years, or until July sixteenth, one thousand eight hundred and sixty-nine; but at any time previous to that date any member of the tribe may appear before the United States district court for Kansas, and declare his intention to become a citizen, when he shall receive a certificate of citizenship, which shall include his family, and thereafter be disconnected with the tribe, and shall be entitled to his proportion of the tribal fund; and all who shall not have made such declaration previous to the last-mentioned date shall be still considered members of the tribe. In order to enable the tribe to dispose of their property in Kansas, and remove to their new homes and establish themselves thereon, patents in fee-simple shall be given to the heads of families, and to all who

Provisions of former treaty as to members of the tribe becoming citizens extended.

Vol. xii. p. 1237.

have come of age among the allottees under the treaties of one thousand eight hundred and sixty-two, so that they may sell their lands without restriction, but the said lands shall remain exempt from taxation so long as they may be retained by members of the tribe, down to the said sixteenth July, one thousand eight hundred and sixty-nine; and the chiefs and council of the said tribe shall decide in the case of disputed heirship to real estate, taking as a rule the laws of inheritance of the State of Kansas.

Payment to individuals for losses.

Amended. Post, p. 527.

ARTICLE XVIII. The United States agree to pay such amount, not exceeding ten thousand dollars, as may be found justly due to the individual Ottawas, for depredations and damages upon their property during the late war, the proof of such losses to be furnished to the Secretary of the Interior, and such amount shall be paid as may be adjudged by him to be equitably due; and the claim of J. T. Jones, for which a bill of appropriation has passed one of the branches of Congress, but which has been withdrawn from before Congress, being for destruction by fire of his dwelling and other property by whites in one thousand eight hundred and fifty-six, shall be allowed and paid to him, amounting to six thousand seven hundred dollars.

Education and schools.

Vol. xii. p. 1238.

ARTICLE XIX. The sixth article of the treaty of one thousand eight hundred and sixty-two shall remain unchanged, except as provided in this article. The children of the tribe between the ages of six and eighteen (6 and 18) shall be entitled to be received at said institution, and to be subsisted, clothed, educated, and attended in sickness, where the sickness is of such a nature that the patient promises a return to study within a reasonable period; the children to be taught and practised in industrial pursuits, suitable to their age and sex, and both sexes in such branches of learning, and to receive such advantages as the means of the institution will permit; these rights and privileges to continue so long as any children of the tribe shall present themselves for their exercise. And the Secretary of the Interior and the senior corresponding secretary of the American Baptist Home Mission Society shall be members ex officio of the board of trustees, with power to vote in person or by proxy, it being the special intention of this provision to furnish additional supervision of the institution, so that the provisions of this article may be carried into effect in their full spirit and intent.

Sale of lands to Ottawa university.

ARTICLE XX. It is further agreed that the remaining unsold portion of trust lands of the Ottawas, amounting to seven thousand two hundred and twenty-one and twenty one-hundredths acres, shall be sold to the trustees of Ottawa University, to be disposed of for the benefit of said institution at the appraised value thereof, and that the said trustees shall have until July sixteenth, one thousand eight hundred and sixty-nine, to dispose of the same and pay to the government the value of said lands: *Provided*, That the said trustees shall furnish, within thirty days after the ratification of this treaty, to the Secretary of the Interior, a satisfactory bond for the fulfilment of their obligations.

Peorias, &c.

PROVISIONS RELATING TO THE PEORIAS, KASKASKIAS, WEAS, AND PIANKESHAWES.

Purchases of land from the Peorias, &c. to receive patents.

ARTICLE XXI. Whereas certain arrangements have been made by the chiefs of the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws, for the sale to actual settlers of the lands held by them in common, being nine and one half sections, for a reasonable consideration, according to the terms of a certain petition of the said tribe, with schedule annexed, (which schedule is annexed to this treaty and marked "B,") dated December twenty-sixth, one thousand eight hundred and sixty-six, filed in the office of the Commissioner of Indian Affairs, it is agreed that the said arrangements shall be carried into full effect, and the purchasers thereunder shall receive patents from the United States for the lands so purchased, upon making full payment for the same to the Secretary of

the Interior, and the amount already paid by said purchasers, as appears from said schedule, and in the hands of the chiefs, shall be paid to the Secretary of the Interior, and the whole amount of the purchase-money shall also be paid to the said Secretary on or before the first day of June, one thousand eight hundred and sixty-seven, and shall be held by him for the benefit of the tribe, subject to the provisions of this treaty.

ARTICLE XXII. The land in the second and fourth articles of this treaty proposed to be purchased from the Senecas and Quapaws, and lying south of Kansas, is hereby granted and sold to the Peorias, &c. and shall be paid for at the rate paid for the same by the government, out of the proceeds of the nine and a half sections referred to in the last preceding article, adding thereto whatever may be necessary out of other moneys in the hands of the United States belonging to the said Peorias, &c.

ARTICLE XXIII. The said Indians agree to dispose of their allotments in Kansas and remove to their new homes in the Indian country within two years from the ratification of this treaty; and to that end the Secretary of the Interior is authorized to remove altogether the restrictions upon the sales of their lands, provided under authority of the third article of the treaty of May thirtieth, one thousand eight hundred and fifty-four, in such manner that adult Indians may sell their own lands, and that the lands of minors and incompetents may be sold by the chiefs, with the consent of the agent, certified to the Secretary of the Interior and approved by him. And if there should be any allotments for which no owner or heir thereof survives, the chiefs may convey the same by deed, the purchase-money thereof to be applied, under the direction of the Secretary, to the benefit of the tribe; and the guardianship of orphan children shall remain in the hands of the chiefs of the tribe, and the said chiefs shall have the exclusive right to determine who are members of the tribe, and entitled to be placed upon the pay-rolls.

ARTICLE XXIV. An examination shall be made of the books of the Indian office, and an account current prepared, stating the condition of their funds, and the representations of the Indians for overcharges for sales of their lands in one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight shall be examined, and if any amount is found to be due, such balance, together with the interest of their invested funds, shall be paid to them upon the first of July, one thousand eight hundred and sixty-seven; and in order further to assist them in preparing for removal and in paying their debts, the further amount of twenty-five thousand dollars shall be at the same time paid to them per capita from the sum of one hundred and sixty-nine thousand six hundred and eighty-six dollars and seventy-five cents, invested for said Indians, under act of Congress of July twelfth, one thousand eight hundred and sixty-two; and the balance of said sum of one hundred and sixty-nine thousand six hundred and eighty-six dollars and seventy-five cents, together with the sum of ninety-eight thousand dollars now invested on behalf of the said Indians, in State stocks of southern States, and the sum of three thousand seven hundred dollars being the balance of interest, at five per cent per annum, on thirty-nine thousand nine hundred and fifty dollars held by the United States from July, one thousand eight hundred and fifty-seven, till vested in Kansas bonds in December, one thousand eight hundred and sixty-one, after crediting five thousand dollars thereon heretofore receipted for by the chiefs of said Indians, shall be and remain as the permanent fund of the said tribe, and five per cent be paid semi-annually thereon, per capita, to the tribe; and the interest due upon the sum of twenty-eight thousand five hundred dollars in Kansas bonds, and upon sixteen thousand two hundred dollars in United States stocks, now held for their benefit, shall be paid to the tribe semi-annually in two equal payments as a permanent school fund income: *Provided*, That there shall be taken from the said invested fund and paid to the said tribe,

Lands sold to the Peorias, &c.

Indians to remove to new homes within, &c.

Vol. x. p. 1082.

Amounts due the Indians to be paid them.

Further allowances.

1862, ch. 166.
Vol. xii. p. 539.
Amended.
Post, p. 527.

Proviso.

per capita, on the first of July, one thousand eight hundred and sixty-eight, the sum of thirty thousand dollars to assist them in establishing themselves upon their new homes; and at any time thereafter, when the chiefs shall represent to the satisfaction of the Secretary of the Interior that an additional sum is necessary, such sum may be taken from their invested fund: *And provided also*, That the said invested fund shall be subject to such division and diminution as may be found necessary in order to pay those who may become citizens their share of the funds of the tribe.

Certain taxes to be refunded.

ARTICLE XXV. Whereas taxes have been levied by the authority of the State of Kansas upon lands allotted to members of the tribe, the right and justice of which taxation is not acknowledged by the Indians, and on which account they have suffered great vexation and expense, and which is now a matter in question in the Supreme Court of the United States, it is agreed that, in case that court shall decide such taxes unlawful, the government will take measures to secure the refunding of said taxes to such of the Indians as have paid them; and if such taxes are decided to be lawful, then the government will redeem the said lands from all taxes down to the date of any deeds approved by the Secretary of the Interior; in consideration of which relief to the Indians they here by relinquish all right to payment from the government of any claims for damages to, and depredations upon, their property, made by parties who claim under such tax titles; and also all claim for damages on account of unfairness of the sales of their lands in one thousand eight hundred and fifty-seven.

Amended. Post, p. 527.

Miamies may be united with the Peorias, &c.

ARTICLE XXVI. The Peorias, Kaskaskias, Weas, and Piankeshaws agree that the Miamies may be confederated with them upon their new reservation, and own an undivided right in said reservation in proportion to the sum paid, upon the payment by the said Miamies of an amount which, in proportion to the number of the Miamies who shall join them, will be equal to their share of the purchase-money in this treaty provided to be paid for the land, and also upon the payment into the common fund of such amount as shall make them equal in annuities to the said Peorias, &c., the said privilege to remain open to the Miamies two years from the ratification of this treaty.

Blacksmith, iron and steel.

ARTICLE XXVII. The United States agree to pay the said Indians the sum of one thousand five hundred dollars per year for six years for their blacksmith, and for necessary iron and steel and tools; in consideration of which payment the said tribe hereby relinquish all claims for damages and losses during the late war, and, at the end of the said six years, any tools or materials remaining shall be the property of the tribe.

Register to be taken.

ARTICLE XXVIII. Inasmuch as there may be those among them who may desire to remain in Kansas and become citizens of the United States, it is hereby provided that, within six months after the ratification of this treaty, a register shall be taken by the agent, which shall show the names separately of all who voluntarily desire to remove, and all who desire to remain and become citizens; and those who shall elect to remain may appear before the judge of the United States district court for Kansas and make declaration of their intention to become citizens, and take the oath to support the Constitution of the United States; and upon filing of a certificate of such declaration and oath in the office of the Commissioner of Indian Affairs they shall be entitled to receive the proportionate share of themselves and their children in the invested funds and other common property of the tribe; and therefrom they and their children shall become citizens, and have no further rights in the tribe; and all the females who are heads of families and single women of full age shall have the right to make such declaration and become disconnected from the tribe.

Those wishing to remain, may become citizens.

PROVISIONS RELATING TO THE MIAMIES.

ARTICLE XXIX. It is agreed that such of the Miamies now occupying lands in Kansas, under their treaty of *August four* [June five], one thousand eight hundred and fifty-four, as desire to remain in that State and become citizens, may have the privilege of doing so; and that those who shall elect to remove to the new reservation herein provided to be purchased from the Senecas and Shawnees and sold to the Peorias, &c. may do so, and upon such removal shall become confederated with the said Peorias, and own an undivided right in said reservation in proportion to their numbers on paying to the United States, for the benefit of said Peorias, a proportionate share of the purchase-money and of the capital of their annuities as provided in article twenty-six; and upon such payment for their share of the land, the amount so paid shall be held by the United States for such disposition as the chiefs of the Peorias, &c. shall designate; and a sufficient amount of the funds of the Miamies who remove shall be set apart, so that the interest thereon, at five per cent, shall be equal in proportion to the numbers of the Miamies removing, to the school-fund income of the said Peorias, and upon such confederation the united tribe shall take the name of "Peorias and Miamies."

ARTICLE XXX. The provisions of article twenty-three of this treaty, relating to the removal of restrictions on the alienation of land, and as to the conveyance of land in certain cases, made as to the Peorias, &c. shall apply also [to] the Miamies; and it is agreed that those who decide to remove shall do so within two years from the ratification of this treaty.

ARTICLE XXXI. The reserved or common lands of the Miamies in the eastern part of Kansas, amounting to about twenty-three thousand acres, shall be sold, for the benefit of the tribe, in the following manner: Whereas the said lands have heretofore been appraised under direction of the Secretary of the Interior, which appraisal is on file in that department, such appraisal shall be taken as the basis of the sale; and whereas the said tract of land is now occupied for the most part by white settlers, it is agreed that the said settlers shall have a pre-emption right to the lands which they occupy, in legal subdivisions, at the appraised value thereof; and immediately after the ratification of this treaty it shall be the duty of the Commissioner of Indian Affairs to give notice, by publication for thirty days in some newspaper in the county in which the said lands are situated, that payment for the same must be made at said appraised value, by the person who occupies the land at the date of the ratification of this treaty, within six months after the date of such ratification; and, if such payment shall be made, patents in fee-simple shall be issued to the purchasers; and after the said six months sealed bids, at not less than the appraised value, shall be received by the Commissioner of Indian Affairs for any of said lands remaining unpaid for, and awards made to the highest bidder for cash until all of said lands are sold: *Provided*, That the Miamies shall not be held by this article as conceding any point in dispute relative to the validity of certain head-rights, sixty-eight in number, heretofore granted upon their reserve, and certain moneys taken from the Western Miamies and paid to said sixty-eight persons.

ARTICLE XXXII. The United States agree to the same provision in regard to taxes levied upon their lands under authority of the State of Kansas as is set forth in the twenty-fifth article, in regard to the Peorias, &c. so far as relates to redeeming their lands from taxes, in case such taxes are decided to have been lawfully levied.

ARTICLE XXXIII. A register shall be made by the agent of the tribe, within six months after the ratification of this treaty, of all who shall desire to remove, and all who desire to remain, and the provisions of article twenty-eight, in relation to the Peorias, &c. shall also apply to the Miamies.

Miamies.

Provision as to those wishing to remain in Kansas and become citizens; as to those wishing to remove.

Vol. x. p. 1098.

Stricken out.
Post, p. 527.

Alienation, &c.
of land.

Stricken out.
Post, p. 527.

Reserved
lands to be
sold.

Mode of sale.

Stricken out.
Post, p. 527.

Taxes.
Stricken out.
Post, p. 527.

Register.
Stricken out.
Post, p. 527.

Payments and allowances to the Miamies.

Vol. x. p. 1094.

Stricken out.
Post, p. 527.

ARTICLE XXXIV. In order that those who desire to remove may make preparations for the purpose, the sum of thirteen thousand dollars of the amount due the Miamies under article third of the treaty of one thousand eight hundred and fifty-four, shall be paid to them, per capita, within thirty days, and the additional sum of ten thousand dollars in ninety days after the ratification of this treaty; and upon the return of the register showing the names and number of those respectively who intend to retain their tribal condition and of those who will become citizens, an account shall be made of the amount due by the government to the tribe, and the share belonging to that portion who desire to become citizens shall be reserved to be paid to the parties entitled thereto; and, in making such account, their mill and blacksmith and other annuities shall be reduced to their actual cash present value; and after the reservation of the amount for those who become citizens, there shall be taken from the remaining moneys the amount necessary to pay for the share in the land purchased of the Peorias, &c., and the amount necessary to be capitalized as a permanent fund to make them equal in annuities to the Peorias, &c., and the balance, together with the share of the removing party derived from the sale of their lands, as fast as the same is received, shall be invested in seven-thirty United States bonds, maturing or convertible at the earliest date, and the interest upon the same shall be collected and paid to the Miamies, per capita, semi-annually at their new homes; and the share of the citizen Miamies in the proceeds of the lands shall be paid to the heads of families for their families, or to single persons, as the case may be, annually, until all the lands are sold.

School section to be patented to, &c.

Proviso.
Stricken out.
Post, p. 527.

ARTICLE XXXV. The school section upon the Miami reserve, now unimproved, shall be patented in fee-simple to the chiefs, Thomas Metosenyah and Big Leg, upon such division thereof as they may agree upon between themselves, upon notification of the said division to the Secretary of the Interior through the agent: *Provided*, That the portion of said school section, not exceeding four acres, heretofore used as a burial-ground, shall be perpetually reserved for such purpose.

Claims for damages.
Stricken out.
Post, p. 527.

ARTICLE XXXVI. An investigation shall be made by the Secretary of the Interior into all claims presented on account of damages committed by whites upon the lands of the Indians and for losses of stock and other property, and a report shall be made thereon to Congress, recommending such action as shall appear just and equitable.

This treaty is for Western Miamies.

Claims of others.
Stricken out.
Post, p. 527.

ARTICLE XXXVII. The provisions of this treaty shall apply exclusively for the use and benefit of the Western Miamies; and an examination shall be made as to the claims of certain Eel River Miamies now resident among the Western Miamies, and such amounts as may have been withheld from them shall be refunded, and hereafter their annuities shall be paid to them among the Western Miamies, where they live.

Agency buildings.
Stricken out.
Post, p. 527.

ARTICLE XXXVIII. The United States agree that agency buildings shall be erected, in as central a position as possible, for the tribes interested in this treaty, at a cost not to exceed eight thousand dollars, in place of those of the Neosho agency, destroyed during the late war.

Transfer of funds, &c.
Stricken out.
Post, p. 527.

ARTICLE XXXIX. All necessary arrangements contemplated in this treaty, in regard to the transfer of invested funds from one tribe to another, or the disposal of securities belonging to one tribe in favor of another, or capitalization of annuities and other funds, where the same are or may be in the hands of the government, shall be made by the Secretary of the Interior in such manner as shall fully carry into effect the spirit and meaning of this treaty; and where appropriations are needed from Congress in order to carry into effect these stipulations, it shall be his duty to make report in relation to the same to Congress at the earliest day practicable after the ratification of this treaty.

ARTICLE XL. If any amendments shall be made to this treaty by the Senate, it shall only be necessary to submit the same for the assent of the particular tribe or tribes interested; and should any such amendments be made, and the assent of the tribe or tribes interested not be obtained, the remainder of the treaty not affected by such amendment shall nevertheless take effect and be in force.

Amendments.

ARTICLE XLI. The expenses of negotiating this treaty, not exceeding twelve thousand dollars, shall be paid by the United States.

Expense of negotiating treaty.
Stricken out.
Post, p. 527.

In testimony whereof, the before-named commissioners on behalf of the United States, and the before-named delegates on behalf of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Miamies, Ottawas, and Wyandottes have hereunto set our hands and seals the day and year first above written.

Signature.

LEWIS V. BOGY, [SEAL.]
Commissioner of Indian Affairs.

W. H. WATSON, [SEAL.]
Special Commissioner.

THOS. MURPHY, [SEAL.]
Supt of Indian Affairs.

G. C. SNOW, [SEAL.]
U. S. Ind. Ag't, Neosho Agency.

G. A. COLTON, [SEAL.]
U. S. Ind. Ag't for Miamis, Peorias, &c.

GEORGE SPICER, his x mark, [SEAL.]
JOHN MUSH, his x mark, [SEAL.]
Senecas.

JOHN WHITETREE, his x mark, [SEAL.]
JOHN YOUNG, his x mark, [SEAL.]
LEWIS DAVIS, his x mark, [SEAL.]
Senecas and Shawnees.

S. G. VALIER, [SEAL.]
KA-SHE-CAH, his x mark, [SEAL.]
Quapaws.

BAPTISTE PEORIA, his x mark, [SEAL.]
JOHN MITCHELL, his x mark, [SEAL.]
EDWARD BLACK, [SEAL.]
Peorias, &c.

THOMAS METOSENIAH, his x mark, [SEAL.]
THOS. F. RICHARDVILLE, [SEAL.]
Miamies.

JOHN WILSON, his x mark, [SEAL.]
J. T. JONES, [SEAL.]
Ottawas.

TAUROMEE, his x mark, [SEAL.]
JOHN KARAOH, his x mark, [SEAL.]
Wyandottes.

In presence of —

- FRANK VALLE, his x mark,
U. S. Interpreter for Osage River Agency.
- JOHN B. ROUBIDEAU, his x mark.
U. S. Interpreter for Miamis.
- WM. HURR,
Interpreter for Ottawas.
- GEO. WRIGHT,
Interpreter for Wyandottes.
- ABELARD GUTHRIE.
- GEORGE B. JONAS.
- THOS. E. MCGRAW.
- LEWIS S. HAYDEN.
- CHARLES SIMS.
- R. MCBRATNEY.

Witnesses to signature of Lewis Davis :

- G. L. YOUNG.
- G. C. SNOW,
U. S. Ind. Agent.

Schedule A.

A. — *Schedule showing the several items embraced in the sum agreed to be paid to the Wyandottes by the thirteenth article of the foregoing treaty.*

Stricken out. Post, p. 527.	<ol style="list-style-type: none"> 1. Annuity due under the 6th article of the treaty of January 31, 1855.. \$ 8,750.00 2. Amount discounted on \$ 53,594.53 in State bonds on the 13th of May, 1859..... 15,187.03 3. Interest on the above \$ 15,787.03 [\$ 15,187.03] from May 13th, 1859, to February, 1867, at 5 per cent..... 6,150.87 4. Amount discounted on \$ 53,000 in State bonds, March 24, 1860..... 11,130.00 5. Interest on the above \$ 11,130 from March 24, 1860, to February 24, 1867 4,618.95 6. Moneys heretofore appropriated in fulfilment of treaty stipulations, but transferred to the surplus fund..... 3,635.05 7. Amount for depredations on Wyandotte property, claim approved by Secretary of the Interior, March 21st, 1862..... 34,342.50 	
	Total amount.....	\$ 83,814.40

The above-named total sum is designed to represent the full claim of the Wyandottes against the United States under former treaties.

The 1st, 2d, and 4th items, together with another named in the 14th article of the foregoing treaty, were examined and approved by the House Committee on Indian Affairs, and their payment recommended. — (See Congressional Globe, page 1037, part 2d, 2d session of 38th Congress.)

The 3d and 5th items constitute the interest on the moneys discounted on the bonds mentioned in items 2 and 4. Although the committee did not recommend the payment of this interest, they acknowledged its justice, but said that its allowance would possibly endanger the passage of the appropriation, as the general feeling was averse to paying interest on claims.

The 7th item embraces several small amounts for schools, blacksmith, &c., which were due and appropriated at the date of the treaty, but not paid, and were afterwards transferred to the surplus fund.

The 8th item is for depredations on Wyandotte property during the Kansas troubles and the entire emigration to California. It was examined and approved by the Secretary of the Interior, March 21, 1862.

Thos. Morgan and John W. Majors take E. $\frac{1}{2}$ of said quarter at \$3 per acre ; deposited \$9 ; total, \$240.00.

There is [are] 80 acres untaken, for which a purchaser will be named by the chiefs before 1st June next.

Total land disposed of.....	6,000 acres.
Total money deposited.....	\$ 5,970.00
Total amount at prices agreed.....	23,438.00

The above lands to be patented to the persons aforesaid, or their representatives, on prompt payment of the price agreed, by 1st June, 1867 ; provided, that if any settler refuse or neglect to pay as aforesaid, then the tract of land by him claimed to be sold under sealed bids.

Ratification with amendments.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
June 18, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement concluded at Washington, D. C., the twenty-third day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs, George C. Snow and G. A. Colton, U. S. Indian Agents, duly authorized, and the Senecas, represented by George Spicer and John Mush, the mixed Senecas and Shawnees, by John Whitetree, John Young, and Lewis Davis, the Quapaws, by S. G. Vallier and Ka-zhe-cab, the confederated Peorias, Kaskaskias, Weas, and Piankeshaws, by Baptiste Peoria, John Mitchell, and Edward Black, and the Ottawas of Blanchard's Fork and Roche de Bœuf, by John White and J. T. Jones, and including certain Wyandott[e]s, represented by Tauromee, or John Hat, and John Karaho, with the following

Amendments.

AMENDMENTS.

Art. IV.
Ante, p. 514.

ARTICLE IV. Strike out the following words: "and the land in Kansas herein ceded shall be open to entry and settlement the same as other public lands within sixty days after the completion of the surveys thereof"; and insert in lieu thereof: "under the pre-emption laws of the United States; but all such pre-emption shall be paid in the money of the United States, at the proper land office, within one year from the date of entry and settlement."

Art. XII.
Ante, p. 516.

ARTICLE XII. Strike out the following words: "the government being under obligations to protect them, but for the time unable to do so."

Same article. Strike out the following words: "upon such report, make such awards as he may deem equitable and just; and upon such award the United States will pay the claimants the amounts declared to be due: *Provided*, That the sums so paid shall not exceed thirty-five thousand dollars for the Senecas, twenty-five thousand dollars for the Shawnees, and thirty thousand dollars for the Quapaws; and if the awards shall exceed such amounts in either case, the claimants shall be paid pro rata from the amount appropriated"; and insert in lieu thereof: "report the same to Congress."

Art. XIII.
Ante, p. 516.

ARTICLE XIII. Strike out the following words: "and in order to reorganize and provide for the Wyandott[e]s, many of whom have been in a disorganized and unfortunate condition since their treaty of one thousand eight hundred and fifty-five, it is provided that there shall be recognized due and paid to the Wyandott[e]s of all classes the sum of eighty-three

thousand eight hundred and fourteen dollars and forty cents, as more particularly stated and described in the schedule annexed to this treaty marked 'A'; and insert in lieu thereof: "and the Secretary of the Interior is hereby authorized and required to appoint three persons whose duty it shall be to ascertain and report to the department the amount of money, if any, due by the United States to the Wyandott[e] Indians under existing treaty stipulations, and the items mentioned in schedule A, appended to this treaty, and the report of the persons so appointed, with the evidence taken, shall be submitted to Congress for action at its next session.

ARTICLE XIV. Strike out the following words; "and the United States further agree to pay to the said Wyandott[e]s the sum of eleven thousand seven hundred and twenty-seven dollars and seventy-four cents, being the amount of taxes levied under the authority of the State of Kansas, contrary to the terms of the treaty of one thousand eight hundred and fifty-five, previous to the organization of the State government and for five years thereafter, in consideration of which the said Wyandott[e]s, receiving their portion of the said sum, shall in each case relinquish in writing by themselves, or through the Delaware agent as their guardian, all further claims against the United States as to matters relating to the said taxes."

Art. XIV.
Ante, p. 517.

ARTICLE XVIII. Strike out the following words: "such amount, not exceeding ten thousand dollars, as may be found justly due to individual Ottawas, for depredations and damages upon their property during the late war, the proof of such losses to be furnished to the Secretary of the Interior, and such amount shall be paid as may be adjudged by him to be equitably due; and."

Art. XVIII.
Ante, p. 518.

ARTICLE XXIV. Strike out the following words: "and if any amount is found to be due, such balance, together with the interest of their invested funds, shall be paid to them upon the first of July, one thousand eight hundred and sixty-seven"; and insert in lieu thereof: "and reported to Congress."

Art. XXIV.
Ante, p. 519.

ARTICLE XXV. Strike out the following words: "and if such taxes are decided to be lawful, then the government will redeem the said lands from all taxes, down to the date of any deeds approved by the Secretary of the Interior; in consideration of which relief to the Indians, they hereby relinquish all right to payment from the government of any claims for damages to and depredations upon their property, made by parties who claim under such tax titles, and also all claims for damages on account of unfairness of the sales of their lands in one thousand eight hundred and fifty-seven.

Art. XXV.
Ante, p. 520.

Strike out the whole of articles twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty-one.

Art. XXIX.
and others.
Ante, pp. 521-523.

Strike out schedule A.

Schedule A.
Ante, p. 524.

Attest:

GEO. C. GORHAM,

Secretary.

And whereas the foregoing amendments having been fully explained and interpreted to the duly authorized chiefs, delegates, and headmen of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blanchard's Fork and Roche de Bœuf, and certain Wyandottes, they did respectively, on the first, seventh, eighth, and fifteenth days of September, one thousand eight hundred and sixty-eight, give their free and voluntary assent to the said amendments in a writing, which, after relating the aforesaid action of the Senate, reciting its said proposed amendments, and repeating the provisions of the fortieth article of the said treaty, concludes in the words and figures following, to wit: —

Amendments
assented to.

TREATY WITH THE MIAMIES. FEBRUARY 23, 1867.

Whereas the foregoing amendments to said treaty, made by the Senate of the United States in executive session on the eighteenth of June, one thousand eight hundred and sixty-eight, have been fully interpreted and explained to the undersigned severally representing the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottowas of Blanchard's Fork and Roche de Bœuf, and the Wyandott[e]s, parties to said treaty, being duly authorized by their respective tribes thereto, [they] do hereby agree to and ratify said amendments in which their tribes are respectively interested.

Done at Neosho Agency, Shawnee Nation, this seventh day of September, A. D. one thousand eight hundred and sixty-eight.

GEORGE SPICER, *Chief and Delegate*, his x mark. [SEAL.]
 JOHN MUSH, *Delegate*, his x mark. [SEAL.]
 JOSEPH SPICER, *Councillor*, his x mark. [SEAL.]
For the Senecas.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
 JAS. WHITECROW, *U. S. Interpreter.*
 JAMES H. EMBRY.

JOHN WHITETREE, his x mark. [SEAL.]
 JOHN YOUNG, his x mark. [SEAL.]
 ALFRED McDANIEL, his x mark. [SEAL.]
 WILLIAM JACKSON, his x mark. [SEAL.]
For the mixed Senecas and Shawnees.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
 JAS. WHITECROW, *U. S. Interpreter.*
 GEO. WRIGHT, *Interpreter.*
 LAZARUS FLINT, *Interpreter.*
 JAMES H. EMBRY.

S. G. VALIER, *Interpreter and Drghtn.* [SEAL.]
 KA-SHE-CAH, his x mark. [SEAL.]
 CAH-HIC-CAH-TEDAY, his x mark. [SEAL.]
 GEORGE LANE, his x mark. [SEAL.]
For the Quapaws.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
 LAZARUS FLINT.
 JAMES H. EMBRY.

Done at Neosho Agency, Shawnee Nation, this 8th September, 1868.

BAPTISTE PEORIA, *Head Chief of Peorias, &c.*, his x mark. [SEAL.]
 EDWARD BLACK, [SEAL.]
 YELLOW BEAVER, his x mark. [SEAL.]
For the confederated Peorias, &c.

Signed in presence of

FRANK VALLE, his x mark, *U. S. Int.*
 G. A. COLTON, *Agent.*
 JAMES H. EMBRY.

Done at Ottawa, Kansas, this first day of September, one thousand eight hundred and sixty-eight.

JOHN WILSON, his x mark. [SEAL.]
 J. T. JONES, [SEAL.]
For the Ottawas of Blanchard's Fork and Roche de Bœuf.

Signed in presence of

WILLIAM HURR, *U. S. Interpreter for Ottawas.*
 ALBERT WILEY, *Agent for Ottawas.*
 JAMES H. EMBRY, *Special Agent.*

Done near Wyandotte, Kansas, this fifteenth day of September, one thousand eight hundred and sixty-eight.

TAUROMEE, his x mark. [SEAL.]
 JOHN KARAHO, his x mark. [SEAL.]
 JACOB WHITECROW, his x mark. [SEAL.]
 SILAS M. GREYEVES, his x mark. [SEAL.]
 JOHN W. GREYEVES, [SEAL.]
For the Wyandott[e]s.

Signed in presence of

GEO. WRIGHT, *Interpreter for Wyandottes.*
 JAMES H. EMBRY, *Special Agent.*
 J. P. ROOT.
 J. S. STOCKTON.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the eighteenth of June, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendments, as aforesaid. Proclaimed

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

Done at the city of Washington, this fourteenth day of October, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Treaty between the United States of America and the Pottawatomie Tribe of Indians. Concluded February 27, 1867; Ratification advised, with Amendments, July 25, 1868; Amendments accepted August 4, 1868; Proclaimed August 7, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Feb. 27, 1867.

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, W. H. Watson, Thomas Murphy, and L. R. Palmer, commissioners on the part of the United States, and Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and George L. Young, of the Pottawatomie tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: Proclamation.

Articles of agreement concluded at Washington, D. C., on the twenty-seventh day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thos. Murphy, Sup't of Indian Affairs for Kansas, and Luther R. Palmer, U. S. Indian Agent, duly authorized, and the Pottawatomie tribe of Indians, represented by their chiefs, braves, and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young. Contracting parties.

Whereas the Pottawatomies believe that it is for the interest of their tribe that a home should be secured for them in the "Indian country" south of Kansas, while there is yet an opportunity for the selection of a suitable reservation; and whereas the tribe has the means of purchasing such reservation from funds due and to become due under the provisions of previous treaties, without interfering with the exclusive rights of those of their people who hold their lands in common: Now, therefore, it is agreed — See post, p. 535.

ARTICLE I. It being the intention of the government that a commission shall visit the Indian country as soon as practicable after the ratification of the treaties contemplating the removal of certain tribes from Kansas, accompanied by delegates from the several tribes proposing to remove, it is agreed that a delegation of the Pottawatomies may accompany said commission in order to select, if possible, a suitable location for their people without interfering with the locations made for other Indians; and if such location shall be found satisfactory to the Pottawatomies, and approved by the Secretary of the Interior, such tract of land, not exceeding thirty miles square, shall be set apart as a reservation for the exclusive use and occupancy of that tribe; and upon the survey of its lines and boundaries, and ascertaining of its area, and payment to the United States for the same, as hereinafter mentioned and set forth, the said tract shall be patented to the Pottawatomie nation: *Provided*, That if the said Pottawatomies shall prefer to select a new home among the Cherokees, by agreement with the said Cherokees for a price within the Commission to select a reservation.
Extent of reservation.
Proviso.

means of the Pottawatomies, the government will confirm such agreement.

Price to be paid for the reservation.
See *post*, p. 535.

ARTICLE II. In case the new reservation shall be selected upon the lands purchased by the government from the Creeks, Seminoles, or Choctaws, the price to be paid for the said reservation shall not exceed the cost of the same to the government of the United States; and the sum to be paid by the tribe for said reservation shall be taken from the amount provided to be paid by the Leavenworth, Pawnee, and Western Railroad Company for the lands sold to them under the treaty of eighteen hundred and sixty-one, which amount is the common property of the tribe: *Provided*, That if the United States shall advance the amount necessary to purchase the new reservation, the interest due upon the deferred payments for the land sold to the Leavenworth, Pawnee, and Western Railroad Company shall, when received, be retained by the United States, and credited to the tribe in payment for said reservation.

Proviso.

Reservation not to be included in any State, &c.

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ARTICLE III. After such reservation shall have been selected and set apart for the Pottawatomies, it shall never be included within the jurisdiction of any State or Territory, unless an Indian territory shall be organized, as provided for in certain treaties made in eighteen hundred and sixty-six with the Choctaws and other tribes occupying the "Indian country"; in which case, or in case of the organization of a legislative council or other body, for the regulation of matters affecting the relations of the tribes to each other, the Pottawatomies resident thereon shall have the right to representation, according to their numbers, on equal terms with the other tribes.

Register to be made of members of tribe who desire to remove or remain.

ARTICLE IV. A register shall be made, under the direction of the agent and the business committee of the tribe, within two years after the ratification of this treaty, which shall show the names of all members of the tribe who declare their desire to remove to the new reservation, and of all who desire to remain and to become citizens of the United States; and after the filing of such register in the office of the Commissioner of Indian Affairs, all existing restrictions shall be removed from the sale and alienation of lands by adults who shall have declared their intention to remove to the new reservation: But, *provided*, That no person shall be allowed to receive to his own use the avails of the sale of his land, unless he shall have received the certificate of the agent and business committee that he is fully competent to manage his own affairs; nor shall any person also be allowed to sell and receive the proceeds of the sale of the lands belonging to his family, unless the certificate of the agent and business committee shall declare him competent to take the charge of their property; but such persons may negotiate for the sales of their property and that of their families, and any contracts for sales so made, if certified by the agent and business committee to be at reasonable rates, shall be confirmed by the Secretary of the Interior, and patents shall issue to the purchaser upon full payment; and all payments for such land shall be made to the agent, and the funds by him deposited on the first of each month in some government depository to be designated by the Secretary of the Treasury, and triplicate certificates of deposit taken therefor, one to be forwarded to the Commissioner of Indian Affairs, one to be retained at the agency, and the third to be sent to the Superintendent of Indian affairs for Kansas; after which deposit the United States will be responsible for said funds until drawn out for use as hereinafter provided, and the bonds of the agent shall be increased to a sufficient amount to cover his increased liabilities under this section.

Sale, &c. of lands.

Moneys to be retained until, &c.

ARTICLE V. The moneys received and deposited as provided in the preceding article shall be retained until the party on whose behalf it is held shall be ready to remove to the new reservation, and shall then, or such part thereof as may from time to time be necessary, be drawn out, under the direction of the Commissioner of Indian Affairs, by the agent,

and expended for the benefit of the owner in providing for his removal and that of his family to the new reservation, and in such articles and for such uses as may, with the advice of the business committee, be deemed for his best interest at his new home.

ARTICLE VI. The provisions of article third of the treaty of April nineteenth, eighteen hundred and sixty-two, relative to Pottawatomies who desire to become citizens, shall continue in force, with the additional provision that, before patents shall issue and full payments be made to such persons, a certificate shall be necessary from the agent and business committee that the applicant is competent to manage his own affairs; and when computation is made to ascertain the amount of the funds to the tribe to which such applicants are entitled, the amounts invested in the new reservation provided for in the treaty shall not be taken into account; and where any member of the tribe shall become a citizen under the provisions of the said treaty of eighteen hundred and sixty-two, the families of said parties shall also be considered as citizens, and the head of the family shall be entitled to patents and the proportional share of funds belonging to his family; and women who are also heads of families, and single women of adult age, may become citizens in the same manner as males.

Provisions of Article III. of former treaty to be in force.

Patents not to issue until, &c.

ARTICLE VII. If at the end of five years from the ratification of this treaty there shall remain any of the Pottawatomies in Kansas who, having been registered as desiring to become citizens and remain in Kansas, shall not have obtained the certificate herein provided for and perfected their citizenship, the land still held by them shall be sold, under the direction of the Commissioner of Indian Affairs, with the improvements, if any, thereon; and such persons shall be required to remove to the new reservation of their tribe, and the proceeds of the sale of their land and improvements shall be used for the expense of removing such Indians to their new home, and for their benefit after their arrival thereat.

Lands of certain Indians to be sold, if in five years they have not obtained citizenship, &c. See post, p. 536.

ARTICLE VIII. Where allottees under the treaty of eighteen hundred and sixty-two shall have died, or shall hereafter de cease, if any dispute shall arise in regard to heirship to their property, it shall be competent for the business committee to decide such question, taking for their rule of action the laws of inheritance of the State of Kansas; and in cases where there are children of allottees left orphans, guardians for such orphans may be appointed by the business committee of the tribe, who shall give bonds, to be approved by the agent or superintendent, for the faithful management of the property of such orphans until their arrival at their majority.

Rights of inheritance, and disputes concerning, how to be settled. See post, p. 536.

ARTICLE IX. It is agreed that an examination shall be made of the books of the Indian Office in order to ascertain what amount is justly due to the Pottawatomies under the provisions of their treaties of eighteen hundred and eighteen and eighteen hundred and twenty-nine, providing for the payment of their annuities in coin, whereas they have been paid for several years in currency; and the result of such examination shall be reported to Congress, and the difference in amount due to said Indians shall be paid to them.

Amounts due the Pottawatomies to be ascertained.

ARTICLE X. It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises; and it is further agreed that the sum of one hundred and sixty-four thousand five hundred and eighty-four dollars, reported by the Secretary of the Interior on the nineteenth day of December, eighteen hundred and sixty-two, in pursuance of an act of Congress approved March second, eighteen hundred and sixty-one, and recommended to be paid, shall be paid to said tribe,

Claims for depredations on the property of the Indians. See post, p. 536.

Proviso. to be expended or invested as may be directed by the business committee of the tribe, for the benefit of said tribe: *Provided*, That this last provision shall be of none effect if said amount shall, within one year, be appropriated under direct action by Congress without reference to this treaty.

Lands for mission schools. See *post*, p. 536. ARTICLE XI. The half-sections of land heretofore set apart for mission schools, to wit, those of the St. Mary's Mission, and the American Baptist Mission, shall be granted in fee simple, the former to John F. Diels, John Schoenmaker and M. Gillaud, and the latter to such party as the American Baptist Board of Missions shall designate.

Rights of those members of the tribe who hold their lands in common. ARTICLE XII. No provisions of this treaty shall be held to apply in such manner as to authorize any interference with the exclusive rights in their own lands of those members of the tribe who hold their lands in common; but such Indians shall be entitled to their share in the ownership of the new reservation; and it shall not be necessary at any future time to treat with the representatives of the whole people for a cession of the lands of those who hold in common, but special treaty arrangements may be made at any time with the class of persons last named for the sale of their lands, and the disposition to be made of the proceeds thereof.

Inconsistent provisions void. ARTICLE XIII. All provisions of former treaties inconsistent with the provisions of this treaty shall be hereafter null and void.

Expenses of this treaty. ARTICLE XIV. The expenses of negotiating this treaty shall be paid by the United States, not to exceed six thousand dollars.

Execution. In testimony whereof, the aforementioned commissioners on behalf of the United States, and on behalf of the Pottawatomies the aforementioned chiefs, braves, and headmen, have hereunto set their hands and seals the day and year first above mentioned.

LEWIS V. BOGY,
Commissioner of Indian Affairs.
W. H. WATSON, [SEAL.]
Special Commissioner.
THOS. MURPHY, [SEAL.]
Supt. of Indian Affairs.
L. R. PALMER, [SEAL.]
U. S. Indian Agent.
MAZHEE, his + mark. [SEAL.]
MIANCO, his + mark. [SEAL.]
SHAWGWE, his + mark. [SEAL.]
B. H. BERTRAND, [SEAL.]
J. N. BOURASSA, [SEAL.]
M. B. BEAUBIEN, [SEAL.]
L. H. OGEE, [SEAL.]
GEORGE L. YOUNG. [SEAL.]

In presence of—
J. N. BOURASSA, *U. S. Int.*
LEWIS S. HAYDEN.
H. W. FARNSWORTH.
VITAL JARROT.
W. R. IRWIN.

Ratification with amendments.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
July 25, 1868.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement

concluded at Washington, D. C., on the twenty-seventh day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs for Kansas, and Luther R. Palmer, United States Indian Agent, duly authorized, and the Pottawatomie tribe of Indians, represented by their chiefs, braves, and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young, with the following

AMENDMENTS :

Strike out the preamble, and insert in lieu thereof, as follows :

Ante, p. 531.

Whereas the Pottawatomies believe that it is for the interest of their tribe that a home should be secured for them in the Indian country south of Kansas, while there is yet an opportunity for the selection of a suitable reservation ; and whereas the tribe has the means of purchasing such reservation from funds to arise from the sale of lands under the provisions of this treaty, without interfering with the exclusive rights of those of their people who hold their lands in common to the ownership of their diminished reserve, held by them in common, or with their right to receive their just proportion of the moneys arising from the sale of unallotted lands, known as surplus lands : Now, therefore, it is agreed —

Ante, p. 532.

Strike out article II., and insert in lieu thereof as follows :

In case the new reservation shall be selected upon the lands purchased by the government from the Creeks, Seminoles, or Choctaws, the price to be paid for said reservation shall not exceed the cost of the same to the government of the United States ; and the sum to be paid by the tribe for said reservation shall be taken from the amount which may be received for the lands which were offered for sale to the Leavenworth, Pawnee, and Western Railroad Company, under the treaty dated November fifteen, eighteen hundred and sixty-one, which amount shall be the common property of the tribe, except the Prairie band, who shall have no interest in said reservation, to be purchased as aforesaid, but in lieu thereof shall receive their pro rata share of the proceeds of the sale of said land in money, as the same may be received : *Provided*, That if the United States shall advance the amount necessary to purchase the said reservation, the interest due upon the deferred payments for said lands, sold as hereinafter provided, shall, when received by the United States, be retained and credited to said tribe interested in said reservation, or so much of said interest as may be due said tribe under this treaty : *And provided further*, That the Leavenworth, Pawnee and Western Railroad Company, their successors and assigns, having failed to purchase said lands, the Atchison, Topeka and Santa Fé Railroad Company may, within thirty days after the promulgation of this treaty, purchase of the said Pottawatomies their said unallotted lands, except as hereinafter provided, to St. Mary's mission, at the price of one dollar per acre, lawful money of the United States, and upon filing their bond for the purchase and payment of said lands in due form, to be approved by the Secretary of the Interior within the time above named, the said Secretary of the Interior shall issue to the last-named railroad company certificates of purchase, and such certificates of purchase shall be deemed and holden, in all courts, as evidence of title and possession in the said railroad company to all or any part of said lands, unless the same shall be forfeited as herein provided. The said purchase-money shall be paid to the Secretary of the Interior in trust for said Indians within five years from the date of such purchase, with interest at the rate of six per cent per annum on all deferred payments, until the whole purchase-money shall have been paid ; and before any patents shall issue for any part of said lands, one hundred thousand dollars shall be deposited with the Secretary of the Interior, to be forfeited in case the whole of the lands are not paid for as herein provided ; (said money may

Price of reservation, &c.

Prairie band.

Proviso.

Atchison, &c. R. R. Co. may purchase the lands if, &c.

Conditions and terms of purchase and payment.

be applied as the payment for the last one hundred thousand acres of said land;) payments shall also be made for at least one fourth of said unallotted lands at the rate of one dollar per acre, and when so paid the President is authorized hereby to issue patents for the land so paid for; and then for every additional part of said land upon the payment of one dollar per acre. The interest on said purchase-money shall be paid annually to the Secretary of the Interior for the use of said Indians. If the said company shall fail to pay the principal when the same shall become due, or to pay all or any part of the interest upon such purchase-money within thirty (30) days after the time when such payment of interest shall fall due, then this contract shall be deemed and held absolutely null and void, and cease to be binding upon either of the parties thereto, and said company and its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been, before the date of such forfeiture, paid for as herein provided: *Provided, however,* That in case any of said lands have been conveyed to bona fide purchasers by said Atchison, Topeka and Santa Fé Railroad Company, such purchasers shall be entitled to patents for said land so purchased by them upon the 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.

Ante, p. 533.

Strike out all of Article VII.

Strike out all of Article VIII., and insert in lieu thereof as follows:

Settlement of
the estates of
those deceased.
Ante, p. 533.

Where allottees under the treaty of eighteen hundred and sixty-one shall have died, or shall hereafter de cease, such allottees shall be regarded, for the purpose of a careful and just settlement of their estates, as citizens of the United States, and of the State of Kansas, and it shall be competent for the proper courts to take charge of the settlement of their estates under all the forms and in accordance with the laws of the State, as in the case of other citizens deceased; and in cases where there are children of allottees left orphans, guardians for such orphans may be appointed by the probate court of the county in which such orphans may reside, and such guardians shall give bonds, to be approved by the said court, for the proper care of the person and estate of such orphans, as provided by law.

Ante, p. 533.

ARTICLE X. Strike out the following words: "And it is further agreed that the sum of one hundred and sixty-four thousand five hundred and eighty-four dollars, reported by the Secretary of the Interior on the nineteenth day of December, eighteen hundred and sixty-two, in pursuance of an act of Congress approved March second, eighteen hundred and sixty-one, and recommended to be paid, shall be paid to said tribe, to be expended or invested as may be directed by the business committee of the tribe for the benefit of said tribe: *Provided,* That this last provision shall be of none effect if said amount shall within one year be appropriated under direction by Congress without reference to this treaty"; and insert in lieu thereof the following words:

Claims of Pot-
tawatomies to
be submitted to
commissioners.

And it is further agreed that the claims of the Pottawatomies heretofore examined and reported on by the Secretary of the Interior under the act of Congress of March two, eighteen hundred and sixty-one, shall be submitted to two commissioners, to be named by the President of the United States, for examination, and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, together with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session: *Provided,* That on part of the money reported due by the said commissioners shall be paid until the same shall be appropriated by Congress.

Ante, p. 534.
Certain per-
sons may pur-

At the end of Article XI. insert the following words:

And the said John F. Deils, John Shoemaker, and M. Gillaud shall

have the right to purchase in a compact body ten hundred and thirteen chase lands of the Indians.
54-100 acres of the unallotted lands at the price of one dollar per acre, to be paid to the Secretary of the Interior, for the use of said tribe, and when the consideration shall be paid as aforesaid the President shall issue patents to said purchasers therefor; and in selecting said ten hundred and thirteen 54-100 acres, said purchasers shall have the preference over all other parties.

Attest:

GEO. C. GORHAM,
Secretary,
By W. J. McDONALD.

And whereas the foregoing amendments having been fully explained and interpreted to B. H. Bertrand, a delegate of said Pottawatomie tribe of Indians, duly authorized to act as such, and also to represent the Indians parties to said treaty, he did, on the fourth day of August, one thousand eight hundred and sixty-eight, in behalf of said Indians, give his free and voluntary assent to the said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States did, on the twenty-fifth day of July, eighteen hundred and sixty-eight, advise and consent to the ratification of the articles of agreement concluded at Washington, D. C., on the twenty-seventh day of February, eighteen hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs for Kansas, and Luther R. Palmer, United States Indian Agent, duly authorized, and the Pottawatomie tribe of Indians, represented by their chiefs, braves, and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young, with certain amendments, as set forth in the resolution of the Senate, dated July twenty-fifth, eighteen hundred and sixty-eight, and hereto annexed; and whereas said amendments have been explained to me, and are fully understood by me: Now, therefore, I, Benjamin H. Bertrand, delegate of said Pottawatomie tribe of Indians, duly authorized to act as such, and also to represent the Indians parties to said treaty, do, for myself, as delegate as aforesaid, and as the authorized representative of the other delegates, who are at present authorized to represent the Pottawatomie tribe of Indians, hereby assent and agree to the said amendments as given in said Senate resolution.

Witness my hand and seal this fourth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, D. C.

B. H. BERTRAND, [SEAL.]

For himself as delegate, and representing—

MAZHEE,
HALF DAY,
A. F. NAVARRE,
G. L. YOUNG,
J. N. BOURASSA.

Signed in presence of—

L. R. PALMER, *U. S. Ind. Agent.*
W. W. ROSS.
W. R. IRWIN.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendments, as aforesaid. Treaty proclaimed.

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

Done at the city of Washington, this seventh day of August, in the year of our Lord one thousand eight hundred and sixty-eight, [SEAL.] and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America; Concluded March 30, 1867; Ratified by the United States May 28, 1867; Exchanged June 20, 1867; Proclaimed by the United States June 20, 1867.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, March 30, 1867.

A PROCLAMATION.

WHEREAS a treaty between the United States of America and his Majesty the Emperor of all the Russias was concluded and signed by their respective plenipotentiaries at the city of Washington, on the thirtieth day of March, last, 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 Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Councillor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé à cet effet, pour leurs plénipotentiaires, savoir: Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son envoyé extraordinaire et ministre plénipotentiaire aux Etats-Unis; et le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat, lesquels, après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

Contracting powers.

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le Territoire avec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contiguës, le dit Territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démar-

Cession of territory by Russia to the United States.

Boundaries.

Boundaries of
ceded territory.

of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28 - 16, 1825, and described in Articles III and IV of said convention, in the following terms :

“ Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

“ IV. With reference to the line of demarcation laid down in the preceding article, it is understood —

“ 1st. That the island called Prince of Wales Island shall belong wholly to Russia,” (now, by this cession, to the United States.)

“ 2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.”

The western limit within which the territories and dominion conveyed, are contained, passes through

cation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la convention conclue entre la Russie et la Grande-Bretagne, le 1^{er} février 1825, et définie dans les termes suivants des articles III et IV de la dite convention :

“ A partir du point le plus méridional de l'île dite Prince of Wales, lequel point se trouve sous la parallèle du 54^{me} degré 40 minutes de latitude nord, et entre le 131^{me} et le 133^{me} degré de longitude ouest (méridien de Greenwich), la dite ligne remontera, au Nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme, où elle atteint le 56^{me} degré de latitude nord, de ce dernier point la ligne de demarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141^{me} degré de longitude ouest (même méridien); et finalement, du dit point d'intersection la même ligne méridienne du 141^{me} degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

“ IV. Il est entendu, par rapport à la ligne de demarcation déterminée dans l'article précédent :

“ 1^o. Que l'île dite Prince of Wales, appartiendra toute entière à la Russie :” (mais dès ce jour en vertu de cette cession aux Etats-Unis.)

2^o. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56^{me} degré de latitude nord au point d'intersection du 141^{me} degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie” (c'est-à-dire la limite des possessions cédées par cette convention) : “ sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de dix lieues marines.”

La limite occidentale des Territoires cédés passe par un point au

a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian offi-

détroit de Behring sous la parallèle du soixante cinquième degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les îles Krusenstern ou Ignalook et l'île Ratmanoff ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale. Commencant au même point de départ, cette limite occidentale suit de là un cours presque Sud-ouest, à travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nord-ouest de l'île Saint Laurent et le point Sud-est du cap Choukotski jusqu'au méridien cent soixante douzième de longitude Ouest; de ce point à partir de l'intersection de ce méridien, cette limite suit une direction Sud-ouest de manière à passer à distance égale entre l'île d'Attou et l'île Copper du groupe d'îlots Kormandorski dans l'Océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver, dans le Territoire cédé, toutes les îles Aléoutes situées à l'est de ce méridien.

Boundaries.

ARTICLE II.

Dans le Territoire cédé, par l'article précédent, à la Souveraineté des Etats-Unis, sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est, toutefois entendu et convenue que les églises, construites par le Gouvernement Russe sur le Territoire cédé, resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives, papiers, et documents du Gouvernement, ayant trait au susdit Territoire, et qui y sont maintenant déposés, seront placés entre les mains de l'agent des Etats-Unis; mais les Etats-Unis fourniront, toujours quand il y aura lieu, des copies légalisées de ces documents au Gouvernement Russe, aux officiers ou

Cession of territory and dominion includes what.

Private property.

Churches

Government archives.

Copies will be furnished.

cers or subjects as they may apply for.

ARTICLE III.

Rights of inhabitants of the ceded territory.

Those civilized shall become citizens of the United States.

Uncivilized tribes.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

Agents for formally delivering and receiving the ceded territory, &c.

Cession to be absolute upon, &c.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Fortifications or military posts.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

Payment by

In consideration of the cession

sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du Territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le Territoire cédé, ils seront admis, à l'exception toutefois des tribus sauvages, à jouir de tous les droits, avantages, et immunités des citoyens des Etats-Unis, et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété, et religion. Les tribus sauvages seront assujéties aux lois et réglemens que les Etats-Unis pourront adopter, de temps en temps, à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera, aussitôt que possible, un agent ou des agents chargés de remettre, formellement à l'agent ou aux agents nommés par les Etats-Unis, le Territoire, la souveraineté, les propriétés, dépendances et appartenances ainsi cédées et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications, sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette convention, les fortifications et les postes militaires qui se trouveront sur le Territoire cédé seront remis à l'agent des Etats-Unis, et les troupes Russes qui sont stationnées dans le dit Territoire seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite

aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. s.] WILLIAM H. SEWARD.

[L. s.] EDOUARD DE STOECKL.

cession, les Etats-Unis s'engagent à payer à la Trésorerie à Washington dans le terme de dix mois, après l'échange des ratifications de cette convention, sept millions deux cent mille dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du Territoire avec droit de souveraineté faite par cette convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises, ou possessions par des compagnies Russes ou tout autre, légalement constituées ou autrement, ou par des associations, sauf simplement les propriétaires possédant des biens privés individuels et la cession ainsi faite transfère tous les droits, franchises et privilèges appartenant actuellement à la Russie dans le dit Territoire et ses dépendances.

ARTICLE VII.

Lorsque cette convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part, et par le Président des Etats-Unis avec l'avis et le consentement du Sénat, de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les plenipotentiaries respectifs ont signé cette convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18-30 jour de Mars de l'an de Notre Seigneur mil huit cent soixante sept.

[L. s.] EDOUARD DE STOECKL.

[L. s.] WILLIAM H. SEWARD.

the United States for the ceded territory

Territory ceded declared to be unencumbered by reservations, privileges, franchises, &c.

Cession conveys what.

Ratifications, when to be exchanged.

Exchange of ratifications.

Proclamation.

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on this twentieth day of June, by William H. Seward, Secretary of State of the United States, and the Privy Counsellor Edward de Stoeckl, the Envoy Extraordinary of His Majesty the Emperor of all the Russias, on the part of their respective governments,

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 RUSSIA. MARCH 30, 1867.

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 twentieth day of June in the year of our Lord one thousand eight hundred and sixty-
[L. s.] seven, and of the Independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the General Post-Office of the United States of America and the General Post-Office of the United Kingdom of Great Britain and Ireland.

THE General Post-Office of the United States of America and the General Post-Office of the United Kingdom of Great Britain and Ireland, being desirous of regulating, by means of a new convention, the communication by post between the two countries, the undersigned, duly authorized for that purpose by their respective governments, have agreed upon the following articles :

ARTICLE I. There shall be an exchange of correspondence between the United States of America and the United Kingdom of Great Britain and Ireland, as well for letters, newspapers, book-packets, and patterns or samples of merchandise, originating in the United States or in the United Kingdom, as for articles of the same nature originating in or destined for the countries or colonies, the correspondence of which is forwarded through the United States or through the United Kingdom.

ARTICLE II. Each office shall make its own arrangements for the despatch of mails to the other office by well-appointed ships, sailing on stated days, and shall at its own cost remunerate the owners of such ships for the conveyance of the mails.

ARTICLE III. The postage on a single international letter shall not exceed twelve cents in the United States, or sixpence in the United Kingdom, and the authorized weight of a single letter shall be fifteen grammes (by the metrical scale) in the United States and half an ounce in the United Kingdom.

For other than single letters the same charge shall be made for every additional fifteen grammes, or half an ounce, or fraction thereof.

ARTICLE IV. Every international letter insufficiently paid, or wholly unpaid, received in the United States from the United Kingdom shall, in addition to the deficient postage, be subject to a fine of five cents, such fine to be retained by the United States Post-Office; and every international letter insufficiently paid, or wholly unpaid, received in the United Kingdom from the United States shall, in addition to the deficient postage, be subject to a fine, the amount of which shall be fixed and retained by the British Post-Office.

ARTICLE V. International newspapers, book-packets (including printed papers of all kinds, maps, plans, prints, engravings, drawings, photographs, lithographs, sheets of music, and so forth), and patterns and samples of merchandise (including seeds and grain), shall be transmissible by either office at such charges (not less than three pence in the United Kingdom or six cents in the United States per four ounces on book packets and patterns or samples of merchandise), and under such regulations as the despatching office may from time to time lay down.

These regulations, however, shall include the following :

1st. The postage shall be fully prepaid.

2d. No book packet may contain anything which is sealed or otherwise closed against inspection, nor must there be any letter, nor any communication of the nature of a letter, whether separate or otherwise, unless the whole of such letter or communication be printed. But entries merely stating from whom, or to whom, the packet is sent, shall not be regarded as a letter.

3d. No book packet must exceed two feet in length, or one foot in width or depth.

June 18, 1867.
Contracting parties.

Exchange of correspondence; to include what.

Each office to despatch mails.

Rates of postage.
Weight of single letter.

Letters insufficiently paid or wholly unpaid subject to fine.

Fines, how disposed of.

Postage on newspapers, &c.;

to be prepaid; book packets;

- Prohibited papers.** 4th. Neither office shall be bound to deliver printed papers the importation of which may be prohibited by the laws or regulations of the country to which they are transmitted.
- Customs duty in the United States.** 5th. So long as any customs duty is chargeable in the United States on the importation from the United Kingdom of any of the articles enumerated above, such customs duty shall be leviable in the United States, and the proceeds shall accrue to the United States Treasury.
- No other charges.** 6th. Except as above, no charge whatever shall be levied in the country in which international newspapers, book-packets, and patterns or samples of merchandise are delivered.
- Certain postages collected in the two countries to be equally divided.** ARTICLE VI. The postage collected in the two countries on international letters, newspapers, book packets, and patterns or samples of merchandise, together with the fees for registration (but exclusive of fines for unpaid or insufficiently paid letters), shall be equally divided between the two offices.
- Postage on transit letters, &c.** That portion of the postage of transit letters, transit newspapers, book-packets, and patterns or samples of merchandise which represents the charge for the sea conveyance between the United Kingdom and the United States shall belong wholly to the despatching office.
- Charge for sea conveyance of letters and newspapers.** For the purposes of this article the charge for the sea conveyance of letters across the Atlantic shall be computed on the basis of four pence, or eight cents, per single letter rate, and the charge for the sea conveyance across the Atlantic of newspapers, book packets, and patterns or samples of merchandise shall be computed at three pence per pound or twelve cents per kilogramme.
- Registered letters or packets.** ARTICLE VII. The United States Post-Office may deliver to the British Post-Office letters or other postal packets which have been registered, addressed to the United Kingdom. Reciprocally, the British Post-Office may deliver to the United States Post-Office registered letters or other postal packets which have been registered, addressed to the United States.
- Postage of registered letters.** The postage of registered letters and so forth shall always be paid in advance.
- Registration fee.** In addition to this postage, there shall also be charged a registration fee, the amount of which shall be fixed by the despatching office.
- Same subject.** ARTICLE VIII. The United States Post-Office may further deliver to the British Post-Office registered letters and so forth, addressed to those countries or colonies to which registered letters can be sent from the United Kingdom.
- Postages to be accounted for.** The United States Post-Office shall account to the British Post-Office (in addition to the postage due to the British Post-Office) for such sum as shall be chargeable to the inhabitants of the United Kingdom for the registration from the United Kingdom of every registered letter and so forth addressed to the countries or colonies above mentioned. On its side the British Post-Office may deliver to the United States Post-Office registered letters and so forth addressed to those countries to which registered letters can be sent from the United States.
- Fransit of closed mails through each country.** The British Post-Office shall account to the United States Post-Office (in addition to the postage due to the United States Post-Office) for such sum as shall be chargeable to the inhabitants of the United States for the registration from the United States of every registered letter and so forth addressed to the countries above mentioned.
- ARTICLE IX. The British Post-Office engages to grant the transit through the United Kingdom, as well as the conveyance by British mail packets, of the closed mails which the United States Post-Office may exchange, in either direction, with the post-offices of the United States Possessions, or of foreign countries, and the United States Post-Office engages to grant the transit through the United States, as well as the conveyance by United States mail packets, of the closed mails which the

British Post-Office may exchange, in either direction with the post-offices of British Possessions, or of foreign countries.

The country which sends or receives closed mails through the other shall render an account of the letters, newspapers, book-packets, and patterns contained in such closed mails. Account to be rendered of contents.

ARTICLE X. The rates of postage to be mutually paid for the territorial transit (including the passage of the English Channel) of all letters sent from one country to the other for transmission to places beyond, in closed mails, shall be one half the ordinary inland rates now charged in the two countries respectively, viz. for transit through the United States, one half of three cents per single letter, and for transit through the United Kingdom one half of a penny per single letter. Rates of postage for territorial transit of letters;

The transit rates of postage to be mutually paid for newspapers, book packets, and patterns or samples of merchandise sent in closed mails, shall be fourpence per kilogramme for transit through the United Kingdom, and six cents per pound for transit through the United States. of newspapers, &c.

ARTICLE XI. When, in any British or United States port, a closed mail is transferred from one ship to another, without any expense devolving on the office of the country owning such port, such transfer shall not be deemed a territorial transit, and shall not give rise to any charge for territorial transit. Certain transfers of closed mails not to be deemed territorial transit.

ARTICLE XII. The rates of postage to be paid by the British Post-Office to the United States Post-Office for the sea conveyance, other than across the Atlantic, of correspondence sent from the United Kingdom to the United States, in closed mails, for transmission to places beyond, or brought to the United States from places beyond, in closed mails, for transmission to the United Kingdom, shall be the same that are paid by the inhabitants of the United States; reciprocally, the rates of postage to be paid by the United States Post-Office to the British Post-Office for the sea conveyance, other than across the Atlantic, of correspondence sent from the United States to the United Kingdom, in closed mails, for transmission to places beyond, or brought to the United Kingdom from places beyond, in closed mails, for transmission to the United States, shall be the same that are paid by the inhabitants of the United Kingdom. Rates of postage for sea conveyance of closed mails.

ARTICLE XIII. The combined territorial and sea rates upon transit correspondence sent in ordinary mails, to be accounted for by one office to the other, shall be the same that are paid by the inhabitants of the country through which the correspondence is forwarded. Combined territorial and sea rates.

ARTICLE XIV. The amount of postage chargeable by the United States Post-Office, on its own account, upon every single letter sent through the United Kingdom, in ordinary mails, addressed to the United States, shall be three cents; and the amount of postage chargeable by the British Post-Office, on its own account, upon every single letter sent through the United States, in ordinary mails, addressed to the United Kingdom, shall be one penny. United States postage on single letter;
British postage.

ARTICLE XV. There shall be an exchange of correspondence between the United States of America and Bermuda, and between those States and the British Post-Office Agencies, established in the Danish Colony of St. Thomas, in Panama, in Colon, and in San Juan (Porto Rico). The postage to be accounted for on such correspondence shall be fixed from time to time by the mutual consent of the two offices. Exchange of correspondence between the United States and Bermuda, St. Thomas, and San Juan.

ARTICLE XVI. The British Post-Office shall prepare, at the expiration of every quarter, separate accounts, exhibiting the results of the exchange of correspondence, whether in ordinary mails, or in closed mails, between the respective offices. British Post-Office to prepare quarterly separate accounts.

Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the quarter.

The separate accounts shall be incorporated in general accounts, which shall be compared and settled by the two offices, and the balance shall Accounts to be incorpo-

rated in general accounts.

forthwith be paid, in the money of the country to which the payment is to be made, by that office which is found to be indebted to the other.

Equivalent of the United States dollar.

In converting United States currency into sterling, or sterling into United States currency, four shillings and two pence shall be considered as the equivalent of a dollar.

Official communication between the Post-Offices not to be accounted.

ARTICLE XVII. Official communications addressed by the United States Post-Office to the British Post-Office, or by the British Post-Office to the United States Post-Office, shall not give rise to any account between the two Post-Offices.

Regulations to be made, and how terminable.

ARTICLE XVIII. The two offices shall, by mutual consent, make detailed regulations in accordance with the foregoing articles, such regulations to be terminable on a reasonable notice by either office.

Existing conventions to cease when this takes effect.

ARTICLE XIX. All the conventions which now regulate the exchange of correspondence between the United Kingdom of Great Britain and Ireland and the United States of America, shall cease to have effect from the date of the day when the present convention shall be put into execution.

When articles of this convention take effect.

ARTICLE XX. Articles one, five, seven, eight, nine, ten, eleven, twelve, fifteen, sixteen, seventeen, and eighteen, shall come into operation on the 1st October next, and the remaining articles on the 1st day of January, 1868.

Convention terminable upon what notice.

ARTICLE XXI. This convention shall be terminable at any time on a notice by either office of one year; and Article V. (except so far as relates to newspapers) shall be terminable on a notice of three months.

Execution.

Done in duplicate and signed in London, the 18th day of June, one thousand eight hundred and sixty-seven.

MONTROSE,
[L. s.]

JOHN A. KASSON, *Special Com., &c., &c.*
[L. s.]

POST-OFFICE DEPARTMENT, }
Washington, July 8, 1867. }

Convention ratified and approved by the Postmaster-General;

Having examined and considered the foregoing articles of a new Postal Convention between the United States of America and the United Kingdom of Great Britain and Ireland, which were agreed upon and signed in duplicate at London on the eighteenth day of June, one thousand eight hundred and sixty-seven, by the Hon. John A. Kasson, Special Commissioner, &c., &c. on behalf of this Department, and by His Grace the Duke of Montrose, Postmaster-General of the United Kingdom of Great Britain and Ireland, on behalf of his Department, the same are by me hereby ratified and approved, by and with the advice and consent of the President of the United States.

In witness whereof, I have caused the seal of the Post-Office Department to be hereto affixed, with my signature, the day and year first above written.

[L. s.]

ALEX. W. RANDALL,
Postmaster-General, U. S.

approved by the President of the United States.

I hereby approve the foregoing Convention, and in testimony thereof I have caused the seal of the United States to be affixed.

[L. s.]

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*
WASHINGTON, July 8, 1867.

Treaty between the United States of America and the Republic of Nicaragua; Concluded June 21, 1867; Ratified June 20, 1868; Proclaimed August 13, 1868.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 21, 1867.

A PROCLAMATION.

WHEREAS a treaty of friendship, commerce, and navigation, between the United States of America and the republic of Nicaragua, was concluded and signed by their respective plenipotentiaries, at the city of Managua, on the twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven, 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 NICARAGUA.

TRATADO DE AMISTAD, COMERCIO Y NAVEGACION ENTRE LA REPUBLICA DE NICARAGUA Y LOS ESTADOS UNIDOS DE NORTE AMÉRICA.

The United States of America and the republic of Nicaragua desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific oceans, by the river San Juan, and either or both the lakes of Nicaragua and Managua, or by any other route through the territories of Nicaragua, have agreed for this purpose to conclude a treaty of friendship, commerce and navigation, and have accordingly named as their respective plenipotentiaries, that is to say: the President of the United States, Andrew B. Dickinson, minister resident and extraordinary to Nicaragua, and his excellency the President of the republic of Nicaragua, Señor Licenciado Don Tomas Ayon, minister of foreign relations, who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

La republica de Nicaragua y los Estados Unidos de America, deseando conservar y mejorar la buena inteligencia y amigables relaciones que ahora felismente existen entre ellos, promover el comercio de sus ciudadanos y hacer algunos arreglos reciprocos respecto de la comunicacion entre los oceanos Atlantico y Pacifico por el Rio San Juan, y cada uno ó ambos, los Lagos de Nicaragua ó de Managua, ó por cualquiera otra ruta al traves del territorio de Nicaragua; con tal objecto han convenido en concluir un tratado de amistad, comercio y navegacion, y en consecuencia han nombrado como sus respectivos plenipotenciarios, á saber: Su Exelencia el Presidente de la republica de Nicaragua al Señor Licenciado Don Tomas Ayon, ministro de relaciones exteriores, y el Presidente de los Estados Unidos, al Señor Andrew B. Dickinson, ministro residente y extraordinario en Nicaragua, quienes, despues de haberse comunicado reciprocamente sus plenos poderes, encontrados en propia y debida forma, han convenido en los articulos siguientes:

Contracting parties.

ARTICLE I.

There shall be perpetual amity between the United States and their

ARTICULO 1.

Habrá amistad perpetua entre la republica de Nicaragua y sus ciuda- Peace and friendship.

citizens on the one part, and the government of the republic of Nicaragua and its citizens of the other.

ARTICLE II.

Freedom of
commerce.

There shall be between all the territories of the United States and the territories of the republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post-office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

Coasting
trade.

By the right of entering 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.

Rights of
most favored
nations.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of com-

danos por una parte, y los Estados Unidos y sus ciudadanos por la otra.

ARTICULO 2.

Habrá reciproca libertad de comercio entre todos los territorios de la republica de Nicaragua y los territorios de los Estados Unidos. Los ciudadanos de los dos paises, respectivamente, tendrán plena libertad de llegar franca y seguramente con sus buques y cargamentos á todos los lugares, puertos y rios en los territorios mencionados, á los cuales se permita ó se permitiere llegar á otros extranjeros, de entrar en los mismos, y permanecer y residir en cualquier parte de ellos, respectivamente; asi como de alquilar y ocupar casas y almacenes para los objetos de su comercio; y en general los comerciantes y traficantes de cada nacion, respectivamente, gozarán de la mas completa proteccion y seguridad para su comercio, sugetos siempre á las leyes y estatutos de los dos paises, respectivamente. De la misma manera los respectivos buques de guerra y paquetes correos de los dos paises, tendrán libertad de llegar franca y seguramente á todos los puertos, rios y lugares á donde se permita ó se permitiere la llegada de otros buques de guerra y paquetes extranjeros; de entrar en los mismos, anclar, permanecer en ellos, y reequiparse, sugetos siempre á las leyes y estatutos de los dos paises, respectivamente.

En el derecho de entrar en los lugares, puertos y rios mencionados, no se comprende el privilegio de hacer el comercio costanero, en el cual solamente pueden emplearse buques nacionales del pais en que se haga dicho comercio.

ARTICULO 3.

Siendo la intencion de las dos altas partes contratantes obligarse por los articulos presentes á tratarse mutuamente bajo el pie que á la nacion mas favorecida, convienen por el presente, en que cualquier favor, privilegio ó inmunidad en materia de comercio y navegacion que una

merce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other 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 a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the republic of Nicaragua of any article being the growth, produce, or manufacture of the United States, than are or shall be payable upon 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 importation or exportation of any articles the growth, produce, or manufacture of the territories of the United States or the republic of Nicaragua to or from the said territories of the United States, or to or from the republic of Nicaragua, which shall not equally extend to all other nations.

ARTICLE V.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of

de dichas partes contratantes haya concedido ó concediere en adelante á los subditos ó ciudadanos de otros Estados, se haran extensivos á los subditos de la otra parte gratuitamente, si la concesion en favor de aquella otra nacion hubiese sido gratuita, ó en cambio de una compensacion de un valor y efecto tan aproximado como sea posible en que se convenga por mutuo acuerdo, si la concesion hubiese sido condicional.

ARTICULO 4.

No se impondran otros ó mas altos derechos sobre la importacion en los territorios de los Estados Unidos de cualquier articulo que sea fruto, producto natural ó manufacturado de la republica de Nicaragua, y no se impondran otros ó mas altos derechos sobre la importacion en los territorios de la republica de Nicaragua, de cualquier articulo que sea fruto, producto natural ó manufacturado de los Estados Unidos, que los que se exigen ó exijieren por iguales articulos que sean frutos, productos naturales ó manufacturados de cualquier otro pais extranjero, ni se impondran otros ó mas altos derechos ó gravámenes en los territorios de ninguna de las dos altas partes contratantes sobre la exportacion de cualesquier articulo a los territorios de la otra, que los que se exijan ó se exijieren por la exportacion de iguales articulos para cualquier otro pais extranjero, ni se impondrá ninguna prohibicion sobre la importacion ó exportacion de cualesquier articulos que sean frutos, productos naturales ó manufacturados de los territorios de los Estados Unidos ó de la republica de Nicaragua á ó de dichos territorios de los Estados Unidos á ó de la republica de Nicaragua que no sea igualmente estensiva á los de todas las otras naciones.

Duties.

Prohibition.

ARTICULO 5.

No se impondran otros ó mas altos derechos ó compensaciones por toneladas, faros, puertos ó emolumentos

Tonnage duties, harbor dues, &c.

salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United States than those payable by Nicaraguan vessels, nor in any of the ports of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

Duties on imports the same in vessels of either country.

The same duties shall be paid on the importation into the territories of the republic of Nicaragua of any article being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the republic of Nicaragua of any article being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the republic of Nicaragua to the territories of the United States, whether such exportation shall be made in the vessels of the United States or of Nicaragua.

ARTICLE VII.

Rights of citizens of each country in the territory of the other.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the republic of Nicaragua to manage their own

de practicos, salvamento en caso de averia ó naufragio, ó impuestos locales de cualquiera clase en ninguno de los puertos de Nicaragua sobre los buques de los Estados Unidos que los que de ban pagarse por los buques de Nicaragua, que los que deban pagarse en los mismos puertos sobre buques de los Estados Unidos.

ARTICULO 6.

Se pagaran los mismos derechos por la importacion á los territorios de la republica de Nicaragua de cualquier articulo que sea fruto, producto natural ó manufacturado de los territorios de los Estados Unidos, yá sea que tal importacion sea hecha en buques de Nicaragua ó en buques de los Estados Unidos, y se pagaran los mismos derechos por la importacion en los territorios de los Estados Unidos, de cualquier articulo que sea fruto, producto natural ó manufacturado de la republica de Nicaragua, ya sea que la importacion sea hecha en buques Nicaraguenses ó en buques de los Estados Unidos. Se pagaran los mismos derechos y se concederan los mismos premios y descuentos por la exportacion á la republica de Nicaragua de cualesquier articulos que sean frutos, productos naturales ó manufacturados de los territorios de los Estados Unidos, ya sea que la exportacion se hága en buques Nicaraguenses ó de los Estados Unidos, y se pagaran los mismos derechos, y se concederan los mismos premios y descuentos por la exportacion de cualesquier articulos que sean frutos, productos naturales ó manufacturados de la republica de Nicaragua ó de los territorios de los Estados Unidos, ya sea que dicha exportacion sea hecha en buques de los Estados Unidos ó de Nicaragua.

ARTICULO 7.

Todos los comerciantes, capitanes de buques y otros ciudadanos de los Estados Unidos, tendran plena libertad en todos los territorios de la republica de Nicaragua, de manejar

affairs themselves, as permitted by the laws, 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 Nicaraguans, nor pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the republic of Nicaragua 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 Nicaragua 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 said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, advocates, attorneys, or agents, of whatsoever 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 merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or 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

sus propios negocios por si mismos, como se permita por las leyes, ó de encargar el manejo de ellos, á quienquiera que ellos tengan por conveniente, con el caracter de corredor, factor, agente ó interprete, ni se les obligará á emplear ningunas otras personas con aquel caracter que las que sean empleadas por los Nicaragüenses, ni á pagarles otros salarios ó remuneraciones que los que en iguales casos sean pagados por ciudadanos Nicaragüenses; y en todos casos se concedera absoluta libertad al comprador y al vendedor para contratar y fijar el precio de cualesquiera generos, efectos ó mercancias exportadas á ó de la republica de Nicaragua, ó como mejor les parezca, observando las leyes y costumbres establecidas en el pais.

Se gozaran los mismos privilegios en los territorios de los Estados Unidos por los ciudadanos de la republica de Nicaragua, bajo las mismas condiciones.

Los ciudadanos de las altas partes contratantes, reciprocamente, recibirán y gozaran plena y perfecta proteccion para sus personas y propiedades, y tendran libre y franco acceso á los tribunales de justicia en ambos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y tendran libertad de emplear en todos los casos los abogados, procuradores ó agentes de cualquier clase que les parezcan convenientes, y gozaran en este particular de los mismos derechos y privilegios que los ciudadanos naturales.

ARTICULO 8.

En todo lo que hace relacion á la policia de los puertos, á la carga y descarga de los buques, á la seguridad de las mercancias, generos y efectos, á la sucesion de bienes muebles por testamento ó de otro modo, y á la disposicion de bienes muebles de toda especie y denominacion, por venta, donacion, cambio, testamento ó de cualquiera otra manera, como tambien á la administracion de justicia, los ciudadanos de las dos altas partes contratantes, gozaran reciprocamente de los mismos privilegios,

Rights of citizens of each country in the territory of the other.

Privileges.

Protection to persons and property.

Rights of citizens of each country in the territory of the other in respect to various matters.

citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

Real estate.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

Estates of deceased persons.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul, or other diplomatic agent, of the nation to which the deceased belonged, (or the representative of such minister or consul, or other diplomatic agent, in case of 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.

libertades y derechos que los ciudadanos naturales; y no se les cargaran, en nada de lo que tenga relacion con esto, otros impuestos ó derechos que los que se paguen, ó deban pagarse por los ciudadanos naturales, sometiendose, por supuesto, á las leyes locales y á las regulaciones de cada pais respectivamente.

Las estipulaciones que preceden se haran extensivas á los bienes raices situados dentro de los Estados de la Union Americana ó de la republica de Nicaragua, en que se permita á los extrangeros poseer y heredar fincas raices.

Pero en caso que algunos bienes raices situados dentro de los territorios de una de las partes contratantes, recayesen en un ciudadano de la otra parte, á quien por su calidad de extrangero no le fuere permitido poseer dicha propiedad en el Estado en que pueda estar situada, se le acordará á dicho heredero ú otro sucesor el termino que las leyes del Estado le permita para vender dicha propiedad; podrá en toda epoca retirar y esportar los productos de esta venta, sin dificultad y sin pagar al gobierno ningunos otros impuestos que los que, en casos semejantes, se pagaran por un habitante del pais donde esten situadas las fincas raices.

Si algun ciudadano de las dos altas partes contratantes muriese sin dejar testamento en cualquiera de los territorios de la otra, el ministro ó consul ú otro agente diplomatico de la nacion á la cual pertenecia el difunto, (ó el representante de dicho ministro ó consul ú otro agente diplomatico, en caso de ausencia,) tendrá el derecho de nombrar curadores que se hagan cargo de la propiedad del difunto, hasta donde lo permitan las leyes del pais, en beneficio de los herederos legales y de los acreedores del difunto, dando noticia oportuno de tal nombramiento á las autoridades del pais.

ARTICLE IX.

ARTICULO 9.

Intermarriage and holding property not to change national character.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with

1. Los ciudadanos de los Estados Unidos que residan en Nicaragua, ó los ciudadanos de Nicaragua que residan en los Estados Unidos, pueden

the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

2. The citizens of the United States residents in the republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation to be paid in advance; and

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

ARTICLE X.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party. But before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

The diplomatic agents of Nicaragua and consuls shall enjoy in the

den casarse con los naturales del país, poseer y disfrutar, por compra, casamiento ó sucesion, cualesquiera bienes muebles ó raíces, sin cambiar por esto su caracter nacional sujetos á las leyes ahora existen ó puedan expedirse á este respecto.

2. Los ciudadanos de los Estados Unidos residentes en la republica de Nicaragua, y los ciudadanos de Nicaragua residentes en los Estados Unidos, seran exceptuados de todo servicio militar, de tierra ó agua, cualquiera que sea, forzado ó compulsorio, de todas contribuciones de guerra, exacciones militares, empréstitos forzosos en tiempo de guerra; pero estaran obligados del mismo modo que los ciudadanos de cada nacion á pagar las contribuciones legales, los impuestos municipales y otros, y las cargas ordinarias, empréstitos y contribuciones en tiempo de paz, del mismo modo á que estan sujetos los ciudadanos del país, en justa proporcion á la propiedad que posean.

3. Ni será tomada la propiedad de ninguno de ellos, de cualquiera especie, para ningun objeto publico, sin una previa compensacion plena y justa, y

4. Los ciudadanos de cada una de las dos altas partes contratantes tendran el derecho ilimitado de ir á cualquiera parte de los territorios de la otra; y en todos casos gozaran de la misma seguridad que los naturales del país en que residan, con la condicion de que observen debidamente las leyes y ordenanzas.

ARTICULO 10.

Cada una de las altas partes contratantes tendra libertad de nombrar consules para la proteccion del comercio que residan en cualquiera de los territorios de la otra parte. Pero antes que algun consul pueda obrar como tal, debera ser admitido y aprobado en la forma acostumbrada por el gobierno cerca del cual es enviado; y cada una de las altas partes contratantes puede exceptuar de la residencia de los consules aquellos lugares particulares que juzgue conveniente exceptuar.

Los agentes diplomaticos y los

Exemption from compulsory military service and contributions

Property not to be taken unless, &c.

Freedom of travel and intercourse.

Consuls.

Recognition.

Residence.

Privileges and immunities.

Diplomatic agents and consuls.

territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the diplomatic agents and consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the republic of Nicaragua to the diplomatic agents and consuls of the most favored nations.

ARTICLE XI.

In case of unfriendly relation, citizens may remove property.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, 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, who may be within the territories of the other, shall, if residing on 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 to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peacefully, 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

consules de Nicaragua gozaran en los territorios de los Estados Unidos de todos aquellos privilegios, escenciones é inmidades que sean ó fueren concedidas á los agentes del mismo rango que pertenezcan á las naciones mas favorecidas; y de la misma manera los agentes diplomaticos y los consules de los Estados Unidos en Nicaragua gozaran con la mas estricta reciprocidad de todos aquellos privilegios, escenciones é inmidades que sean ó fueren concedidas en la republica de Nicaragua à los agentes diplomaticos y á los consules de las naciones mas favorecidas.

ARTICULO 11.

Para la mejor seguridad del comercio entre los ciudadanos de los Estados Unidos y los ciudadanos de Nicaragua, se conviene que si desgraciadamente ocurriese en cualquier tiempo alguna interrupcion de relaciones de amistad, ó alguna ruptura entre las dos altas partes contratantes, ó los ciudadanos de cualquiera de ellas, que puedan hallarse dentro de los territorios de la otra, se les concederá si residen en la costa, seis meses, y si en el interior, un año entero, para finalizar sus cuentas y disponer de su propiedad, y se les dará un salvo conducto para embarcarse en cualquier puerto que escojan ellos mismos. Aun en caso de una ruptura, todos aquellos ciudadanos de cada una de las altas partes contratantes que esten establecidas en cualquiera de los territorios de la otra, empleados en el comercio ó en otra cosa, tendran el privilegio de permanecer y de continuar su comercio ó empleo, sin interrupcion de ninguna especie, en el pleno goce de su libertad y de su propiedad, por todo el tiempo en que se manejen pacificamente y no cometan ninguna ofensa contra las leyes; y sus efectos y mercancías de cualquiera descripción que sean, ya sean propios, ó que esten en su custodia ó confiadas á individuos, ó al Estado, no estaran sujetas á embargo ó secuestro, ni á otras cargas ó demandas que á las que puedan hacerse sobre efectos ó propiedades semejantes

reside In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered.

ARTICLE XII.

The citizens of the United States and the citizens of the republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and property, 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, agreeably to the system of tolerance established in the territories of the 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.

ARTICLE XIII.

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

que pertenescan á los ciudadanos naturales del pais en que residan dichos ciudadanos. En el mismo caso duedas entre individuos, propiedad en fondos publicos y acciones de compañías no seran nunca confiscadas, secuestradas ni detenidas.

ARTICULO 12.

Los ciudadanos de los Estados Unidos, y los ciudadanos de la republica de Nicaragua, respectivamente, que residan en cualquiera de los territorios de la otra parte, gozaran en sus casas, personas y propiedades de la proteccion del gobierno, y continuaran en posesion de las garantias que gozan ahora. No seran inquietados, molestados ó incomodados de manera alguna por su creencia religiosa, ni el propio ejercicio de su religion, conforme al sistema de tolerancia establecido en los territorios de las altas partes contratantes, con tal de que respeten la religion de la nacion en que residen, asi como la constitucion, las leyes y las costumbres del pais.

Se concedera tambien libertad para enterrar á los ciudadanos de cualquiera de las altas partes contratantes, quo mueran en los territorios mencionados, en sus propios cementerios; que de la misma manera pueden ser libremente establecidos y mantenidos, ni seran molestados de manera alguna, ni por ningun motivo, los funerales, ni profanados los sepulcros de los muertos.

ARTICULO 13.

En el caso en que los ciudadanos de de las partes contratantes sean forzados á buscar refugio ó asilo en los rios, bahias, puertos ó dominios de la otra con sus buques, sean mercantes ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos ó falta de provisiones ó agua, seran recibidos y tratados con humanidad, dispensandoseles todo favor y proteccion para reparar sus buques, acopiar viveres y ponerse en situacion, bajo todos respectos, de continuar su viaje, sin obstaculo ni molestia de ninguna especie.

Rights of residents, citizens of the other country.

Refuge and asylum.

ARTICLE XIV.

ARTICULO 14.

Right of transit between the Atlantic and Pacific oceans.

The republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific oceans through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens, the republic of Nicaragua, however, reserving its rights of sovereignty over the same.

La republica de Nicaragua concede por las presentes á los Estados Unidos y á sus ciudadanos y propiedades el derecho de tránsito entre los oceanos Atlantico y Pacifico, á traves de los territorios de aquella republica por cualquiera via de comunicacion, natural ó artificial, ya sea por tierra ó por agua que ahora exista ó que pueda existir, ó ser construida en adelante bajo la autoridad de Nicaragua, para que pueda usarse y gozarse de la misma manera y bajo iguales terminos por ambas republicas y sus respectivos ciudadanos; reservandose, sin embargo la republica de Nicaragua su derecho de soberania sobre las mismas.

ARTICLE XV.

ARTICULO 15.

Neutrality, &c. of the routes to be guaranteed.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

Los Estados Unidos convienen en extender su proteccion á todas aquellos vias de comunicacion que se acaban de mencionar, y á garantizar su neutralidad é inocente uso.

Tambien convienen en emplear su influencia con otras naciones para inducir las á garantizar igual neutralidad y proteccion. Y la republica de Nicaragua por su parte se compromete á establecer un puerto libre en cada estremidad de una de las rutas de comunicacion antedichas, entre los oceanos Atlantico y Pacifico. En estos puertos no se impondran ó exijiran por el gobierno de Nicaragua, ningunos derechos de tonelaje ú otros, sobre los buques de los Estados Unidos, ó sobre efectos ó mercancías pertenecientes á ciudadanos ó subditos de los Estados Unidos, ó sobre los buques ó efectos de cualquier otro pais, destinados *bona fide* para el tránsito á traves de dichas vias de comunicacion, y no para el consumo dentro de la republica de Nicaragua. Los Estados Unidos tendran tambien libertad dando noticia al gobierno ó autoridades de Nicaragua de llevar tropas y municiones de guerra en sus propios buques ó de otro modo, á cualquiera de dichos puertos libres, y tendran derecho á trasportarlos

Free port.

And the republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific oceans. At these ports no tonnage or other duties shall be imposed or levied by the government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, *bona fide*, for transit across the said routes of communication, and not for consumption within the republic of Nicaragua. The United States shall also be at liberty, on giving notice to the government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said government or

No tonnage or other duties.

Conveyance of troops.

authorities, and without any charges or tolls whatever for their transportation on either of said routes: *Provided*, said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said republic, free from the imposition of all taxes or duties by the government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

ARTICLE XVI.

The republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the government of the United States may, with the consent, or at the request of the government of Nicaragua, or of the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this

entre ellos, sin obstaculo por parte de dicho gobierno ó autoridades; y sin que se exijan ningunas cargas ó derechos de pasage cualesquiera que sean, por su trasporte, en ninguna de dichas vias de comunicacion, con tal que dichas tropas y municiones de guerra no se intente emplearles contra naciones Centro-Americanas amigas de Nicaragua. Y no se impondran otros ó mas altos impuestos sobre la conduccion ó transito de las personas y de las propiedades de ciudadanos ó subditos de los Estados Unidos ó de cualquier otro pais al traves de dichas vias de comunicacion, que los que han sido ó sean impuestos sobre las personas y propiedades de ciudadanos de Nicaragua. Y la republica de Nicaragua concede al administrador general de correos de los Estados Unidos, el derecho de celebrar contratos con cualesquiera individuos ó compañías para el transporte de las malas de los Estados Unidos por dichas vias de comunicacion ó por cualesquiera otras vias al traves del istmo á su discrecion, en balijas cerradas, el contenido de las cuales no sea destinado para distribucion dentro de dicha republica, libres de la imposicion de toda taxa ó derecho por el gobierno de Nicaragua, pero libertad no debe interpretarse en el sentido de permitir á dichos individuos ó compañías en virtud de este derecho de transportar las malas, el llevar tambien pasajeros ó carga.

Conveyance
of troops.

Tolls.

ARTICULO 16.

La republica de Nicaragua conviene en que si en cualquier tiempo fuese necesario emplear fuerzas militares para la seguridad y proteccion de las personas y propiedades que pasan sobre cualquiera de las antedichas rutas, empleara la fuerza requerida para tal proposito; pero si dejase de hacerlo por cualquiera causa, el gobierno de los Estados Unidos puede, con el consentimiento, ó á solicitud del gobierno de Nicaragua ó de su ministro en Washington, ó de las competentes autoridades locales, civiles ó militares, legalmente designadas, em-

Protection of
persons and
property on
transit routes.

United States
may protect
routes by force.

and for no other purpose ; and when, in the opinion of the government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the government of the republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

ARTICLE XVII.

Protection by
the United
States may be
withdrawn.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the 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 treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be

plear tal fuerza, para este, y no para otro objeto ; y cuando la necesidad cese, á juicio del gobierno de Nicaragua, tal fuerza sera inmediatamente retirada.

En el caso escepcional, sin embargo, de imprevisto ó inminente peligro de la vida ó propiedades de ciudadanos de los Estados Unidos, las fuerzas de dicha republica estan autorizadas para darles su proteccion, sin que tal previo consentimiento haya sido obtenido.

Mas ningun deber ó poder impuesto ó concedido á los Estados Unidos por las estipulaciones de este articulo sera ejecutado ni ejercido, sino es por autorizacion y de conformidad con las leyes del Congreso que en adelante se expidan. Siendo entendido que tales leyes no podran afectar la proteccion y garantia de neutralidad de las rutas de transito, ni el deber de retirar las tropas que desembarquen en Nicaragua, inmediatamente que á juicio del gobierno de esta republica fuesen ya innecesarias, ni en manera alguna producir, nueva obligacion para Nicaragua, ni alterar sus derechos en virtud del presente tratado.

ARTICULO 17.

Se entiende, sin embargo, que los Estados Unidos al acordar proteccion á las referidas vias de comunicacion, y al garantizar su neutralidad y seguridad, siempre tienen la intencion de que la proteccion y garantia sean concedidas condicionamente, y puedan ser retiradas si los Estados Unidos creyesen que las personas ó la compañía que las emprendan ó manejen, adopten ó establezcan tales regulaciones sobre el trafico por ellas que sean contrarias al espíritu y á la intencion de este tratado, ya por que hagan injustas discriminaciones en favor del comercio de cualquiera nacion ó naciones sobre el comercio de cualquiera otra nacion ó naciones, ó por que impongan exacciones opresivas ó impuestos exesivos, sobre las malas, pasajeros, mercancias ú otros articulos. Las mencionadas, proteccion y garantia, no seran, sin embargo, retira-

withdrawn by the United States without first giving six months' notice to the republic of Nicaragua.

ARTICLE XVIII.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the government of Nicaragua, having reference to the inter-oceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the government and citizens of the United States with respect to such inter-oceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force: provided, that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

ARTICLE XIX.

After ten years from the completion of a railroad, or any other route of communication through the territory of Nicaragua from the Atlantic to the Pacific ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall

das por los Estados Unidos sin dar noticia con seis meses de anticipacion á la republica de Nicaragua.

ARTICULO 18.

Y es ademas entendido y convenido que en cualesquiera privilegio ó contrato que puedan en lo sucesivo hacerse ó celebrarse por el gobierno de Nicaragua, y que tengan relacion con las rutas inter-oceanicas que se han mencionado, ó con alguna de ellas, seran plenamente protegidos y reservados los derechos y privilegios concedidos por esta convencion al gobierno y á los ciudadanos de los Estados Unidos. Y si al presente existen contratos ó privilegios de un caracter valido, queda tambien entendido que la garantia y proteccion de los Estados Unidos estipuladas en el articulo 15 de este tratado seran nulas y de ningun efecto hasta que los tenedores de tales privilegios ó contratos reconozcan las concesiones hechas en este tratado al gobierno y á las ciudadanos de los Estados Unidos, con respecto á dichas vias interoceanicas, ó á cualquiera de ellas, y convengan en observar y ser guiados por estas concesiones, tan completamente como si estuviesen comprendidas en sus privilegios ó contratos originales; despues de aquel reconocimiento y aceptacion, dichas garantias y proteccion tendran plena fuerza, con tal de que nada de lo contenido aqui sea interpretado como afirmando ó negando la validez de dichos contratos.

Rights of citizens of the United States to be preserved.

ARTICULO 19.

Diez años despues de la conclusion de un ferro carril ó cualquiera otra via de comunicacion á traves del territorio de Nicaragua del oceano Atlantico al Pacifico, ninguna compañía que haya construida ó que este en posesion de dicha via, podra nunca dividir directa ó indirectamente, por medio de emision de nuevas acciones, el pago de dividendos, ó de otro modo, mas de quince por ciento por año, ó en aquella proporcion, á sus accionistas por impuestos colectados en aquella via; pero cuando se descubra que

Dividends.

be reduced to the standard of fifteen per cent per annum.

ARTICLE XX.

Treaty to remain in force fifteen years.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years; if no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

ARTICLE XXI.

When to be ratified.

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

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

Done at the city of Managua, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven.

A. B. DICKINSON, [L. S.]
TOMAS AYON, [L. S.]

Exchange of ratification.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Granada, on the twentieth day of June 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.

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

Proclamation.

Done at the city of Washington, this thirteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

[SEAL.]

By the President:

W. HUNTER,

Acting Secretary of State.

estos impuestos rinden una utilidad mayor que esta, se reducira à la regla fija de quince por ciento por año.

ARTICULO 20.

Las dos altas partes contratantes, deseosas de hacer este tratado tan duradero como sea posible, convienen en que este tratado permanezca en plena fuerza por el termino de quince años contados desde el dia del cange de las ratificaciones; y cada una de las partes tendra el derecho de notificar à la otra de su intencion de terminar, alterar ó reformar este tratado por lo menos doce meses antes de la expiracion de los quince años; si no se diese esta noticia, entonces este tratado quedara obligatorio despues del trascurso de este tiempo, y hasta que hayan pasado doce meses desde el dia en que una de las partes notifique à la otra su intencion de alterar, reformar ó abrogar este tratado.

ARTICULO 21.

El presente tratado será ratificado y las ratificaciones cangeadas en la ciudad de Managua, dentro de un año, ó antes si fuese posible.

En testimonio de lo cual, los respectivos plenipotenciarios han firmado el mismo y le han puesto sus sellos respectivos.

Hecho en la ciudad de Managua el veintiuno de Junio del año del Señor, de mil ochocientos sesenta y siete.

TOMAS AYON, [L. S.]
A. B. DICKINSON, [L. S.]

Postal Convention between the United States of America and the Colonial Government of Hong Kong, China.

ARTICLES of agreement between the Post-Office Department of the United States and the General Post Office at Hong Kong. August 10, 1867.

For the purpose of establishing and regulating the interchange of mails between the United States and Hong Kong and dependent Chinese ports, by means of the direct line of United States mail packets plying between San Francisco and Hong Kong, *via* Yokohama in Japan, it is agreed between the Post Office Department of the United States and the Post Office Department of Hong Kong:

Contracting parties

ARTICLE I. The post offices of New York and San Francisco shall be the United States offices of exchange, and the General Post Office at Hong Kong the office of exchange of the colony of Hong Kong for all mails transmitted under this arrangement.

Offices of exchange established.

ARTICLE II. There shall be an exchange of correspondence between the United States of America and the colony of Hong Kong, by means of United States mail packets, plying between San Francisco and Hong Kong, comprising letters, newspapers, and prices current originating and posted in the United States, and addressed to and deliverable in Hong Kong and those Chinese ports with which the Hong Kong post office has postal relations, including the ports of Canton, Amoy, Swatow, and Foo-chow, and, vice versa, of correspondence originating and posted in Hong Kong and the Chinese ports above designated, and addressed to and deliverable in the United States.

Correspondence to be exchanged.

ARTICLE III. The postage to be levied and collected at the office of mailing in the United States, upon letters, newspapers, and prices current, destined for Hong Kong and the above designated Chinese ports, with which Hong Kong has postal connections, shall be ten cents per single rate of half an ounce or under on letters, and two cents each on newspapers and prices current; and the postage to be levied and collected at Hong Kong and dependent Chinese ports, on correspondence originating in those ports and destined to the United States, shall be eight cents per single rate of half an ounce or under on letters, and two cents on each newspaper or price current. No postal accounts shall be kept between the respective postal departments upon the correspondence exchanged between them under this arrangement, but each department shall deliver the correspondence which it receives from the other free of all postage charge, that is to say, the Hong Kong post department agrees to deliver without charge all letters, newspapers, and prices current, brought by the United States mail packets, addressed to Hong Kong, and, also, to forward without charge all such letters, newspapers, &c., as are addressed to the Chinese ports above named, south of Shanghai; and the United States postal department, on its side, agrees to deliver without charge all letters, newspapers, &c., originating in Hong Kong, or the ports mentioned, and forwarded by said packets addressed to and deliverable in the United States. All letters, newspapers, &c., despatched by either office to the other, under this arrangement, shall be plainly stamped with the words "paid all," in red ink, on the right-hand upper corner of the face of the address, and shall also bear the stamp of the mailing exchange office on their face, and that of the receiving exchange office on their back.

Rates of postage upon letters, newspapers, &c.

No postal accounts to be kept.

Letters, &c. to be stamped "paid all."

ARTICLE IV. The postal department of the United States and of Hong Kong shall each return to the other, monthly, or as frequently as

Letters, &c. not delivered to

be returned monthly.

Exchange of mails between Japan and Hong Kong.

Letters from Hong Kong to the United States via San Francisco.]

Regulations, and how terminable.

When convention to take effect.

their regulations will allow, all letters, newspapers, &c., without claim, which cannot for any cause be delivered.

ARTICLE V. An exchange of mails shall also take place between the United States postal agency at Yokohama, Japan, and the Hong Kong Post Office, by means of United States mail packets, comprising correspondence originating in Japan and addressed to Hong Kong and the Chinese ports above designated, and vice versa, correspondence originating in Hong Kong and dependent Chinese ports and addressed to Japan, subject to the same terms and conditions as those established by Article III. of this convention, with respect to the correspondence exchanged between the United States and Hong Kong and dependent Chinese ports.

ARTICLE VI. All letters, newspapers, and prices current intended to be forwarded from Hong Kong to the United States by the direct line of United States mail packets running between San Francisco and Hong Kong must be specially addressed to be forwarded by that route.

ARTICLE VII. The two postal departments may by mutual consent make such detailed regulations as shall be found necessary to carry out the objects of this arrangement, such regulations to be terminable at any time on a reasonable notice by either office.

ARTICLE VIII. This convention shall come into operation the first day of November, 1867, and shall be terminable at any time on a notice by either office of six months.

In witness whereof, I have hereto set my hand and the seal of
[L. s.] the Post-Office Department this twelfth day of November, 1867.

ALEX. W. RANDALL,
Postmaster-General.

In witness whereof I have hereunto set my hand and the seal of the colony of Hong Kong, at Victoria herein, this tenth day of August, 1867.

RICHARD GRAVES MAC DONNELL,
Governor and Commander-in-Chief.

Approved.

I hereby approve the foregoing convention, and in testimony
[L. s.] thereof I have caused the seal of the United States to be affixed.

By the President: ANDREW JOHNSON.
WILLIAM H. SEWARD, *Secretary of State.*

WASHINGTON, November 12, 1867.

Convention for the Regulation of the Postal Intercourse between the United States of America and Belgium.

The Post-Office Department of the United States of America and of Belgium, being desirous to regulate by a new Convention the postal intercourse between the two countries, the undersigned, being duly authorized by their respective Governments, have agreed upon the following articles:—

ARTICLE I. There shall be an exchange of correspondence, by means of their respective Post Departments, between the United States of America and Belgium, and this correspondence shall embrace:

1. Letters, ordinary and registered.
2. Newspapers, Book-Packets, Prints of all kinds, (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, etc.) and patterns or samples of merchandise, including grains and seeds.

And such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries to which they may respectively serve as intermediaries.

ARTICLE II. The offices for the exchange of mails shall be (a) on the part of the United States:

1. New York.
 2. Boston.
- (b) On the part of Belgium:
1. Antwerp.
 2. Ostend, (Travelling Office.)
 3. Ostend, (local.)

The two Post Departments may at any time discontinue either of said offices of exchange or establish others.

ARTICLE III. Each office shall make its own arrangements for the despatch of its mails to the other office by regular lines of communication, and shall, at its own cost, pay the expense of such intermediate transportation. It is also agreed that the cost of international ocean and territorial transit of the closed mails, between the respective frontiers, shall be first defrayed by that one of the two Departments which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance; and any amount so advanced by one for account of the other shall be promptly reimbursed.

ARTICLE IV. The standard weight for the single rate of posting and rule of progression shall be:

1. For letters, 15 grammes.
2. For all other correspondence mentioned in the second paragraph of the first article, that which each Department shall adopt for the mails which it despatches to the other, adapted to the convenience and habits of its interior administration.

But each office shall give notice to the other of the standard weight it adopts, and of any subsequent changes thereof.

The rule of progression shall always be an additional single rate for each additional single weight or fraction thereof.

The weight stated by the despatching office shall always be accepted, saving the case of manifest mistake.

ARTICLE V. The single rate of postage on the direct correspondence exchanged between the United States and Belgium shall be as follows:

Aug. 21, 1867.
Preamble.
Contracting parties.

Exchange of correspondence;
to embrace what.

Offices for exchange of mails.

Arrangements for despatch of mails, &c.

Cost of transportation.

Weight for single rate of postage.

Rate of postage.

Rates of postage.

1. On pre-paid letters from the United States, 15 cents.

2. On pre-paid letters from Belgium, 80 centimes.

3. On all other correspondence mentioned in the second paragraph of the first article, the rate shall be, for the mails sent, that which the despatching office shall adopt in conformity with the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof.

Rates when direct steam lines are established.

ARTICLE VI. Whenever there shall be established a direct line of steam communication between the ports of the United States and of Belgium, adapted to the regular transportation of the mails between the two countries and acceptable to the two Departments, it is agreed that the international single letter rate applicable to this route shall be reduced to 10 cents in the United States and 50 centimes in Belgium, of which six cents (30 centimes) shall represent the maritime rate; and for the other correspondence mentioned in the second paragraph of the first article the maritime rate in such case shall be 10 cents, (50 centimes) per kilogramme.

But this article shall not be carried into effect until a time upon which the two Post Departments shall hereafter agree.

Prepayment optional.

ARTICLE VII. The prepayment of postage on ordinary letters shall be optional, subject to the condition in article VIII. mentioned, but on registered letters, and on all other correspondence mentioned in the second paragraph of the first article it shall be compulsory.

Proceedings when postages are unpaid, or not sufficiently paid.

ARTICLE VIII. If, however, the postage on any article shall be prepaid insufficiently, it shall nevertheless be forwarded to its destination charged with the deficient postage. Upon the delivery of any unpaid or insufficiently paid letter, or of any other insufficiently paid correspondence, there shall be levied a fine in the United States of five cents, in Belgium of 30 centimes. This fine, as well as the deficient postage on other articles than letters, shall not enter into the accounts between the two offices, but shall be retained to the use of the office collecting the same.

Registered articles.

ARTICLE IX. Registered articles shall, in addition to the postage, be subject to a register fee of ten cents in the United States, and of 50 centimes in Belgium, and this fee shall always be prepaid.

Each office is at liberty to reduce this fee for the mails it despatches.

What correspondence may be registered.

ARTICLE X. Any correspondence may be registered, not only for international correspondence but also for correspondence originating in or destined for other countries to which these two administrations may respectively serve as intermediaries for the transmission of such registered articles.

Each Department shall notify the other of the countries to which it may thus serve as intermediary.

Basis for settlement of accounts.

ARTICLE XI. Accounts between the two offices shall be fixed on the following basis: from the total amount of international postages and register fees, collected in each country on letters, added to the total amount of prepaid postages and register fees on other articles sent, the despatching office shall deduct the amount required at the agreed rate, for the intermediate transit thereof between the two frontiers, and the amount of the two net sums shall be equally divided between the two offices.

Regulations for despatch of correspondence.

ARTICLE XII. The correspondence mentioned in the second paragraph of the first article shall be despatched under regulations to be established by the despatching office; but these shall embrace the following:

1. No packet shall contain anything which shall be closed against inspection; nor any written communication whatever, except to state from whom or to whom the packet is sent, and the numbers placed upon the patterns or samples of merchandise.

2. No packet may exceed two feet in length, or one foot in any other dimension.

3. Neither office shall be bound to deliver any article the importation of which may be prohibited by the laws or regulations of the country of destination.

4. So long as any customs duty is chargeable on any article sent to the United States it may be levied for the use of the customs.

5. Except as above, no charge whatever shall be collected on the mails exchanged, otherwise than herein expressly provided.

ARTICLE XIII. The Post Departments of the United States and of Belgium shall establish by agreement, and in conformity with the arrangements in force at the time, the conditions upon which the two offices may exchange in open mails the correspondence originating in or destined to other foreign countries to which they may respectively serve as intermediaries. Exchange of correspondence by open mails.

It is, however, always understood that such correspondence shall only be charged with the rate applicable to direct international correspondence, augmented by the postage due to foreign countries and any other tax for exterior service.

ARTICLE XIV. Each office accords to the other the privilege of transit of the closed mails exchanged in either direction between the latter and any country to which the former may serve as intermediary, by its usual means of mail transportation, whether on sea or land. Transit of closed mails through either country.

For such transit on its part, the United States office shall receive as follows:

1. For transit across its territory: for letters 1½ cents per single letter rate; for other articles 12 cents per kilogramme, net weight.

2. For transit across the waters of the Atlantic Ocean: for letters 8 cents per single letter rate; for other articles 12 cents per kilogramme, net weight.

3. For transit across the waters of the Pacific Ocean: for letters 10 cents per single letter rate; for other articles 20 cents per kilogramme, net weight.

For such transit on its part the office of Belgium shall receive as follows:

For transit across its territory and the English Channel: 1. for letters 5 centimes per single letter rate; 2. for other articles 40 centimes per kilogramme, net weight.

ARTICLE XV. The postal accounts between the two offices shall be stated quarterly, transmitted and verified as speedily as practicable; and the balance found due shall be paid to the creditor office either by exchange on London, or at the debtor office, as the creditor office may desire. Postal accounts, when to be stated, &c.

The rule for the conversion of the money of the two countries shall be established by common agreement between the two offices.

ARTICLE XVI. When in any United States or Belgian port a closed mail is transferred from one vessel to another without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other. Transfer of closed mails without expense.

ARTICLE XVII. Official communications addressed from one office to the other shall not be the occasion of accounts between the two offices. Official communications.

ARTICLE XVIII. The two offices shall by mutual consent make detailed regulations for carrying these articles into execution; and modify such regulations in like manner from time to time as the exigencies of the service may require. Detailed regulations.

ARTICLE XIX. Letters wrongly sent, wrongly addressed, or not deliverable for any cause, shall be returned to the despatching office at its expense for the return if any shall be incurred. Registered articles in the second paragraph of the first article mentioned shall also be returned: other articles shall be left to the disposition of the receiving office. Any postages not collected upon the correspondence returned, but which shall Missent letters &c.

have been charged against the receiving office, shall be deducted from the account.

Reduction in favor of the United States, in the transit of closed mails.

ARTICLE XX. In considerations of the concession made by the United States Post Department, it is agreed that a reduction of 20 per cent. shall be made in favor of the United States office from the charge of forty centimes per kilogramme established in Article XIV. for the transit of the articles mentioned in the second paragraph of the first article of this Convention, and which shall be despatched from the United States.

Former conventions to cease to be of force.

ARTICLE XXI. From the time this convention shall take effect, all former conventions between the two offices shall cease to be in force, except for the purpose of closing the accounts arising thereunder.

When this convention takes effect.

This Convention shall take effect on the first day of January next. It shall continue in force until cancelled by agreement of the two offices; or until one year from the time when either office shall have given notice to the other of its wish to terminate the same.

Subject to approval.

This Convention shall be subject to the approval of the Postmaster General of the United States and of the Minister of Public Works of Belgium.

Execution.

Executed in duplicate at Brussels this 21st day of August, in the year of our Lord 1867.

[L. s.]

JOHN A. KASSON,
Sp. Com., &c., &c.

[L. s.]

M. FASSIAUX,
Director-General of Railroads, Posts, and Telegraphs.

POST-OFFICE DEPARTMENT, WASHINGTON, }
October 8, 1867. }

Approval by the Postmaster-General;

Having examined and considered the foregoing articles of a Convention for the regulation of the postal intercourse between the United States of America and Belgium, which were agreed upon and signed in duplicate at Brussels on the twenty-first day of August, one thousand eight hundred and sixty-seven, by the Hon. John A. Kasson, Special Commissioner, &c., &c., on behalf of this Department, and by Mr. Fassiaux, Director-General of Railroads, Posts, and Telegraphs, on behalf of the Belgian Post Departments, the same are by me hereby ratified and approved, by and with the advice and consent of the President of the United States.

In witness whereof, I have caused the seal of the Post Office Department to be hereto affixed, with my signature, the day and year first above written.

[L. s.]

ALEX. W. RANDALL,
P. M. General.

by the President of the United States.

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the United States to be affixed.

[L. s.]

ANDREW JOHNSON.

By the President:

F. W. SEWARD, *Acting Secretary.*

DEPARTMENT OF STATE,
WASHINGTON, 9th October, 1867.

Convention between the General Post-Office of the United States of America and the General Post-Office of the Netherlands.

THE undersigned, being thereunto duly authorized by their respective Governments, have agreed upon the following Articles for the amelioration of the postal service between the United States of America and the Kingdom of the Netherlands: Sept. 26, 1867.
Contracting parties.

ARTICLE I. There shall be an exchange of correspondence between the United States of America and the Kingdom of the Netherlands by means of their respective Post Departments, and this correspondence shall embrace: Correspondence to be exchanged;

1. Letters, ordinary and registered.

2. Newspapers, Book-packets, prints of all kinds (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, etc.) and patterns or samples of merchandize, including grains and seeds. to embrace what.

And such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries to which these may respectively serve as intermediaries.

ARTICLE II. The offices for the exchange of mails shall be on the part of the United States: Offices for exchange of mails.

1. New York.

2. Boston.

On the part of the Netherlands:

The travelling office Moerdijk.

Each Post Department may at any time, after notice to the other, discontinue either of the offices of exchange on its side, always leaving one office; and the two offices by agreement may at any time establish additional offices of exchange.

ARTICLE III. Each office shall make its own arrangements for the despatch of its mails to the other office by regular lines of communication; and shall at its own cost pay the expense of such intermediate transportation. It is also agreed that the cost of international ocean and territorial transit of the closed mails between the respective frontiers shall be first defrayed by that one of the two Departments which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance; and any amount so advanced by one for account of the other shall be promptly reimbursed. Arrangements for despatch of mails.
Cost of transportation.

ARTICLE IV. The standard weight for the single rate of international postage and rule of progression shall be: Weight for single rate of postage.

1. For letters, 15 grammes.

2. For all other correspondence, mentioned in the second paragraph of the first article, that which the despatching office shall adopt for the mails which it despatches to the other, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the standard weight it adopts, and of any subsequent change thereof. The rule of progression shall always be an additional single rate for each additional standard weight or fraction thereof. The weight stated by the despatching office shall always be accepted, except in case of manifest mistake.

ARTICLE V. The single rate of postage on the direct correspondence exchanged between the two administrations, subject to the reserve mentioned in article VIII., shall be as follows: Rate of postage.

1. On letters from the United States, 15 cents (U. S.)

Rates of postage.

2. On letters from the Netherlands, 40 cents (Dutch.)

3. On all other correspondence mentioned in the second paragraph of the first article, the rate shall be, for the mails despatched, that which the despatching office shall adopt, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof.

Rates when direct steam lines shall be established.

ARTICLE VI. Whenever a regular line of steam communication, acceptable to the two offices, may be employed directly between any port of the United States and any port of the North of Europe at such rates that the entire cost of transportation between the two frontiers shall not exceed for each single letter rate 5 cents (U. S.) and for each kilogram of other correspondence 10 cents (U. S.); in that case it is agreed that the international single letter rate of postage by such line shall be reduced to 10 cents (U. S.) from the United States and 25 cents (Dutch) from the Netherlands. And the two offices shall by common accord fix the time when this reduction shall take effect.

Prepayment optional.

ARTICLE VII. The prepayment of postage on ordinary letters shall be optional, subject to the conditions in article VIII. mentioned; but on registered letters, and on all other correspondence mentioned in paragraph the second of the first article, it shall be obligatory.

Proceedings when postages are unpaid, or not sufficiently paid.

ARTICLE VIII. If, however, the postage on any correspondence shall be prepaid insufficiently, it shall nevertheless be forwarded to its destination, charged with the deficient postage, adding full amounts instead of fractions of 1 cent (U. S.) or 5 cents (Dutch.) Upon the delivery of any unpaid or insufficiently paid letter, or of any other insufficiently paid correspondence, there shall be levied a fine in the United States not exceeding 5 cents (U. S.), in the Netherlands not exceeding 15 cents (Dutch.) This fine and also the deficient postage on all other correspondence than letters, shall not enter into the accounts between the two offices, but shall be retained to the use of the collecting office.

Registered correspondence.

ARTICLE IX. Registered correspondence shall, in addition to the postage, be subject to a register fee, not exceeding 10 cents (U. S.) in the United States, and not exceeding 25 cents (Dutch) in the Netherlands; and this fee shall be always prepaid.

What correspondence may be registered.

ARTICLE X. Any correspondence may be registered, as well international correspondence as that originating in or destined for other countries to which these two administrations may respectively serve as intermediaries in either direction for the transmission of such registered articles. Each Department shall notify the other of the countries to which it may thus serve as intermediary.

Basis for regulation of accounts.

ARTICLE XI. Accounts between the two offices shall be regulated on the following basis: From the total amount of postages and register fees collected by each office on letters, added to the total amount of prepaid postages and register fees on other correspondence which it despatches, the despatching office shall deduct the amount required, at the agreed rate, for the cost of the intermediate transit thereof between the two frontiers; and the amount of the two net sums shall be divided between the two offices, in the proportion of three-fifths to the United States office and two-fifths to the office of the Netherlands.

Regulations for despatch of correspondence.

ARTICLE XII. The correspondence mentioned in the second paragraph of the first article shall be despatched under regulations to be established by the despatching office; but always including the following:

1. No packet shall contain anything which shall be closed against inspection, nor any written communication whatever, except to state from whom and to whom the packet is sent, the numbers and the prices placed upon patterns or samples of merchandize.

2. No packet may exceed two feet in length or one foot in any other dimension, or the equivalent in Dutch measurement.

3. Neither office shall be bound to deliver any article the importations

of which may be prohibited by the laws or regulations of the country of destination.

4. So long as any customs or stamp duty may be chargeable on any articles exchanged in the mails such duty may be levied for the use of the customs or stamp revenue.

5. Except as above no charge whatever otherwise than is herein expressly provided, shall be levied or collected on the correspondence exchanged.

ARTICLE XIII. The two Post Departments shall establish by agreement and in conformity with the arrangements in force at the time, the conditions upon which the two offices may respectively exchange in open mails the correspondence originating in or destined to other foreign countries to which they may reciprocally serve as intermediaries. It is always understood, however, that such correspondence shall only be charged with the rate applicable to direct international correspondence augmented by the postage due to foreign countries, and by any other tax for exterior service.

Exchange of
correspondence
by open mails

ARTICLE XIV. Each office accords to the other the privilege of transit of closed mails exchanged in either direction, between the latter and any country to which the other may serve as an intermediary, by its usual means of mail transportation, whether on sea or land.

Transit of
closed mails
through either
country.

Such territorial transit shall be reciprocally free of expense.

For such transit by sea the United States office shall receive as follows:

1. For transit across the waters of the Atlantic ocean, or between the two frontiers by sea: (a) For letters, 8 cents (U. S.) per single letter rate; (b) for other correspondence, 12 cents (U. S.) per kilogramme, net.

2. For transit across the waters of the Pacific ocean: (a) For letters, 10 cents (U. S.) per single letter rate; (b) for other correspondence, 20 cents (U. S.) per kilogramme, net.

For such transit by sea, the Netherland Office shall receive as follows: For transit across the waters of the Atlantic ocean or between the two frontiers: (a) For letters, 8 cents (U. S.) per single letter rate; (b) for other correspondence, 12 cents (U. S.) per kilogramme, net.

ARTICLE XV. The postal accounts between the two offices shall be stated quarterly, and transmitted and verified as speedily as practicable, and the balance found due shall be paid to the creditor office, either by exchange on London or at the debtor office, as the creditor office may desire. The rate for the conversion of the money of the two countries shall be fixed by common agreement between the two offices.

Postal ac-
counts, when
to be stated, &c.

ARTICLE XVI. When in any port of either country a closed mail is transferred from one vessel to another without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other.

Transfer of
closed mails
without expense.

ARTICLE XVII. Official communications between the two offices shall not be the occasion of any accounts on either side.

Official com-
munications.

ARTICLE XVIII. Letters wrongly sent or wrongly addressed, or not deliverable for whatever cause, shall be returned to the originating office at its expense, if any expense is incurred. Registered correspondence of all kinds not deliverable for any cause shall also be returned in like manner. All other correspondence which cannot be delivered shall remain at the disposition of the Receiving office. Any postages upon correspondence returned, which shall have been charged against the office of destination, shall be discharged from the account.

Missent letters.

ARTICLE XIX. The two offices shall by mutual consent establish detailed regulations for carrying these Articles into execution, and they may modify such regulations in like manner from time to time, as the exigencies of the service may require.

Details of regu-
lations

When convention takes effect, and how long to continue.

ARTICLE XX. This Convention shall take effect on the first day of January next, and shall continue in force until terminated by mutual agreement; or otherwise until one year from the date when one office shall have notified the other of its desire to terminate it. But the two offices may by common accord modify it at any time, as the exigencies of the service may require.

Subject to approval.

It is subject to approval on the one part by the Postmaster-General of the United States, on the other by the Minister of Finance of the Netherlands.

Execution.

Executed in duplicate at the Hague, the twenty-sixth day of September, in the year 1867.

[L. s.]

JOHN A. KASSON,
Sp. Com'r, &c., &c., U. S.
J. P. HOFSTEDÉ, [L. s.]

POST-OFFICE DEPARTMENT, WASHINGTON, }
October 18, 1867.

Approval by the Postmaster-General;

Having examined and considered the foregoing Articles of a Postal Convention for the amelioration of the Postal Service between the United States of America and the Kingdom of the Netherlands, which were agreed upon and signed in duplicate at the Hague, the twenty-sixth day of September, one thousand eight hundred and sixty-seven, by the Hon. John A. Kasson, Special Commissioner, &c., on behalf of this Department, and by Mr. J. P. Hofstede, Chief Director of the General Post Office of the Netherlands, on behalf of his Department; the same are by me hereby ratified and approved by and with the advice and consent of the President of the United States.

In witness whereof, I have caused the seal of the Post-Office Department to be hereto affixed, with my signature, the day and year first above written.

[L. s.]

ALEX. W. RANDALL,
Postmaster-General, U. S.

by the President of the United States.

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the United States to be affixed.

[L. s.]

ANDREW JOHNSON.

By the President :

F. W. SEWARD, *Acting Secretary of State.*
WASHINGTON, October 18, 1867.

Convention for the Amelioration of the Postal Intercourse between the United States of America and the Swiss Confederation.

THE post department of the United States, by its special commissioner, John A. Kasson, esq., and the federal council of the Swiss Confederation, by Dr. Jaques Dubs, vice-president of the federal council and chief of the federal post department, have agreed upon the following articles, subject to ratification by the respective authorities of the two countries:

October 11, 1867.
Contracting parties.

ARTICLE I. There shall be an exchange of correspondence between the United States of America and the Swiss Confederation by means of their respective post departments, and this correspondence shall embrace:

Correspondence to be exchanged; to embrace what.

1. Letters, ordinary and registered.

2. Newspapers, book-packets, prints of all kinds (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, &c.) and patterns or samples of merchandise, including grains and seeds.

Such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries, to which these may respectively serve as intermediaries.

ARTICLE II. The offices for exchange of mails shall be, on the part of the United States, New York.

Offices for exchange of mails.

On the part of the Swiss Confederation —

(a.) Basle.

(b.) Geneva (when the Swiss Confederation shall find it expedient).

The two offices, by agreement, may at any time establish additional offices of exchange.

ARTICLE III. The principle is agreed, that each office shall make its own arrangements for the despatch of its mails to the other office by regular lines of communication, and shall at its own cost pay the expense of such intermediate transportation. It is also agreed that the cost of international ocean and territorial transit of the closed mails between the frontiers of the two countries shall be first defrayed by that one of the two departments which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance, and which shall effect such transport in that case in both directions; and any amount so advanced by one for account of the other shall be promptly reimbursed.

Arrangements for despatch of mails, &c.

Cost of transportation.

ARTICLE IV. The standard weight for the single rate of international postage, and rule of progression, shall be:

Weight for single rate of international postage.

1. For letters, fifteen grammes.

2. For all other correspondence, mentioned in the second paragraph of the first article, that which the despatching office shall adopt for the mails which it despatches to the other, adapted to the convenience and habits of the interior administration. But each office shall give notice to the other of the standard weight it adopts, and of any subsequent change thereof. The rule of progression shall always be an additional single rate for each additional standard weight, or fraction thereof.

The weight stated by the despatching office shall always be accepted except in case of manifest mistake.

ARTICLE V. The single rate of postage on the direct correspondence exchanged between the two administrations, subject to the reserve mentioned in Article VII., shall be as follows:

Rates of postage.

1. On letters from the United States, 15 cents.

Rates of postage.

2. On letters from the Swiss Confederation, 80 centimes.

3. On all other correspondence mentioned in the second paragraph of the first article, the rate shall be, for the mails despatched, that which the despatching office shall adopt, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof.

Prepayment optional on ordinary letters; when required.

ARTICLE VI. The prepayment of postage on ordinary letters shall be optional, subject to the conditions in Article VII. mentioned, but on registered letters, and on all other correspondence mentioned in paragraph second of the first article, it shall be obligatory.

Proceedings when postages are unpaid or are insufficiently paid.

ARTICLE VII. If, however, the postage of any correspondence shall be prepaid insufficiently, it shall nevertheless be forwarded to its destination, charged with the deficient postage, adding full amounts, instead of fractions, of 1 cent or 5 centimes.

Upon the delivery of any unpaid, or insufficiently paid letter, or of any other insufficiently paid correspondence, there shall be levied a fine in the United States not exceeding five cents, and in Switzerland not exceeding 25 centimes. This fine, and also the deficient postage on all other correspondence than letters, shall not enter into accounts between the two offices, but shall be retained to the use of the collecting office.

Registered correspondence.

ARTICLE VIII. Registered correspondence shall, in addition to the postage, be subject to a register-fee not exceeding ten cents in the United States, and not exceeding fifty centimes in Switzerland, and this fee shall be always prepaid.

What may be registered.

ARTICLE IX. Any correspondence may be registered, as well international correspondence as that originating in or destined for other countries to which these two administrations may respectfully serve as intermediaries in either direction for the transmission of such registered articles. Each department shall notify the other of the countries to which it may thus serve as intermediary.

Basis for settlement of accounts.

ARTICLE X. Accounts between the two offices shall be regulated on the following basis: From the total amount of postages and register-fees collected by each office on letters, added to the total amount of prepaid postages and register-fees on other correspondence which it despatches, the despatching officer shall deduct the amount required as the agreed rate for the cost of intermediate transit thereof between the two frontiers, and the amount of the two net sums shall be divided between the two offices in the proportion of three-fifths ($\frac{3}{5}$) to the United States office and two-fifths ($\frac{2}{5}$) to the Swiss Office.

Regulations for despatch of correspondence.

ARTICLE XI. The correspondence mentioned in the second paragraph of the first article shall be despatched under regulations to be established by the dispatching office, but always including the following:

First. No packet shall contain anything which shall be closed against inspection; nor any written communication whatever, except to state to whom and from whom the packet is sent; and the numbers and prices placed upon patterns or samples of merchandise.

Second. No packet may exceed two feet in length, or one foot in any other dimension, or the equivalent in Swiss measurement.

Third. Neither office shall be bound to deliver any article the importation of which may be prohibited by the laws or regulations of the country of destination.

Fourth. So long as any customs-duty may be chargeable on any article exchanged in the mails, such duty may be levied for the use of the customs.

Fifth. Except as above, no charge whatever, otherwise than is herein expressly provided, shall be levied or collected on the correspondence exchanged.

Exchange of correspondence by open mails.

ARTICLE XII. The two post departments shall establish, by agreement, and in conformity with the arrangements in force at the time, the

conditions upon which the two offices may respectively exchange, in open mails, the correspondence originating in, or destined to, the other foreign countries to which they may reciprocally serve as intermediaries. It is always understood, however, that such correspondence shall only be charged with the rate applicable to direct international correspondence, augmented by the postage due to foreign countries, and by any other tax for exterior service.

ARTICLE XIII. Each office accords to the other the privilege of transit of closed mails exchanged, in either direction, between the latter and any country to which the other may serve as an intermediary, by its usual means of mail transportation, whether on sea or land. Such transit across its own territory shall be reciprocally free of expense.

Transit of closed mails through other country.

For such transit by sea the United States office shall receive as follows: —

1. For transit across the waters of the Atlantic Ocean :
 - a. For letters, 8 cents per single letter rate.
 - b. For other correspondence, 12 cents per kilogramme, net.
2. For transit across the waters of the Pacific Ocean :
 - a. For letters, 10 cents per single letter rate.
 - b. For other correspondence, 20 cents per kilogramme, net.

Rates.

For such transit by sea the Swiss office shall receive as follows :
For transit across the waters of the Atlantic Ocean :

- a. For letters, 8 cents per single letter rate.
- b. For other correspondence, 12 cents per kilogramme, net.

For intermediate territorial transit each office shall receive the amount it actually disburses for such transit.

ARTICLE XIV. The postal accounts between the two offices shall be stated quarterly, and transmitted and verified as speedily as practicable, and the balance found due shall be paid to the creditor office either by exchange on London or Paris, or at the debtor office, as the creditor office may desire.

Postal accounts, when to be stated, &c.

The rate for the conversion of the money of the two countries shall be fixed by common agreement between the two offices.

ARTICLE XV. When, in any port of either country, a closed mail is transferred from one vessel to another without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other.

Transfer of closed mails without expense.

ARTICLE XVI. Official communications between the two offices shall not be the occasion of any accounts on either side.

Official communications.

ARTICLE XVII. Letters wrongly sent or wrongly addressed, or not deliverable for whatever cause, shall be returned to the originating office, at its expense, if any expense is incurred. Registered correspondence of all kinds, not deliverable for any cause, shall also be returned in like manner. All other correspondence which cannot be delivered shall remain at the disposition of the receiving office.

Missent letters, &c.

Any postages, upon correspondence returned, which shall have been charged against the office of destination, shall be discharged from the account.

ARTICLE XVIII. The two offices shall, by mutual consent, establish detailed regulations for carrying those articles into execution, and they may modify such regulations, in like manner, from time to time, as the exigencies of the service may require.

Detailed regulations.

ARTICLE XIX. This convention shall take effect at a time to be fixed by common accord of the two administrations, and shall continue in force until terminated by mutual agreement or otherwise, until one year from the date when one office shall have notified the other of its desire to terminate it.

When this convention to take effect.

Executed in duplicate at Berne, this eleventh day of October, A. D. 1867.

[SEAL.]

JOHN A. KASSON,
Special Commissioner, &c., &c.,

[SEAL.]

DR. J. DUBS.

POST-OFFICE DEPARTMENT,
Washington, November 12, 1867.

Approved by
the Postmaster-
General;

Having examined and considered the foregoing articles of a convention for the amelioration of the postal intercourse between the United States of America and the Swiss Confederation, which were agreed upon and executed in duplicate at Berne on the eleventh day of October, one thousand eight hundred and sixty-seven, by Hon. John A. Kasson, special commissioner, &c., &c. on behalf of this department, and by Dr. Jaques Dubs, vice-president of the federal council and chief of the federal post department, on behalf of the federal council of the Swiss Confederation, the same are by me hereby ratified and approved, by and with the advice and consent of the President of the United States.

In witness whereof, I have caused the seal of the Post Office Department to be hereto affixed, with my signature, the day and year first above written.

[L. S.]

ALEX. W. RANDALL,
Postmaster-General.

by the Presi-
dent of the
United States.

I hereby approve the foregoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

[L. S.]

By the President :

ANDREW JOHNSON.

WILLIAM H. SEWARD, *Secretary of St*

WASHINGTON, November 12, 1867.

Convention agreed upon between the Post Departments of the United States of America and of the North German Union for the Amelioration of the Postal Service between the two Countries.

ARTICLE I. There shall be an exchange of correspondence between the United States of America and the North German Union, by means of their respective post departments; and this correspondence shall embrace:—

October 21, 1867.

Correspondence to be exchanged; to embrace what.

1st. Letters ordinary and registered.

2d. Newspapers, book-packets, prints of all kinds, (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, &c.,) and patterns or samples of merchandise, including grains and seeds.

And such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries to which these may respectively serve as intermediaries.

ARTICLE II. The offices for the exchange of mails shall be, —

Offices for exchange of mails

(a) on the part of the United States:

- 1st. New York.
- 2d. Boston.
- 3d. Portland.
- 4th. Detroit.
- 5th. Chicago.

(b) on the part of the North German Union:

- 1st. Aachen, (Aix la Chapelle.)
- 2d. Bremen.
- 3d. Hamburg.

The two post departments may at any time discontinue either of said offices of exchange, or establish others by mutual consent.

ARTICLE III. Each office shall make its own arrangements for the despatch of its mails to the other office by regular lines of communication; and should at its own cost pay the expense of such intermediate transportation.

Arrangements for despatch of mails, &c.
Cost of transportation.

The two offices, however, mutually agree, that, in making contracts for the despatch of mails from American ports, or from European ports, those steamers and lines should always be employed, so far as consistent with the rates of postage, by which the mails despatched shall earliest arrive at their destination; and when the speed is substantially the same, that the most favorable pecuniary conditions should be preferred. It is also agreed that the cost of international ocean and territorial transit of the closed mails between the respective frontiers shall be first defrayed by that one of the two departments which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance; and any amount so advanced by one for account of the other shall be promptly reimbursed.

Contracts for despatch of mails.

ARTICLE IV. The standard weight for the single rate of international postage, and rule of progression, shall be:—

Weight for single rate of international postage.

1st. For letters, 15 grammes.

2d. For all other correspondence mentioned in paragraph two of the first articles, that which the despatching office shall adopt for the mails which it despatches to the other, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the standard weight it adopts, and of any subsequent change thereof.

Rule of progression.

The rule of progression shall always be an additional single rate for each additional standard weight or fraction thereof. The weight stated by the despatching office shall always be accepted, except in case of manifest mistake.

The *loth* equivalent of 15 grammes.

It is, however, understood that so long as the German office employs the *loth* as its standard for the single weight of letters which it despatches, it shall also be accepted by the United States office as the equivalent of 15 grammes, in respect to the mails which it receives from the German office.

Rates of postage.

ARTICLE V. The single rate of postage on the direct correspondence exchanged between the two administrations shall be as follows:

1st. On letters from the United States via direct line of steamers to Hamburg and Bremen, (conditioned that the sea rate in such case shall not exceed five cents for single letter rate and ten cents per kilogram for other correspondence), ten cents.

2d. On letters from the North German Union via said direct line, (subject to same condition,) four silber groschen.

3d. On letters from the United States via England, fifteen cents.

4th. On letters from the North German Union via England, six silber groschen.

5th. Of the international letter postage via England, the ocean single letter rate shall not exceed eight cents, nor shall the English and Belgian single letter transit rates exceed one cent each.

6th. It is further agreed, that whenever any other regular line of steam communication, acceptable to the two offices, may be employed directly between any port of the United States and any port of the north of Europe at such rates that the entire cost of transportation between the two frontiers shall not exceed for each single letter rate five cents, and for each kilogram of other correspondence ten cents, in that case the international single rate of letter postage by such line shall be reduced to ten cents.

7th. On all other correspondence mentioned in paragraph two of the first article, the rate shall be, for the mails despatched, that which the despatching office shall adopt, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof.

Prepayment of postage.

ARTICLE VI. The prepayment of postage on ordinary letters shall be optional, subject to the conditions in Article VII, mentioned; but on registered letters, and on all other correspondence mentioned in paragraph two of the first article, it shall be obligatory.

Proceedings when postage is unpaid or insufficiently paid.

ARTICLE VII. If, however, the postage on any correspondence shall be prepaid insufficiently, it shall nevertheless be forwarded to its destination, but charged with the deficient postage.

Upon the delivery of any unpaid or insufficiently paid letter, or of any other insufficiently paid correspondence, there shall be levied in the United States a fine not exceeding five cents, and in the North German Union an additional charge not exceeding two silber groschen. This fine, or additional charge, as well as the deficient postage on all other correspondence than letters, shall not enter into the accounts between the two offices, but shall be retained to the use of the collecting office.

Regulations for despatch of mails.

ARTICLE VIII. The correspondence mentioned in paragraph two of the first article shall be despatched under regulations to be established by the despatching office, but always including the following:—

First. No packet shall contain anything which shall be closed against inspection, nor any written communication whatever, except to state from whom and to whom the packet is sent, and the number and price placed upon each pattern or sample of merchandise.

Second. No packet may exceed two feet in length, or one foot in any other dimension.

Third. Neither office shall be bound to deliver any article the importa-

tion of which may be prohibited by the laws or regulations of the country of destination. Despatch of mails.

Fourth. So long as any customs duty may be chargeable on any articles exchanged in the mails, such duty may be levied for the use of the customs..

It is further agreed, that except a small local carrier's charge, (so long as it shall exist in the rural districts of North Germany,) no charge whatever, otherwise than is herein expressly provided, shall be levied or collected on the letters and other correspondence exchanged.

ARTICLE IX. Any correspondence may be registered, as well international correspondence as that originating in or destined for other countries to which these two administrations may respectively serve as intermediaries for the transmission of such registered articles. Each department shall notify the other of the countries to which it may thus serve as intermediary. Registered correspondence.

Each department shall use its best exertions for the safe delivery, or, when miscarried, for the recovery of any registered correspondence, but is not responsible pecuniarily for the loss of any such correspondence.

ARTICLE X. Registered correspondence shall, in addition to the postage, be subject to a registration fee, not exceeding ten cents in the United States, and not exceeding two silver groschen in the North German Union, and this fee shall be always prepaid. Postage and registration fee.

ARTICLE XI. Accounts between the two offices shall be regulated on the following basis: From the total amount of postages and register fees collected by each office on letters, added to the total amount of prepaid postages and register fees on other correspondence which it despatches, the despatching office shall deduct the amount required, at the agreed rate, for the cost of the intermediate transit thereof between the two frontiers, and the amount of the two net sums shall be equally divided between the two offices. Basis for settlement of accounts.

ARTICLE XII. The two post departments shall establish by agreement, and in conformity with the arrangements in force at the time, the conditions upon which the two offices may respectively exchange in open mails the correspondence originating in or destined to other foreign countries to which they may reciprocally serve as intermediaries. Open mails.

It is always understood, however, that such correspondence shall only be charged with the rate applicable to direct international correspondence, augmented by the postage due to foreign countries, and by any other tax for exterior service.

But the North German office reserves the right to fix a time, if necessary, when this rule shall only apply to correspondence despatched from the United States for such other countries, unless the latter shall have accepted the same rule in behalf of the correspondence despatched through them by the North German office.

ARTICLE XIII. Each office grants to the other the privilege of transit of the closed mails exchanged, in either direction, between the latter and any country to which the other may serve as intermediary, by its usual means of mail transportation, whether on sea or land, and the terms of transit shall be agreed upon when the exercise of the privilege is required. Transit of closed mails through either country.

ARTICLE XIV. The postal accounts between the two offices shall be stated quarterly, and transmitted and verified as speedily as practicable; and the balance found due shall be paid to the creditor office, either by exchange on London or at the debtor office, as the creditor office may desire. Postal accounts, when to be stated, &c.

The rate for the conversion of the money of the two countries shall be fixed by common agreement between the two offices.

ARTICLE XV. When in any port of either country a closed mail is transferred from one vessel to another without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other. Transfer of closed mails without expensa.

Official communications.

ARTICLE XVI. Official communications addressed from one office to the other shall not be the occasion of any accounts between the two offices.

Missent letters, &c.

ARTICLE XVII. Letters wrongly sent, or wrongly addressed, or not deliverable for whatever cause, shall be returned to the originating office, at its expense, if any expense is incurred. Registered correspondence of all kinds, not deliverable for any cause, shall also be returned in like manner. All other correspondence which cannot be delivered shall remain at the disposition of the receiving office. Any postages upon correspondence returned which shall have been charged against the office of destination, shall be discharged from the account.

Provisions of this convention may be extended to other German States.

ARTICLE XVIII. In view of the possible desire of other German States to avail themselves of the advantage of postal association with the States now embraced in the North German Union, it is further agreed that the provisions of this convention shall be extended to and shall comprise them, whenever such other States shall declare their desire to join for this purpose, and notice thereof shall have been given to the United States Post Department.

Regulations.

ARTICLE XIX. The two offices shall, by mutual consent, establish detailed regulations for carrying these articles into execution; and they may modify such regulations, in like manner, from time to time, as the exigencies of the service may require.

Former conventions to cease when this takes effect.

ARTICLE XX. From the time this convention shall take effect, all former conventions between the two offices and between the United States office on the one part, and, on the other part, of Bremen and also of Hamburg, shall cease to be in force, except for the settlement of accounts which shall have previously accrued thereunder.

This convention, being first approved, shall take effect not later than the 1st day of January next, and shall continue in force until cancelled by mutual agreement, or otherwise, until one year from the date when one office shall have given notice to the other of its desire to terminate it.

Executed in duplicate at Berlin the twenty-first day of October, one thousand eight hundred and sixty-seven.

[SEAL.]

JOHN A. KASSON,
Special Commissioner, &c., &c.

[SEAL.]

RICHARD v. PHILIPSBORN,
Director-General of the Post Department.

POST-OFFICE DEPARTMENT, }
Washington, November 12, 1867. }

Approved by the Postmaster-General :

Having examined and considered the foregoing articles of a convention for the amelioration of the postal service between the United States of America and the North German Union, agreed upon and executed in duplicate at Berlin, the twenty-first day of October, one thousand eight hundred and sixty-seven, by Hon. John A. Kasson, Special Commissioner, &c., &c. on behalf of this department, and by Richard v. Philipsborn, Director-General of the Post Department of the North German Union, on behalf of his department, the same are by me hereby ratified and approved by and with the advice and consent of the President of the United States.

In witness whereof I have caused the seal of the Post-Office Department to be affixed hereto, with my signature, the day and year first above written.

[SEAL.]

ALEX. W. RANDALL, *Postmaster-General.*

by the President of the United States.

I hereby approve the foregoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

WASHINGTON, November 12, 1867.

Treaty between the United States of America and the Kiowa and Comanche Tribes of Indians; Concluded October 21, 1867; Ratification advised July 25, 1868; Proclaimed August 25, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 21, 1867.

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

[NOTE BY THE DEPARTMENT OF STATE.—The words of this treaty which are put in brackets with an asterisk are written in the original with black pencil, the rest of the original treaty being written with black ink.]

WHEREAS a treaty was made and concluded at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-seven, by and between N. G. Taylor, Brevet Major-General William S. Harney, Brevet Major-General C. C. Augur, Brevet Major-General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, commissioners, on the part of the United States, and Satank, (Sitting Bear,) Sa-Tan-Ta, (White Bear,) Parry-Wah-Say-Men, (Ten Bears,) and Tep-Pe-Navon, (Painted Lips), and other chiefs and headmen of the Kiowa and Comanche tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble:

Contracting parties.

Articles of a treaty and agreement made and entered into at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, one thousand eight hundred and sixty-seven, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit, Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred S. [H.] Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, of the one part, and the confederated tribes of Kiowa and Comanche Indians, represented by their chiefs and headmen, duly authorized and empowered to act for the body of the people of said tribes, (the names of said chiefs and headmen being hereto subscribed,) of the other part, witness :

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease.

War to cease.

The government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Peace to be kept.

Offenders against the Indians to be arrested, &c.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black or Indians, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent

Wrongdoers against the whites to be punished.

Damages.

and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as, in his judgment, may be proper; but no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss, while violating or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Reservation.

ARTICLE II. The United States agrees that [the*] following district of country, to wit: commencing at a point where the Washita river crosses the 98th meridian, west from Greenwich; thence up the Washita river, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence, due west to the north fork of Red river, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence south, on said meridian line, to the said north fork of Red river; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red river; thence down said river, in the middle of the main channel thereof to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning, shall be and the same is hereby set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such other friendly tribes or individual Indians, as, from time to time, they may be willing [with the consent of the United States*] to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do and except such officers, agents, and employés of the government as may be authorized to enter upon Indian reservation in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation, for the use of said Indians.

Boundaries.

Certain persons not to enter or reside thereon.

Additional arable land to be added, if, &c.

ARTICLE III. If it should appear from actual survey or other satisfactory examination of said tract of land, that it contains less than one hundred and sixty acres of tillable land, for each person, who at the time may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians, as herein provided, such additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

Buildings on reservation.

ARTICLE IV. The United States agrees at its own proper expense to construct at some place, near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: A warehouse or store-room for the use of the agent, in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reserva-

tion, near the other buildings herein authorized, a good steam circular saw mill, with a grist mill and shingle machine attached; the same to cost not exceeding eight thousand dollars.

ARTICLE V. The United States agrees that the agent for the said Indians in the future shall make his home at the agency building; that he shall reside among them, and keep an office open at all times, for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his findings to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Agent's residence, office and duties.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon, be entitled to the exclusive possession of the same as above directed. For each tract of land so selected, a certificate, containing a description thereof and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Kiowa and Comanche Land Book." The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers, in their improvements, and may fix the character of the title held by each. The United States may pass such laws, on the subject of alienation and descent of property and on all subjects connected with the government of the said Indians on said reservations, and the internal police thereof, as may be thought proper.

Heads of families may select land for farming.

Others may select land for cultivation.

Surveys.

Alienation and descent of property.

Education.

Children to attend school.

School-houses and teachers.

ARTICLE VII. In order to insure the civilization of the tribes, entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservations; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm for a period of

Seeds and agricultural implements to be furnished to whom.

Instruction in farming.	three years more, he shall be entitled to receive seeds and implements as aforesaid not exceeding in value twenty-five dollars. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, together with such iron, steel, and other material, as may be needed.
Blacksmith.	
Physician, farmer, &c. may be withdrawn.	ARTICLE IX. At any time after ten years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmiths, carpenter, engineer, and miller herein provided for; but, in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into the condition of said Indians, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.
Additional appropriation in such case.	
Delivery of goods in lieu of annuities.	ARTICLE X. In lieu of all sums of money or other annuities provided to be paid to the Indians, herein named, under the treaty of October eighteenth, one thousand eight hundred and sixty-five, made at the mouth of the "Little Arkansas," and under all treaties made previous thereto, the United States agrees to deliver at the agency-house on the reservation herein named, on the fifteenth day of October of each year, for thirty years, the following articles, to wit:—
Clothing.	For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks. For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, and twelve yards of calico, and twelve yards of "domestic."
Census.	For the boys and girls under the ages named, such flannel and cotton goods as may be needed, to make each a suit as aforesaid, together with a pair of woollen hose for each; and in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward him a full and exact census of the Indians on which the estimates from year to year can be based; and, in addition to the clothing herein named, the sum of twenty-five thousand dollars shall be annually appropriated for a period of thirty years, to be used by the Secretary of the Interior in the purchase of such articles, upon the recommendation of the Commissioner of Indian Affairs, as from time to time the condition and necessities of the Indians may indicate to be proper; and if at any time within the thirty years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named; and the President shall, annually, detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.
Other necessary articles.	
Army officer to attend the delivery.	
Right to occupy territory outside of reservation surrendered.	ARTICLE XI. In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside of their reservation, as herein defined, but they yet reserve the right to hunt on any lands south of the Arkansas [river,*] so long as the buffalo may range thereon in such numbers as to justify the chase, [and no white settlements shall be permitted on any part of the lands contained in the old reservation as defined by the treaty made between the United States and the Cheyenne, Arapahoe, and Apache tribes of Indians at the mouth of the Little Arkansas, under date of October fourteenth, one thousand eight
Right to hunt reserved.	

hundred and sixty-five, within three years from this date; *] and they, [the said tribes,*] further expressly agree —

1st. That they will withdraw all opposition to the construction of the railroad now being built on the Smoky Hill river, whether it be built to Colorado or New Mexico. Agreements as to railroads;

2d. That they will permit the peaceable construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, nor travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith. emigrants and emigrant travelers.

4th. They will never capture or carry off from the settlements white women or children. Women and children.

5th. They will never kill nor scalp white men nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river and westward to the Pacific ocean; and they will not, in future, object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States. Pacific railroad, wagon roads, &c.

But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribes whatever amount of damage may be assessed by three disinterested commissioners, to be appointed by the President for that purpose; one of said commissioners to be a chief or headman of the tribes. Damages for crossing these reservations

7th. They agree to withdraw all opposition to the military posts now established in the western territories. Military posts.

ARTICLE XII. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III. [VI.] of this treaty. No treaty for cession of reservation to be valid unless, &c.

ARTICLE XIII. The Indian agent, in employing a farmer, blacksmith, miller, and other employés herein provided for, qualifications being equal, shall give the preference to Indians. In employing farmer, &c. preference to be given to the Indians, if, &c.

ARTICLE XIV. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons. United States to furnish physicians, teachers, &c.

ARTICLE XV. It is agreed that the sum of seven hundred and fifty dollars be appropriated for the purpose of building a dwelling-house on the reservation for "Tosh-e-wa," (or the Silver Brooch,) the Comanche chief who has already commenced farming on the said reservation. House for Tosh-e-wa.

And the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribes who in the judgment of the agent may grow the most valuable crops for the period named. Presents for best crops.

ARTICLE XVI. The tribes herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the lands south of the Arkansas river, formerly called theirs, in the same manner, subject to the modifications named in this treaty, as agreed on by the treaty of the Little Arkansas, concluded the eighteenth day of October, one thousand eight hundred and sixty-five. Reservation to be permanent home of tribes.

In testimony of which, we have hereunto set our hands and seals on the day and year aforesaid.

N. G. TAYLOR, [SEAL.]
President of Indian Com'n.
 WM. S. HARNEY, [SEAL.]
Bvt. Mjr. Gen.
 C. C. AUGUR, [SEAL.]
Bvt. Majr. Gen.
 ALFRED H. TERRY, [SEAL.]
Brig. and Bvt. Majr. Gen.
 JOHN B. SANBORN, [SEAL.]
 SAMUEL F. TAPPAN, [SEAL.]
 J. B. HENDERSON. [SEAL.]

Attest: ASHTON S. H. WHITE,
Secretary.

Kioways.

SATANK, or Sitting Bear,	his x mark.	[SEAL.]
SA-TAN-TA, or White Bear,	his x mark.	[SEAL.]
WA-TOH-KONK, or Black Eagle,	his x mark.	[SEAL.]
TON-A-EN-KO, or Kicking Eagle,	his x mark.	[SEAL.]
FISH-E-MORE, or Stinking Saddle,	his x mark.	[SEAL.]
MA-YE-TIN, or Woman's Heart,	his x mark.	[SEAL.]
SA-TIM-GEAR, or Stumbling Bear,	his x mark.	[SEAL.]
SIT-PAR-GA, or One Bear,	his x mark.	[SEAL.]
CORBEAU, or The Crow,	his x mark.	[SEAL.]
SA-TA-MORE, or Bear Lying Down.	his x mark.	[SEAL.]

Comanches.

PARRY-WAH-SAY-MEN, or Ten Bears,	his x mark.	[SEAL.]
TEP-PE-NAVON, or Painted Lips,	his x mark.	[SEAL.]
TO-SA-IN, or Silver Brooch,	his x mark.	[SEAL.]
CEAR-CHI-NEKA, or Standing Feather,	his x mark.	[SEAL.]
HO-WE-AR, or Gap in the Woods,	his x mark.	[SEAL.]
TIR-HA-YAH-GUAHIP, or Horse's Back,	his x mark.	[SEAL.]
ES-A-NANACA, or Wolf's Name,	his x mark.	[SEAL.]
AH-TE-ES-TA, or Little Horn,	his x mark.	[SEAL.]
POOH-YAH-TO-YEH-BE, or Iron Mountain,	his x mark.	[SEAL.]
SAD-DY-YO, or Dog Fat,	his x mark.	[SEAL.]

Attest:

JAS. A. HARDIE,
Inspector Genl. U. S. Army.
 SAM'L S. SMOOT,
U. S. Surveyor.
 PHILIP McCUSKER,
Interpreter.
 J. H. LEAVENWORTH,
U. S. In. Agt.
 THOS. MURPHY,
Supt. Ind. Affairs.
 HENRY STANLEY,
Correspondent.
 A. A. TAYLOR,
Assistant Secretary.
 WM. FAYEL,
Correspondent.

JAMES O. TAYLOR,
Artist.
GEO. B. WILLIS,
Phonographer.
C. W. WHITAKER,
Trader

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 July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit :— Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
July 25, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty and agreement made and entered into at the council camp on Medicine Lodge creek, in the State of Kansas, between the United States and the confederated tribes of Kiowa and Comanche Indians.

Attest : GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty. Proclamation.

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

Done at the city of Washington, this twenty-fifth day of August, in [SEAL.] the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

By the President : ANDREW JOHNSON.
WILLIAM H. SEWARD,
Secretary of State.

Treaty between the United States of America and the Kiowa, Comanche, and Apache Tribes of Indians; Concluded October 21, 1867; Ratification advised July 25, 1868; Proclaimed August 25, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 21, 1867.

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

WHEREAS a treaty was made and concluded at the Council Camp, on Medicine Lodge Creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-seven, by and between N. G. Taylor, Brevet Major-General William S. Harney, Brevet Major-General C. C. Augur, Brevet Major-General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, commissioners, on the part of the United States, and Satanka, (Sitting Bear,) Sa-Tan-Ta, (White Bear,) Parry-Wah-Say-Men, (Ten Bears,) Tep-Pe-Navon, (Painted Lips,) Mah-Vip-Pah, (Wolf's Sleeve,) Kon-Zhon-Ta-Co, (Poor Bear,) and other chiefs and headmen of the Kiowa, Comanche, and Apache tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

Contracting parties.

Articles of a treaty concluded at the Council Camp on Medicine Lodge Creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, eighteen hundred and sixty-seven, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit: Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred S. [H.] Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, of the one part, and the Kiowa, Comanche, and Apache Indians, represented by their chiefs and headmen duly authorized and empowered to act for the body of the people of said tribes (the names of said chiefs and headmen being hereto subscribed) of the other part, witness:—

Whereas, on the twenty-first day of October, eighteen hundred and sixty-seven, a treaty of peace was made and entered into at the Council Camp, on Medicine Lodge Creek, seventy miles south of Fort Larned, in the State of Kansas, by and between the United States of America, by its commissioners Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, of the one part, and the Kiowa and Comanche tribes of Indians, of the Upper Arkansas, by and through their chiefs and headmen whose names are subscribed thereto, of the other part, reference being had to said treaty; and whereas, since the making and signing of said treaty, at a council held at said camp on this day, the chiefs and headmen of the Apache nation or tribe of Indians express to the commissioners on the part of the United States, as aforesaid, a wish to be confederated with the said Kiowa and Comanche tribes, and to be placed, in every respect, upon an equal footing with said tribes; and whereas, at

a council held at the same place and on the same day, with the chiefs and headmen of the said Kiowa and Comanche tribes, they consent to the confederation of said Apache tribe, as desired by it, upon the terms and conditions hereinafter set forth in this supplementary treaty: Now, therefore, it is hereby stipulated and agreed by and between the aforesaid commissioners, on the part of the United States, and the chiefs and headmen of the Kiowa and Comanche tribes, and, also, the chiefs and headmen of the said Apache tribe, as follows, to wit:—

The Apaches agree to become incorporated with the Kiowas and Comanches.

ARTICLE I. The said Apache tribe of Indians agree to confederate and become incorporated with the said Kiowa and Comanche Indians, and to accept as their permanent home the reservation described in the aforesaid treaty with said Kiowa and Comanche tribes, concluded as aforesaid at this place, and they pledge themselves to make no permanent settlement at any place, nor on any lands, outside of said reservation.

Advantages of former treaty to be shared by the Apaches.

ARTICLE II. The Kiowa and Comanche tribes, on their part, agree that all the benefits and advantages arising from the employment of physicians, teachers, carpenters, millers, engineers, farmers, and blacksmiths, agreed to be furnished under the provisions of their said treaty, together with all the advantages to be derived from the construction of agency buildings, warehouses, mills, and other structures, and also from the establishment of schools upon their said reservation, shall be jointly and equally shared and enjoyed by the said Apache Indians, as though they had been originally a part of said tribes; and they further agree that all other benefits arising from said treaty shall be jointly and equally shared as aforesaid.

Annuities, &c. to be shared by the Apaches.

ARTICLE III. The United States, on its part, agrees that clothing and other articles named in Article X. of said original treaty, together with all money or other annuities agreed to be furnished under any of the provisions of said treaty, to the Kiowas and Comanches, shall be shared equally by the Apaches. In all cases where specific articles of clothing are agreed to be furnished to the Kiowas and Comanches, similar articles shall be furnished to the Apaches, and a separate census of the Apaches shall be annually taken and returned by the agent, as provided for the other tribes. And the United States further agrees, in consideration of the incorporation of the said Apaches, to increase the annual appropriation of money, as provided for in Article X. of said treaty, from twenty-five thousand to thirty thousand dollars; and the latter amount shall be annually appropriated, for the period therein named, for the use and benefit of said three tribes, confederated as herein declared; and the clothing and other annuities, which may from time to time be furnished to the Apaches, shall be based upon the census of the three tribes, annually to be taken by the agent, and shall be separately marked, forwarded, and delivered to them at the agency house, to be built under the provisions of said original treaty.

Census.

Annual appropriation increased.

Annuities to be based on census.

Apaches to observe stipulations of original treaty;

to keep the peace;

to give up certain rights.

ARTICLE IV. In consideration of the advantages conferred by this supplementary treaty upon the Apache tribe of Indians, they agree to observe and faithfully comply with all the stipulations and agreements entered into by the Kiowas and Comanches in said original treaty. They agree, in the same manner, to keep the peace toward the whites and all other persons under the jurisdiction of the United States, and to do and perform all other things enjoined upon said tribes by the provisions of said treaty; and they hereby give up and forever relinquish to the United States all rights, privileges, and grants now vested in them, or intended to be transferred to them, by the treaty between the United States and the Cheyenne and Arapahoe tribes of Indians, concluded at the camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, one thousand eight hundred and sixty-five, and also by the supplementary treaty, concluded at the same place on the seventeenth day of the same month, between the United States, of the one part, and the Cheyenne, Arapahoe, and Apache tribes, of the other part.

In testimony of all which, the said parties have hereunto set their hands and seals at the place and on the day hereinbefore stated. Signature.

N. G. TAYLOR,	[SEAL.]
<i>President of Indian Commission.</i>	
WM. S. HARNEY,	[SEAL.]
<i>Bvt. Majr. Gen., Commissioner, &c.</i>	
C. C. AUGUR,	[SEAL.]
<i>Bvt. Mjr. Genl.</i>	
ALFRED H. TERRY,	[SEAL.]
<i>Bvt. M. Genl. and Brig. Genl.</i>	
JOHN B. SANBORN.	[SEAL.]
SAMUEL F. TAPPAN.	[SEAL.]
J. B. HENDERSON.	[SEAL.]

On the part of the Kiowas.

SATANKA, or Sitting Bear,	his x mark,	[SEAL.]
SA-TAN-TA, or White Bear,	his x mark,	[SEAL.]
WAH-TOH-KONK, or Black Eagle,	his x mark,	[SEAL.]
TON-A-EN-KO, or Kicking Eagle,	his x mark,	[SEAL.]
FISH-E-MORE, or Stinking Saddle,	his x mark,	[SEAL.]
MA-YE-TIN, or Woman's Heart,	his x mark,	[SEAL.]
SA-TIM-GEAR, or Stumbling Bear,	his x mark,	[SEAL.]
SA-PA-GA, or One Bear,	his x mark,	[SEAL.]
COR-BEAU, or The Crow,	his x mark,	[SEAL.]
SA-TA-MORE, or Bear Lying Down,	his x mark,	[SEAL.]

On the part of the Comanches.

PARRY-WAH-SAY-MEN, or Ten Bears,	his x mark,	[SEAL.]
TEP-PE-NAVON, or Painted Lips,	his x mark,	[SEAL.]
TO-SHE-WI, or Silver Brooch,	his x mark,	[SEAL.]
CEAR-CHI-NEKA, or Standing Feather,	his x mark,	[SEAL.]
HO-WE-AR, or Gap in the Woods,	his x mark,	[SEAL.]
TIR-HA-YAH-GUA-HIP, or Horse's Back,	his x mark,	[SEAL.]
ES-A-MAN-A-CA, or Wolf's Name,	his x mark,	[SEAL.]
AH-TE-ES-TA, or Little Horn,	his x mark,	[SEAL.]
POOH-YAH-TO-YEH-BE, or Iron Mountain,	his x mark,	[SEAL.]
SAD-DY-YO, or Dog Fat,	his x mark,	[SEAL.]

On the part of the Apaches.

MAH-VIP-PAH, Wolf's Sleeve,	his x mark,	[SEAL.]
KON-ZHON-TA-CO, Poor Bear,	his x mark,	[SEAL.]
CHO-SE-TA, or Bad Back,	his x mark,	[SEAL.]
NAH-TAN, or Brave Man,	his x mark,	[SEAL.]
BA-ZHE-ECH, Iron Shirt,	his x mark,	[SEAL.]
TIL-LA-KA, or White Horn,	his x mark,	[SEAL.]

Attest.

ASHTON S. H. WHITE, *Secretary.*
 GEO. B. WILLIS, *Reporter.*
 PHILIP McCUSKER, *Interpreter.*
 JOHN D. HOWLAND, *Clerk Indian Commission.*
 SAM'L S. SMOOT, *U. S. Surveyor.*
 A. A. TAYLOR.
 J. H. LEAVENWORTH, *U. S. Ind. Agt.*
 THOS. MURPHY, *Supt. Ind. Affairs.*
 JOEL H. ELLIOTT, *Major 7th U. S. Co.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on Ratification.

TREATY WITH THE KIOWA INDIANS. OCTOBER 21, 1867.

the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 July 25, 1868. }

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty concluded at the Council Camp on Medicine Lodge creek, in the State of Kansas, between the United States and the Kiowa, Comanche, and Apache tribes of Indians.

Attest:

GEO. C. GORHAM,
Secretary.

Proclamation. Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this twenty-fifth day of August, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Cheyenne and Arapahoe Tribes of Indians; Concluded October 28, 1867; Ratification advised July 25, 1868; Proclaimed August 19, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 28, 1867.

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

WHEREAS a treaty was made and concluded at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-seven, by and between N. G. Taylor, Brevet Major-General William S. Harney, Brevet Major-General C. C. Augur, Brevet Major-General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, commissioners, on the part of the United States, and O-to-ah-nac-co (Bull-Bear), Moke-tav-a-to (Black Kettle), Little Raven, Yellow Bear, and other chiefs and headmen of the Cheyenne and Arapahoe tribes of Indians, on the part 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 and agreement made and entered into at the Council Camp on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-eighth day of October, eighteen hundred and sixty-seven, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit: Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred H. Terry, John B. Sanborn, Samuel F. Tappan and John B. Henderson, of the one part, and the Cheyenne and Arapahoe tribes of Indians, represented by their chiefs and headmen duly authorized and empowered to act for the body of the people of said tribes—the names of said chiefs and headmen being hereto subscribed—of the other part, witness:—

Contracting parties.

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

Peace and friendship.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Offenders among the whites to be arrested and punished;

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent, and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on

among the Indians, to be given up to the United States, or, &c.

Rules for as-
certaining dam-
ages.

advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages, under the provisions of this article, as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss, while violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Reservation.

ARTICLE II. The United States agrees that the following district of country, to wit: commencing at the point where the Arkansas river crosses the 37th parallel of north latitude, thence west, on said parallel — the said line being the southern boundary of the State of Kansas — to the Cimaron river (sometimes called the Red Fork of the Arkansas river), thence down said Cimaron river, in the middle of the main channel thereof, to the Arkansas river; thence up the Arkansas river, in the middle of the main channel thereof, to the place of beginning, shall be and the same is hereby set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians.

Boundaries.

Who not to re-
side thereon, &c.

Reservation to
be enlarged if,
&c.

ARTICLE III. If it should appear from actual survey or other examination of said tract of land, that it contains less than one hundred and sixty acres of tillable land for each person, who at the time may be authorized to reside on it, under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians as herein provided, such additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

Buildings to be
constructed.

ARTICLE IV. The United States agrees at its own proper expense to construct at some place near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars. The United States agrees, further, to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw mill, with a grist mill and shingle machine attached; the same to cost not exceeding eight thousand dollars.

Agent to make
his home and re-
side where.

ARTICLE V. The United States agrees that the agents for said Indians in the future shall make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation, under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded,

His duties.

together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI. If any individual, belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the land-book as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him, or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Heads of families desiring to commence farming, may select lands, &c.

Effect of such selection, &c.

Persons not heads of families.

For each tract of land so selected, a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon, that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Cheyenne and Arapahoe Land Book." The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.

Certificate of selection to be delivered, &c.;

to be recorded.

Survey.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.

Alienation and descent of property.

ARTICLE VII. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

Children between six and sixteen to attend school.

Duty of agent.

School-houses and teachers.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars; and for each succeeding year he shall continue to farm for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

Seeds and agricultural implements.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Instruction in farming.

ARTICLE IX. At any time after ten years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller, herein provided

Physician, farmer, &c. may

be withdrawn, &c.; and additional appropriation in such case.

for, but in case of such withdrawal, an additional sum, thereafter, of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall upon careful inquiry into their condition make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Articles in lieu of money and annuities.

ARTICLE X. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under the treaty of October fourteenth, eighteen hundred and sixty-five, made at the mouth of the Little Arkansas, and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the fifteenth day of October, of each year, for thirty years, the following articles, to wit:—

Clothing.

For each male person over fourteen years of age, a suit of good, substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

Census annually.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians on which the estimate from year to year can be based.

Annual appropriation of money for thirty years.

And, in addition to the clothing herein named, the sum of twenty thousand dollars shall be annually appropriated for a period of thirty years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if at any time, within the thirty years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but, in no event, shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall, annually, detail an officer of the army to be present, and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Army officer to be present at delivery of goods.

Lands outside of reservation relinquished to the United States.

ARTICLE XI. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside of their reservation as herein defined, but they yet reserve the right to hunt on any lands south of the Arkansas so long as the buffalo may range thereon in such numbers as to justify the chase; and no white settlements shall be permitted on any part of the lands contained in the old reservation as defined by the treaty made between the United States and the Cheyenne, Arapahoe, and Apache tribes of Indians, at the mouth of the Little Arkansas, under date of October fourteenth, eighteen hundred and sixty-five, within three years from this date, and they, the said tribes, further expressly agree:—

Right to hunt reserved.

Limit to white settlements.

Express agreements as to railroads;

1st. That they will withdraw all opposition to the construction of the railroad now being built on the Smoky Hill river, whether it be built to Colorado or New Mexico.

2d. That they will permit the peaceable construction of any railroad not passing over their reservation as herein defined.

wagon trains, coaches, &c.

3d. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States or to persons friendly therewith.

4th. They will never capture or carry off from the settlements white women or children. White women and children.

5th. They will never kill or scalp white men, nor attempt to do them harm. White men.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river, and westward to the Pacific Ocean; and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe. Railroads and other roads.
Damages to their reservation.

7th. They agree to withdraw all opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes. Military posts and roads.

ARTICLE XII. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him as provided in Article VI. of this treaty. Cession of reservation not to be valid, unless, &c.

ARTICLE XIII. The United States hereby agree to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons. Physician, &c. to be furnished by the United States.

ARTICLE XIV. It is agreed that the sum of five hundred dollars, annually, for three years from date, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year. Annual presents for most valuable crops.

ARTICLE XV. The tribes herein named agree that when the agency-house and other buildings, shall be constructed on the reservation named, they will regard and make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right, subject to the conditions and modifications of this treaty, to hunt on the lands south of the Arkansas river, formerly called theirs, in the same manner as agreed on by the treaty of the "Little Arkansas," concluded the fourteenth day of October, eighteen hundred and sixty-five. Reservation to be permanent home, &c.

In testimony of which, we have hereunto set our hands and seals, on the day and year aforesaid. Signature.

N. G. TAYLOR, [SEAL.]
President of Indn. Commission.

WM. S. HARNEY, [SEAL.]
Maj. Gen. Bvt., &c.

C. C. AUGUR, [SEAL.]
Bvt. Maj. Genl.

ALFRED H. TERRY, [SEAL.]
Bvt. M. Genl.

JOHN B. SANBORN, [SEAL.]
Com.

SAMUEL F. TAPPAN. [SEAL.]
J. B. HENDERSON. [SEAL.]

Attest:

ASHTON S. H. WHITE, *Secretary.*
GEO. B. WILLIS, *Phonographer.*

On the part of the Cheyennes.

O-TO-AH-NAC-CO, Bull Bear,	his x mark,	[SEAL.]
MOKE-TAV-A-TO, Black Kettle,	his x mark,	[SEAL.]
NAC-CO-HAH-KET, Little Bear,	his x mark,	[SEAL.]
MO-A-VO-VA-AST, Spotted Elk,	his x mark,	[SEAL.]
IS-SE-VON-NE-VE, Buffalo Chief,	his x mark,	[SEAL.]
VIP-PO-NAH, Slim Face,	his x mark,	[SEAL.]
WO-PAH-AH, Gray Head,	his x mark,	[SEAL.]
O-NI-HAH-KET, Little Rock,	his x mark,	[SEAL.]
MA-MO-KI, or Curly Hair,	his x mark,	[SEAL.]
O-TO-AH-HAS-TIS, Tall Bull,	his x mark,	[SEAL.]
WO-PO-HAM, or White Horse,	his x mark,	[SEAL.]
HAH-KET-HOME-MAH, Little Robe,	his x mark,	[SEAL.]
MIN-NIN-NE-WAH, Whirlwind,	his x mark,	[SEAL.]
MO-YAN-HISTE-HISTOW, Heap of Birds,	his x mark,	[SEAL.]

On the part of the Arapahoes.

LITTLE RAVEN,	his x mark,	[SEAL.]
YELLOW BEAR,	his x mark,	[SEAL.]
STORM,	his x mark,	[SEAL.]
WHITE RABBIT,	his x mark,	[SEAL.]
SPOTTED WOLF,	his x mark,	[SEAL.]
LITTLE BIG MOUTH,	his x mark,	[SEAL.]
YOUNG COLT,	his x mark,	[SEAL.]
TALL BEAR,	his x mark,	[SEAL.]

Attest:

C. W. WHITAKER, *Interpreter.*H. DOUGLAS, *Maj. 3 Inf.*JNO. D. HOWLAND, *Clk. Indian Commission.*SAM'L. S. SMOOT, *U. S. Surveyor.*

A. A. TAYLOR.

HENRY STANLEY, *Correspondent.*JOHN S. SMITH, *U. S. Int.*GEORGE BENT, *Interpreter.*THOS. MURPHY, *Supt. Ind. Affairs.*

Ratification.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
July 25, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Cheyenne and Arapaho[e] tribes of Indians concluded at Medicine Lodge Creek, on the twenty-eighth day of October, eighteen hundred and sixty-seven.

Attest:

GEO. C. GORHAM,
Secretary.

Proclamation.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States 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-eight, [SEAL.] and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Articles agreed upon between the Post Department of the United States of America represented by John A. Kasson, Esquire, Special Commissioner, and the Postal Administration of the Kingdom of Italy, represented by Cavaliere Avvocato George Battista Tantesio, Director, &c., &c., both invested with the necessary Powers for the Modification of the Convention executed between the two Countries under date of the eighth July, 1863, and as provided in the XXIVth Article of said Convention.

ARTICLE I. There shall be a regular exchange of correspondence, in closed mails, between the post department of the United States of America and the postal administration of the kingdom of Italy, as well for correspondence originating in either of said countries and destined for the other, as for that originating in or destined for foreign countries to which the United States and Italy may respectively serve as intermediaries.

Nov. 8, 1867.
Correspondence to be exchanged;

This correspondence shall embrace the following articles :

to embrace what.

1. Letters, ordinary and registered.
2. Newspapers, prints of all kinds, books, maps, plans, engravings, drawings, photographs, lithographs, sheets of music printed or written, and patterns or samples of merchandise, including grains and seeds.

ARTICLE II. The offices for the exchange of the mails shall be, on the part of the United States, New York.

Offices for exchange of mails.

On the part of Italy, —

1. Susa — travelling office.
2. Camerlata — travelling office.
3. Arona — travelling office.

The two administrations may, by common accord, establish additional offices of exchange whenever it shall be found necessary ; or suspend an existing office of exchange.

ARTICLE III. Each administration shall make its own arrangements for the despatch of its mails to the other, and shall transport them at its own expense to the frontier of the country of destination.

Arrangements for despatch of mails, &c.

It is also agreed that the cost of the territorial and maritime transit of the mails despatched by one administration to the other shall be first defrayed by that one of the two administrations which shall have obtained from the intermediaries the most favorable pecuniary terms for such transit ; and any amount so advanced by one for the other shall be promptly reimbursed.

Cost of transportation.

ARTICLE IV. The standard weight for the single rate of postage and the rule of progression shall be : —

Weight for single rate of postage, &c.

For letters, fifteen grams.

For all other correspondence mentioned in the second paragraph of the first article, it shall be that which the despatching administration shall adopt for the mails which it despatches to the other, adapted to the convenience of its interior service.

Each administration, however, shall notify the other of the standard weight it shall adopt, and of any subsequent change thereof.

The rule of progression shall always be an additional single rate for each additional standard weight or fraction thereof.

The weight stated by the despatching office shall always be accepted, except in case of manifest mistake.

ARTICLE V. The single rate of postage for the direct correspondence is established as follows :

Rates of postage.

For letters from the United States, fifteen cents.

For letters from Italy, eighty centesimi.

For all other correspondence mentioned in the second paragraph of

Rates of postage. the first article, it shall be that which the despatching administration shall adopt for the mails it despatches, adapted to its own convenience, but each administration shall inform the other of the rate it adopts, and of any change of it.

The postage upon any correspondence, however, may be, by common accord, modified whenever the sender shall avail himself of any route which requires a higher rate than that established by this article, and the envelope shall indicate the route preferred either in writing or by the amount of postage prepaid.

Prepayment of postage.

ARTICLE VI. The prepayment of postage on ordinary letters between the United States and Italy shall be optional.

The prepayment of postage on all other correspondence, including registered letters, shall be obligatory.

The correspondence of all kinds which shall not be prepaid shall be charged by the receiving administration with a fine not exceeding 5 cents in the United States, and not exceeding 30 centesimi in Italy.

The correspondence of any kind, insufficiently prepaid, shall be despatched, but shall be charged by the receiving administration with the deficient postage, as well as the fine aforesaid.

Fractions of one cent in the United States and of 5 centesimi in Italy, shall be counted for the full amount.

Registered correspondence;

ARTICLE VII. Any correspondence may be registered, as well that directly exchanged between the two countries, as that originating in either of them and destined to other foreign countries to which they may respectively serve as intermediaries for registered correspondence, and *vice versa*.

to be prepaid;

The international correspondence registered must always be prepaid, both the postage and the register fee.

fee.

The fee shall be, not exceeding 10 cents in the United States, and 50 centesimi in Italy.

Basis for settlement of accounts.

ARTICLE VIII. Accounts between the two administrations shall be regulated as follows :

From the total amount of the postage collected upon letters, added to the amount of register fees, and of prepaid postages upon other articles than letters as collected by each administration, it shall deduct the cost at the established rates of the intermediate transit of the mails it despatches to the other, and the balance shall be equally divided between the two administrations.

There shall be excluded from the account all fines upon unpaid or insufficiently paid correspondence, and the deficient postages upon articles mentioned in the second paragraph of article first, all of which shall be retained to the use of the administration which collects them.

Regulations for despatch of correspondence.

ARTICLE IX. The correspondence mentioned in the second paragraph of article first shall be despatched in conformity with the interior system of the despatching administration, but always including the following rules :

(a.) The correspondence must be under bands, so that the contents can be readily examined.

(b.) There must be no written communication except the date, the name of the sender, the address, and the price, and manufacturers' marks upon samples of merchandise.

(c.) No pattern or packet may exceed sixty centimeters in length and thirty centimeters in any other dimension.

(d.) There shall be admitted no liquid nor other article which might injure the other correspondence, nor any article the importation of which may be prohibited by the laws or regulations of the country of destination.

Customs dues may be collected.

ARTICLE X. It is expressly agreed that all international correspondence exchanged shall be exempt in the country of destination from any charge whatever not expressly provided by this convention: *Provided*,

nevertheless, That any duty which may be due to the customs upon any article, under the laws of the country of destination, may be collected.

Open mails.

ARTICLE XI. The two administrations shall establish by common accord, and in conformity with the arrangements in force at the time, the conditions upon which the two offices may respectively exchange in open mails the correspondence originating in or destined to foreign countries to which they may reciprocally serve as intermediaries. It is always understood, however, that such correspondence shall only be charged with the international postage established by this convention, augmented by the postage due to foreign countries, or for other exterior service.

Transit in closed mails.

ARTICLE XII. The post departments of the United States and of Italy reciprocally engage to transport gratuitously across their respective territories all correspondence which shall be exchanged in closed mails with any countries to which they may respectively serve as intermediaries: *Provided always*, That such conveyance shall be effected by the ordinary means of mail conveyance in use; and that the countries taking the benefits of such gratuitous service shall reciprocally accord the like privilege of free transit across their respective territories.

Rates.

For the transport of closed mails by either administration for the other by sea, the following rates are fixed to be charged and received by the administration rendering the service, viz.

(a) For transport across the waters of the Atlantic Ocean, 8 cents per single letter rate; and 12 cents per kilogram net of other correspondence.

(b) For transport across the waters of the Pacific Ocean, 10 cents per single letter rate, and 20 cents per kilogram net of other correspondence.

(c) For transport across the Mediterranean Sea, 50 centesimi per 30 grams of letters net, and 60 centesimi per kilogram net of other correspondence.

(d) For immediate territorial transport each administration shall charge and receive the amount which it shall have actually paid for the account of the other.

Accounts to be stated quarterly.

ARTICLE XIII. The accounts between the two administrations shall be stated quarterly, and transmitted and verified as speedily as practicable; and the debtor office shall pay the balance found due to the creditor office, either by exchange on London or at the debtor office, as the creditor office may desire.

The rate for the conversion of the money of the two countries shall be fixed by common agreement between the two offices.

Transfer of closed mails.

ARTICLE XIV. When in any port of either country a closed mail is transferred from one vessel to another, without any expense to the office of the country where the transport is made, such transfer shall not be subject to any postal charge by one office against the other.

ARTICLE XV. Correspondence exclusively relating to the postal service shall be transmitted on both sides free of all charge.

Correspondence relating to postal service to be free. Missent letters, &c.

ARTICLE XVI. Letters wrongly sent, or wrongly addressed, or not deliverable for whatever cause, and all registered correspondence not deliverable for any cause, shall be returned as promptly as practicable to the originating office, at its cost, if any cost is incurred. Any postages on returned correspondence which may have been charged against the returning office shall be discharged from the account.

All other correspondence which cannot be delivered shall remain at the disposition of the receiving administration.

Postal money orders.

ARTICLE XVII. Small sums of money may be mutually transmitted from one country to the other by means of postal money orders; and the rates and conditions may be arranged by agreement between the two departments, so soon as such arrangement may be found convenient.

Regulations.

ARTICLE XVIII. The two administrations shall in concert establish detailed regulations for the execution of these articles; and both the

articles and the regulations may be modified from time to time by accord of the two administrations, as the exigencies of the service may require.

When convention takes effect, and how may be terminated.

ARTICLE XIX. This convention shall take effect on the first of April next, and shall continue in force until one year from the time when one of the contracting parties shall have given to the other notice of its desire to terminate it, unless sooner terminated or modified by mutual agreement.

Convention when to be ratified.

ARTICLE XX. This convention shall be ratified on the part of the United States by the Postmaster-General, and on the part of Italy by the Director-General of Posts, and the ratifications exchanged as early as possible.

In testimony whereof, the two commissioners have subscribed their names and affixed their seals thereto.

Done at Florence in duplicate original, this eighth day of November, A. D. eighteen hundred and sixty-seven.

[SEAL.]

JOHN A. KASSON,

Special Commissioner, &c., &c.

[SEAL.]

GIO. BATTISTA TANTESIO,

Commissioner of Posts.

POST-OFFICE DEPARTMENT, }
Washington, November 29, 1867. }

Approved by the Postmaster-General;

Having examined and considered the foregoing articles of a postal convention, for the modification of the convention executed between the United States of America and the kingdom of Italy under date of 8th July, 1863, which were agreed upon and signed in duplicate at Florence on the eighth day of November, one thousand eight hundred and sixty-seven, by the Hon. John A. Kasson, special commissioner, &c., on behalf of this department, and by Chevalier Advocate Giovanni Battista Tantesio, chief director of the Post-Office Department of the kingdom of Italy, on behalf of his department, the same are by me hereby ratified and approved, by and with the advice and consent of the President of the United States.

In witness whereof, I have caused the seal of the Post-Office Department to be hereto affixed, with my signature, the day and year first above written.

[SEAL.]

ALEXANDER W. RANDALL,

Postmaster-General United States.

WASHINGTON, November 30, 1867.

by the President of the United States.

I hereby approve the foregoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States of America and the King of Italy, defining the Rights, Immunities, and Privileges of Consuls; Concluded February 8, 1868; Proclaimed February 13, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Feb. 8, 1868.

A PROCLAMATION.

WHEREAS a convention defining the rights, immunities, and privileges of consuls, between the United States of America and his Majesty the King of Italy, was concluded and signed by their respective plenipotentiaries at Washington, the eighth day of February, eighteen hundred and sixty-eight, which convention, being in the English and Italian languages, is word for word as follows :

Preamble.

The President of the United States and his Majesty the King of Italy, recognizing the utility of defining the rights, privileges, and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly, they have named: the President of the United States, William H. Seward, Secretary of State of the United States; his Majesty the King of Italy, the Commander Marcello Cerruti, &c. ; who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles :

ARTICLE I.

Each of the high contracting parties agrees to receive from the other consuls-general, consuls, vice-consuls, and consular agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

S. M. il Re d'Italia, e il Presidente degli Stati Uniti, riconoscendo l'utilità di determinare i diritti, privilegi ed immunità degli ufficiali consolari dei due paesi, hanno deciso di conchiudere una convenzione consolare. A questo effetto hanno nominato —

S. M. il Re d'Italia: Il Commendatore Marcello Cerruti, suo Inviato Straordinario, e Ministro Plenipotenziario presso gli Stati Uniti. Il Presidente degli Stati Uniti: Guglielmo H. Seward, Segretario di Stato degli Stati Uniti. I quali dopo presentazione dei loro pieni poteri, trovati in buona e debita forma, hanno convenuto negli articoli seguenti :

Contracting parties.

ARTICOLO I.

Ciascuna delle alte parti contraenti si obbliga a ricevere dall' altra consoli generali, consoli, vice-consoli e agenti consolari, in tutti i suoi porti, luoghi e città, ad eccezione di quelli nei quali non si reputerà conveniente di riconoscere tali funzionari.

Non potrà però questa riserva applicarsi ad una delle alte parti contraenti, senza che si applichi ugualmente a tutte le altre potenze.

Consuls-general, consuls, &c. to be received by each power in all its places, except, &c.

Reservation to apply alike to every other power.

ARTICLE II

Consular officers to receive exequatur free of charge and effect thereof.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

ARTICLE III.

Consular officers to be exempt from arrest, &c. except, &c.;

Consular officers, citizens or subjects of the State by which they are appointed, shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country, who are merchants or owners of property.

if citizens, &c. of the State where they reside, &c. they are liable to same charges as other citizens;

ARTICLE IV.

not to be compelled to appear as witnesses before the courts;

No consular officer who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

their testimony, how to be obtained;

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

in criminal cases.

In all criminal cases contemplated by the sixth article of the amend-

ARTICOLO II.

Gli ufficiali consolari riceveranno dietro presentazione delle loro patenti, e secondo le formalità stabilite ne paesi rispettivi, l'exequatur richiesto per l'esercizio delle loro funzioni, il quale verrà loro spedito senza spesa, e sulla presentazione di tale instrumento essi verranno ammessi da tutte le autorità del luogo di lor residenza, al godimento dei diritti, prerogative ed immunità loro accordate nella presente convenzione.

ARTICOLO III.

Gli ufficiali consolari sudditi dello Stato che li ha nominati, non potranno essere arrestati a meno che si tratti di reati che la legislazione locale qualifica di crimini e punisce come tali, e andranno esenti dall'alloggio militare, dal prestare servizio nella milizia, nella guardia nazionale, e nell'armata regolare, e da qualsiasi contribuzione federale, di Stato o municipale. Ove però sieno cittadini o sudditi dello Stato o vi posseggano beni stabili, o vi esercitino il commercio od una qualche industria, essi andranno soggetti agli stessi carichi di qualunque genere, come se fossero cittadini o sudditi del paese, mercanti o proprietari di beni stabili.

ARTICOLO IV.

Gli ufficiali consolari cittadini o sudditi dello Stato che li ha nominati, e che non esercitino il commercio, né alcuna specie d'industria, non saranno forzati a comparire come testimonj davanti ai tribunali del paese in cui risiedono. Ove la loro testimonianza si faccia necessaria si inviteranno per iscritto a comparire in corte, ed in caso d'impedimento si dovrà richiedere la loro deposizione scritta, o riceverla di viva voce nel loro domicilio od ufficio.

Sarà dovere de' summentovati uffiziali consolari, di aderire a tale domanda, senza frapporre dilazione non necessaria. In tutti i casi criminali contemplati dal 6° Articolo

ments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States consuls in Italy in the like cases.

ARTICLE V.

Consuls - general, consuls, vice-consuls, and consular agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or vice-consulate, or consular agency," of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a legation there.

ARTICLE VI.

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer is engaged in other business the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the minister for foreign affairs in Italy, may temporarily exercise their functions, and while thus acting they shall

degli emendamenti alla Costituzione degli Stati Uniti, in virtù del quale é garantito il diritto alle persone accusato di crimini, di ottenere testimonj in loro favore, gli ufficiali consolari saranno invitati a comparire, con ogni possibile riguardo allo lor dignità e ai doveri della loro carica.

I consoli degli Stati Uniti in Italia riceveranno un uguale trattamento in casi consimili.

ARTICOLO V.

I consoli generali, consoli, vice-consoli e agenti consolari potranno collocare sopra la porta esterna del loro ufficio o abitazione lo stemma della loro nazione con questa iscrizione "Consolato, o vice-consolato, o agenzia consolare degli Stati Uniti, o d'Italia." Potranno pure inalberare la bandiera del loro paese, sulla loro abitazione od ufficio, quando non risiedono nella capitale laddove si trova la legazione del loro paese.

Consular officers may place over their doors the arms of their nation, and raise its flag, except, &c.

ARTICOLO VI.

Gli uffici consolari e le abitazioni dei consoli saranno in ogni tempo inviolabili. Le autorità locali non potranno invaderli sotto alcun pretesto. Esse non potranno in alcun caso esaminare o sequestrare le carte ivi depositate. Non dovranno mai questi uffizii ed abitazioni servire come luoghi d'asilo. Nel caso tuttavia che l'ufficiale consolare eserciti il commercio o un industria, le carte riguardanti il consolato dovranno tenersi separate.

Consular offices and dwellings to be inviolate;

not to be used as places of asylum.

Papers of consulate to be kept separate, if, &c.

ARTICOLO VII.

Nel caso d'impedimento, assenza o morte de' consoli generali, consoli, vice-consoli e agenti consolari, i loro cancellieri e segretarii, il cui carattere ufficiale sia previamente stato dichiarato al D° di Stato in Washington ovvero al ministero degli affari esteri in Italia, saranno ammessi ad esercitare interinalmente le loro funzioni, e godranno, durante la loro gestione, di tutti i diritti,

In case of the absence, or death, &c. of consular officers, who to exercise their functions.

enjoy all the rights, prerogatives, and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-general and consuls may appoint vice-consuls, &c.

Who may be vice-consuls, &c.;

their commissions and privileges.

Consuls-general and consuls may, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the consul who appoints them and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III and IV.

ARTICLE IX.

Consular officers may complain to the authorities of infractions of treaties or conventions;

Consuls-general, consuls, vice-consuls, and consular agents, may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they reside.

ARTICLE X.

may take depositions;

may receive contracts.

Consuls-general, consuls, vice-consuls, and consular agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their coun-

prerogative ed immunità accordate ai titolari.

ARTICOLO VIII.

I consoli generali, ed i consoli potranno nominare dietro approvazione dei rispettivi governi, vice-consoli e agenti consolari nelle città, porti e luoghi della loro giurisdizione consolare. Questi agenti potranno scegliersi fra i cittadini degli Stati Uniti o fra i sudditi Italiani, o fra gli stranieri, e saranno muniti d'una patente rilasciata dal console che li ha nominati, e sotto gli ordini del quale dovranno esercitare le loro funzioni.

Essi godranno dei privilegi stipulati nella presente convenzione in favore degli ufficiali consolari, salvo le eccezioni specificate negli Articoli III e IV.

ARTICOLO IX.

I consoli generali, consoli, vice-consoli e agenti consolari, potranno rivolgersi alle autorità dei paesi rispettivi entro il loro distretto, siano esse federali o locali, giurisdiziarie o esecutive, per reclamare contro qualunque infrazione de' trattati e convenzioni esistenti fra l'Italia e gli Stati Uniti, come pure ad oggetto di difendere i diritti e gli interessi dei loro compatriotti. Se le risoluzioni prese in seguito a tali rimostranze non fossero soddisfacenti, i sopraddetti ufficiali consolari in mancanza di un agente diplomatico del loro paese, potranno ricorrere direttamente al governo del paese nel quale risiedono.

ARTICOLO X.

I consoli generali, consoli, vice-consoli e agenti consolari, e i loro cancellieri avranno il diritto di ricevere nei loro uffizii, alla residenza delle parti, nella propria abitazione e anche a bordo, le depositions che abbiano a prestare i capitani e gli equipaggi delle navi di loro nazione, e dei passeggeri a bordo delle medesime e di qualsiasi altro cittadino o suddito del loro paese.

try all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls, and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

ARTICLE XI.

Consuls-general, consuls, vice-consuls, and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to consular officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the consuls addressed in writing to either the federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held during the whole time of their stay in the port,

Parimenti avranno facoltà di ricevere nei loro ufficii, conformemente alle leggi e ai regolamenti del loro paese, qualunque contratto fra cittadini o sudditi ed altri abitanti del paese nel quale risiedono, e anco ogni contratto fra questi ultimi, purché abbia per oggetto beni stabili situati nel territorio della nazione cui l'ufficiale consolare appartiene, e abbiano tratto ad affari che devono disimpegnarsi nel suo stesso paese. Le copie di carte relative a tali contratti, e i documenti ufficiali di qualsiasi natura, sia che vengano presentati nell'originale, in copia, o come traduzione, debitamente legalizzati ed autenticati dai consoli generali, consoli, vice-consoli ed agenti consolari, e segnati col bollo di ufficio del consolato, saranno ricevuti quali documenti facienti prova, negli Stati Uniti e in Italia.

Copies of papers authenticated by official seals to be received as legal documents.

ARTICOLO XI.

I consoli generali, consoli, vice-consoli e agenti consolari saranno esclusivamente incaricati di mantenere l'ordine interno a bordo delle navi mercantili di loro nazione, e conosceranno soli delle quistioni di qualunque genere che potranno insorgere, sia in mare che nei porti, fra il capitano, gli ufficiali, ed i marinaj, senza eccezione, e segnatamente di quelle relative al soldo, ed all' adempimento degli accordi reciprocamente convenuti. Le corti o autorità federali, di stato o municipali, negli Stati Uniti, ed i tribunali e le autorità in Italia, non potranno sotto alcun pretesto intervenire in tali questioni, ma dovranno prestar man forte agli ufficiali consolari quando essi lo richiedano, affine di recercare, arrestare ed imprigionare qualunque individuo facente parte dell' equipaggio cui reputino conveniente di porre sotto custodia. Questi individui saranno arrestati sulla sola domanda degli ufficiali consolari fatta per iscritto alle corti o autorità federali, di stato o municipali negli Stati Uniti, o a qualsivoglia tribunale o autorità in Italia, giustificando tale domanda con un estratto ufficiale del registro

Consular officers to have exclusive charge of the internal order of the merchant vessels of their nation, &c.

The courts of the country not to interfere.

Crews of vessels may be arrested, and how.

at the disposal of the consular officers.

Crews of vessels when arrested, how released. Expenses of arrest and detention.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

ARTICLE XII.

Disputes between the officers of vessels and their passengers to be determined in the circuit and district courts of the United States.

1855, ch. 213. Vol. x. p. 715.

In conformity with the act of Congress, (5 [3] March, 1855, "to regulate the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

ARTICLE XIII.

Consular officers may arrest deserters from ships of war, or merchant vessels, &c.

Mode of procedure.

The respective consuls-general, consuls, vice-consuls, and consular agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the consuls of Italy in the United States may apply in writing to either the federal, State, or municipal courts or authorities; and the consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up.

della nave, e del ruolo dell' equipaggio, e saranno detenuti durante il soggiorno della nave nel porto a disposizione degli ufficiali consolari.

Essi verranno rilasciati dietro domanda per iscritto presentata dal detto ufficiale, e le spese dell' arresto e della detenzione saranno pagate dagli ufficiali consolari.

ARTICOLO XII.

In conformità all' atto del Congresso 5 [3] Marzo, 1855, (to regulate the carriage of passengers in steamships and other vessels) tutte le dispute e questioni di qualunque sorta, che possano insorgere fra i capitani e i loro ufficiali, da una parte, e i passeggeri a bordo delle loro navi dall' altra, saranno deferite e decise dalle corti di circuito o di distretto degli Stati Uniti, ad esclusione d'ogni e qualunque altra corte ed autorità.

ARTICOLO XIII.

I rispettivi consoli generali, consoli, vice-consoli e agenti consolari, potranno arrestare gli ufficiali, marinaj e qualsiasi altra persona, che formi parti dell' equipaggio dei bastimenti mercantili e delle navi da guerra della loro nazione, che siensi resi colpevoli, o vengano accusati di aver disertato dalle dette navi o bastimenti, onde reintegrarli a bordo delle loro navi, o di farli rimpatriare.

A tal effetto gli ufficiali consolari d'Italia negli Stati Uniti potranno indirizzarsi per iscritto indistintamente alle corti o autorità federali, di Stato o municipali negli Stati Uniti, e gli ufficiali consolari degli Stati Uniti potranno indirizzarsi o qualsiasi competente autorità in Italia, e fare domanda de' disertori, giustificando mediante l'esibizione del registro del bastimento, e del ruolo dell' equipaggio, o di altro documento ufficiale, che le persone reclamate formavano realmente parte dell' equipaggio. Dietro tale domanda soltanto, in tal maniera giustificata, e senza che si possa chiedere alcun giuramento dagli ufficiali consolari, non si potrà

All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE XIV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the consuls-general, consuls, vice-consuls, and consular agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen, or subject of a third power shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls, and vice-consuls of the two countries respectively, and, until their arrival, by the respective consular agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all

ricusare la consegna di quei disertori che non erano cittadini né sudditi del paese nel quale si fa la domanda all'epoca del loro imbarco. Si presterà inoltre ogni assistenza e necessario ajuto per la ricerca e lo arresto dei detti disertori, i quali saranno pure messi nelle prigioni del paese, ed ivi custoditi a richiesta e spese dell'ufficiale consolare, finché non trovi occasione di farli rimpatriare. Ove però tale occasione non si presentasse entro lo spazio di tre mesi a contare dal giorno del suo arresto, il disertore sarà messo in libertà e non potrà più per lo stesso motivo esser imprigionato.

Aid and protection to be furnished.

Deserters not to be detained beyond three months.

ARTICOLO XIV.

Sempre che non esista convenzione in contrario fra gli armatori, noleggiatori ed assicuratori, tutte le avarie sofferte durante la navigazione dalle navi dei due paesi, sia che entrino nei rispettivi porti volontariamente, sia che vi approdino per forza maggiore, saranno regolate dai consoli generali, consoli, vice-consoli, e agenti consolari della nazione ove rispettivamente risiedono; nel caso poi che vi si trovassero interessati in queste avarie sudditi del paese ove risiedono i detti ufficiali consolari, o sudditi d'una terza potenza, ed in difetto di amichevole componimento fra le due parti, la competente autorità locale dovrà decidere.

Damages suffered at sea by vessels to be settled by consular officers if, &c.

ARTICOLO XV.

Tutte le operazioni relative al salvataggio, delle navi degli Stati Uniti naufragate sulle coste d'Italia, e di navi Italiane sulle coste degli Stati Uniti, saranno dirette da rispettivi consoli generali, consoli e vice-consoli de' due paesi, e fino al loro arrivo dagli agenti consolari rispettivi, laddove esistono agenti consolari.

Salvage.

In quei luoghi e porti nei quali non esistono tali agenzie, l'autorità locale porgerà immediato avviso del naufragio al console del distretto dove il sinistro ebbe luogo, e fino all'arrivo del detto console dovrà prendere tutte le misure necessarie

Salvage

necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

No custom-house charges on saved merchandise, unless, &c.

Death of citizens of either country in the territory of the other.

ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the consuls or consular agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE XVII.

This convention to be in force ten years;

The present convention shall remain in force for the space of ten (10) years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington, within the period of six (6) months, or sooner if possible.

and one year longer, if neither party gives notice, &c.

In case neither party gives notice, twelve (12) months after the expiration of the said period of ten (10) years, of its intention to renew this convention, it shall remain in force one (1) year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this

alla protezione delle persone e alla conservazione degli oggetti.

L'intervento della autorità locale non potrà aver luogo altrimenti che per mantenere l'ordine, e guarentire gli interessi dei ricuperatori, qualora non appartengano alla ciurma della nave naufragata, e ad assicurare l'esecuzione delle disposizioni stabilite per l'entrata e per l'esportazione della merce salvata. E' ben inteso che tal merce non andrà soggetta ad alcun diritto di dogana a meno che sia destinata al consumo interno nel paese dove il naufragio ebbe luogo.

ARTICOLO XVI.

In caso di morte d'un cittadino degli Stati Uniti in Italia, o di un suddito Italiano negli Stati Uniti, il quale non abbia alcun erede conosciuto, o esecutore testamentario da lui designato, l'autorità locale competente dovrà dar avviso del fatto ai consoli o agenti consolari della nazione cui il defunto apparteneva, affinché ne possa venir trasmessa immediatamente l'informazione alle parti interessate.

ARTICOLO XVII.

La presente convenzione rimarrà in vigore per lo spazio di dieci anni, a datare dal giorno dello scambio delle ratifiche, che verrà fatto con riguardo alle rispettive costituzione dei due paesi, ed operato a Washington entro il periodo di sei mesi, o più presto, se sarà possibile.

Nel caso in cui nessuna delle due parti contraenti annunziasse dodici mesi prima dello spirare di detto periodo di dieci anni la propria intenzione di non rinnovare la convenzione, questa rimarrà in forza durante un' altr'anno, fino allo spirare d'un anno dal giorno in cui una delle parti avrà fatto tal annunzio.

In fede del che, i rispettivi plenipotenzarii hanno firmato questa convenzione, e vi hanno apposto i loro sigilli rispettivi.

convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the eighth day of February, 1868, the ninety-second year of the independence of the United States of America.

[SEAL.]
[SEAL.]

WILLIAM H. SEWARD.
MARCELLO CERRUTI.

Dato in Washington, li otto Febbiajo, anno Domini mille otto cento sessantotto.

[SEAL.]
[SEAL.]

MARCELLO CERRUTI.
WILLIAM H. SEWARD.

Signature.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications have been exchanged ;

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

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

Done at the city of Washington, this twenty-third day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the independence of the United States the ninety-third.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Ratification.

Proclamation.

Treaty between the United States of America and the King of Prussia. Concluded at Berlin, February 22, 1868; Proclaimed by the President of the United States, May 27, 1868.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Feb. 22, 1868.

A PROCLAMATION.

WHEREAS a treaty between the United States of America and his Majesty the King of Prussia in the name of the North German Confederation, was concluded and signed by their respective plenipotentiaries at Berlin, on the twenty-second day of February, eighteen hundred and sixty-eight; which treaty, being in the English and German languages, is word for word as follows: Preamble.

The President of the United States of America and his Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries to conclude a convention; that is to say, the President of the United States of America, George Bancroft, envoy extraordinary and minister plenipotentiary from the said States near the King of Prussia and the North German Confederation, and his Majesty the King of Prussia, Bernhard König, privy counsellor of legation, who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the North German Confederation, who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally: citizens of the United States of America who be-

Der Präsident der Vereinigten Staaten von Amerika and Seine Majestät der König von Preussen im Namen des Norddeutschen Bundes, von dem Wunsche geleitet, die Staatsangehörigkeit derjenigen Personen zu regeln, welche aus dem Norddeutschen Bunde in die Vereinigten Staaten von Amerika, und aus den Vereinigten Staaten von Amerika in das Gebiet des Norddeutschen Bundes einwandern, haben beschlossen über diesen Gegenstand zu unterhandeln, und zu diesem Behufe Bevollmächtigte ernannt, um eine Uebereinkunft abzuschliessen, nämlich: Contracting parties.

Der Präsident der Vereinigten Staaten von Amerika den ausserordentlichen Gesandten und bevollmächtigten Minister Georg Bancroft, und Seine Majestät der König von Preussen, Allerhöchstihren Geheimen Legations-Rath Bernhard König, welche die folgenden Artikel vereinbart und unterzeichnet haben:

ARTIKEL I.

Angehörige des Norddeutschen Bundes, welche naturalisirte Staatsangehörige der Vereinigten Staaten von Amerika geworden sind und fünf Jahre lang ununterbrochen in den Vereinigten Staaten zugebracht haben, sollen von dem Norddeutschen Bunde als Amerikanische Angehörige erachtet und als solche behandelt werden.

Ebenso sollen Staatsangehörige der Vereinigten Staaten von Ameri-

When North Germans to be treated as American citizens;

when Americans to be treat-

ed as North German citizens.

come naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ARTICLE II.

Naturalized citizens liable on return to their original country for offences committed before emigration.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitation established by the laws of his original country.

ARTICLE III.

Former convention for extradition of fugitives from justice extended.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

ARTICLE IV.

When Germans naturalized in America are held to renounce their naturalization in the United States, &c.

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally: if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany,

ka, welche naturalisirte Angehörige des Norddeutschen Bundes geworden sind und fünf Jahre lang in Norddeutschland zugebracht haben, von den Vereinigten Staaten als Angehörige des Norddeutschen Bundes erachtet und als solche behandelt werden.

Die blosse Erklärung der Absicht, Staatsangehöriger des einen oder des andern Theils werden zu wollen, soll in Beziehung auf keinen der beiden Theile die Wirkung der Naturalisation haben.

Dieser Artikel soll, sowohl auf die bereits in einem oder dem andern Lande Naturalisirten, als auf die, welche hiernach naturalisirt werden, Anwendung finden.

ARTIKEL II.

Ein naturalisirter Angehöriger des einen Theils soll bei etwaiger Rückkehr in das Gebiet des andern Theils wegen einer nach den dortigen Gesetzen mit Strafe bedrohten Handlung, welche er vor seiner Auswanderung verübt hat, zur Untersuchung und Strafe gezogen werden können, sofern nicht nach den bezüglichen Gesetzen seines ursprünglichen Vaterlandes Verjährung eingetreten ist.

ARTIKEL III.

Der Vertrag zwischen den Vereinigten Staaten von Amerika einerseits und Preussen und andern deutschen Staaten andererseits, wegen der in gewissen Fällen zu gewährenden Auslieferung der vor der Justiz flüchtigen Verbrecher, welcher am 16ten Juni, 1852, abgeschlossen worden ist, wird hiermit auf alle Staaten des Norddeutschen Bundes ausgedehnt.

ARTIKEL IV.

Wenn ein in Amerika naturalisirter Deutscher sich wieder in Norddeutschland niederlässt ohne die Absicht nach Amerika zurückzukehren, so soll er als auf seine Naturalisation in den Vereinigten Staaten Verzicht leistend, erachtet werden.

Ebenso soll ein in dem Norddeutschen Bunde naturalisirter Amerikaner, wenn er sich wieder in den

he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President by and with the advice and consent of the Senate of the United States, and by his Majesty the King of Prussia in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

In faith whereof, the plenipotentiaries have signed and sealed this convention.

BERLIN, the 22d of February, 1868.

GEORGE BANCROFT, [SEAL]

BERNHARD KÖNIG. [SEAL]

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

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.

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

Done in the city of Washington this twenty-seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-second.

[SEAL.]

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Vereinigten Staaten niederlässt ohne die Absicht nach Norddeutschland zurückzukehren, als auf seine Naturalisation in Norddeutschland Verzicht leistend, erachtet werden.

Der Verzicht auf die Rückkehr kann als vorhanden angesehen werden, wenn der Naturalisirte des einen Theils sich länger als zwei Jahre in dem Gebiete des andern Theils aufhält.

ARTIKEL V.

Der gegenwärtige Vertrag tritt sofort nach dem Austausch der Ratifikationen in Kraft und hat für zehn Jahre Gültigkeit. Wenn kein Theil dem andern sechs Monate vor dem Ablauf dieser zehn Jahre Mittheilung von seiner Absicht macht denselben dann aufzuheben, so soll er ferner in Kraft bleiben bis zum Ablauf von 12 Monaten, nachdem einer der contrahirenden Theile dem andern von einer solchen Absicht Kenntniss gegeben.

When this convention shall take effect, and how long continued.

ARTIKEL VI.

Der gegenwärtige Vertrag soll ratifizirt werden von dem Präsidenten unter und mit Genehmigung des Senats der Vereinigten Staaten, und von Seiner Majestät dem Könige von Preussen im Namen des Norddeutschen Bundes; und die Ratifikationen sollen zu Berlin innerhalb sechs Monaten vom heutigen Datum ausgewechselt werden.

Zur Urkund dessen haben die Bevollmächtigten diese Uebereinkunft unterzeichnet und besiegelt.

BERLIN, den 22ten Februar 1868.

GEORGE BANCROFT, [SEAL]

BERNHARD KÖNIG. [SEAL]

When convention to be ratified.

Execution.

Ratification.

Proclaimed by the President of the United States.

ANDREW JOHNSON.

Treaty between the United States of America and the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah Bands of Ute Indians ; Concluded March 2, 1868 ; Ratification advised, with Amendment, July 25, 1868 ; Amendment accepted August 15, September 1, 14, 24, and 25, 1868 ; Proclaimed November 6, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

March 2, 1868.

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

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the second day of March, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Alexander C. Hunt, and Kit Carson, commissioners, on the part of the United States, and U-ré, Ka-ni-ache, An-ka-toshi, José-Maria, Ni-ca-a-gat, Guero, Pa-ant, Pi-ah, Su-vi-ap, and Pa-bu-sat, representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit : —

Preamble.

Contracting parties.

Articles of a treaty and agreement made and entered into at Washington City, D. C., on the second day of March, one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs, Alexander C. Hunt, Governor of Colorado Territory and ex-officio superintendent of Indian affairs, and Kit Carson, duly authorized to represent the United States, of the one part, and the representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, (whose names are hereto subscribed,) duly authorized and empowered to act for the body of the people of said bands, of the other part, witness :

ARTICLE I. All the provisions of the treaty concluded with the Tabeguache band of Utah Indians, October seventh, one thousand eight hundred and sixty-three, as amended by the Senate of the United States and proclaimed December fourteenth, one thousand eight hundred and sixty-four, which are not inconsistent with the provisions of this treaty, as hereinafter provided, are hereby reaffirmed and declared to be applicable and to continue in force as well to the other bands, respectively, parties to this treaty, as to the Tabeguache band of Utah Indians.

Certain provisions of former treaty reaffirmed.
Vol. xiii. p. 673.

ARTICLE II. The United States agree that the following district of country, to wit : commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same ; running thence north with said meridian to a point fifteen miles due north of where said meridian intersects the fortieth parallel of north latitude ; thence due west to the western boundary line of said Territory ; thence south with said western boundary line of said Territory to the southern boundary line of said Territory ; thence east with said southern boundary line to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them ;

Reservation.

Boundaries.

Only certain persons to reside thereon.

and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.

Claims to all other lands released.

ARTICLE III. It is further agreed by the Indians, parties hereto, that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories, except such as are embraced in the limits defined in the preceding article.

Two agencies on the reservation.

ARTICLE IV. The United States agree to establish two agencies on the reservation provided for in article two, one for the Grand River, Yampa, and Uintah bands, on White river, and the other for the Tabeguache, Muache, Weeminuche, and Capote bands, on the Rio de los Pinos, on the reservation, and at its own proper expense to construct at each of said agencies a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; and four other buildings, for a carpenter, farmer, blacksmith, and miller, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

Warehouse and other buildings.

School-house.

Water-power saw-mill.

The United States agree, further, to cause to be erected on said reservation, and near to each agency herein authorized, respectively, a good water-power saw-mill, with a grist-mill and a shingle-machine attached, the same to cost not exceeding eight thousand dollars each: *Provided*, The same shall not be erected until such time as the Secretary of the Interior may think it necessary to the wants of the Indians.

Indian agents to make their homes and reside where.

ARTICLE V. The United States agree that the agents for said Indians, in the future, shall make their homes at the agency buildings; that they shall reside among the Indians, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on them by law. In all cases of depredation on person or property, they shall cause the evidence to be taken in writing and forwarded, together with their finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Depredations.

Offenders among the whites.

ARTICLE VI. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Wrongdoers among the Indians.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

Indians, heads of families, desirous to com-

ARTICLE VII. If any individual belonging to said tribe of Indians or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence

and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land book as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her for purposes of cultivation a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

mence farming, may select lands; tract to be recorded and held in exclusive possession.

Persons not heads of families.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Ute Land Book."

Ute Land Book.

The President may at any time order a survey of the reservation; and when so surveyed Congress shall provide for protecting the rights of such Indian settlers in their improvements, and may fix the character of the title held by each.

Survey, &c.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof as may be thought proper.

Alienation and descent of property.

ARTICLE VIII. In order to insure the civilization of the bands entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be engaged in either pastoral, agricultural, or other peaceful pursuits of civilized life on said reservation, and they therefore pledge themselves to induce their children, male and female, between the age[s] of seven and eighteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is complied with to the greatest possible extent; and the United States agree that for every thirty children between said ages who can be induced to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as teacher,—the provisions of this article to continue for not less than twenty years.

Education.

Children to attend school.

School-houses and teachers.

ARTICLE IX. When the head of a family or lodge shall have selected lands, and received his certificate as above described, and the agent shall be satisfied that he intends, in good faith, to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value fifty dollars; and it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; and it is further stipulated that an additional blacksmith to the one provided for in the treaty of October seventh, one thousand eight hundred and sixty-three, referred to in article one of this treaty, shall be provided with such iron, steel, and other material as may be needed for the Uintah, Yampa, and Grand River agency.

Seeds and agricultural implements.

Instructions from farmer.

Additional blacksmith.

ARTICLE X. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the farmers, blacksmiths, carpenters, and millers herein, and in the treaty of October seventh, one thousand eight hundred and sixty-three, referred to in article one of this treaty, provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per an-

United States may withdraw farmers, &c. Vol. xiii. p. 673.

num shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations, subject to the approval of the Secretary of the Interior, for the expenditure of said sum as will best promote the educational and moral improvement of said Indians.

Clothing, blankets, &c.

ARTICLE XI. That a sum, sufficient in the discretion of Congress for the absolute wants of said Indians, but not to exceed thirty thousand dollars per annum, for thirty years, shall be expended under the direction of the Secretary of the Interior for clothing, blankets, and such other articles of utility as he may think proper and necessary upon full official reports of the condition and wants of said Indians.

Food, meats, and vegetables.

ARTICLE XII. That an additional sum sufficient, in the discretion of Congress, (but not to exceed thirty thousand dollars per annum,) to supply the wants of said Indians for food, shall be annually expended under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves.

Cows and sheep.

ARTICLE XIII. That for the purpose of inducing said Indians to adopt habits of civilized life and become self-sustaining, the sum of forty-five thousand dollars, for the first year, shall be expended under the direction of the Secretary of the Interior, in providing each lodge or head of a family in said confederated bands with one gentle American cow, as distinguished from the ordinary Mexican or Texas breed, and five head of sheep; also one good bull for every twenty-five head of cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase.

Part stricken out.
Post, p. 623.

ARTICLE XIV. The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interests may require it, that all roads, highways, and railroads, authorized by law, shall have the right of way through the reservation herein designated.

Railroads and highways to have right of way.

Teachers and mechanics, and their support.

ARTICLE XV. The United States hereby agree to furnish the Indians the teachers, carpenters, millers, farmers, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Cessions of reservations not to be valid, unless, &c.

ARTICLE XVI. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article seven of this treaty.

Appropriations, how to apply and be divided.

ARTICLE XVII. All appropriations now made, or to be hereafter made, as well as goods and stock due these Indians under existing treaties, shall apply as if this treaty had not been made, and be divided proportionately among the seven bands named in this treaty, as also shall all annuities and allowances hereafter to be made: *Provided*, That if any chief of either of the confederated bands make war against the people of the United States, or in any manner violate this treaty in any essential part, said chief shall forfeit his position as chief and all rights to any of the benefits of this treaty: *But provided further*, Any Indian of either of these confederated bands who shall remain at peace, and abide by the terms of this treaty in all its essentials, shall be entitled to its benefits and provisions, notwithstanding his particular chief and band may have forfeited their rights thereto.

Forfeitures by making war, &c.

Those at peace.

In testimony whereof, the commissioners as aforesaid on the part of the United States, and the undersigned representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River and Uintah bands of Ute Indians, duly authorized and empowered to act for the body of the people of said bands, have hereunto set their hands and seals, at the place and on the day, month and year first hereinbefore written.

Execution.

N. G. TAYLOR, [SEAL.]
 A. C. HUNT, Governor, &c., [SEAL.]
 KIT CARSON, [SEAL.]

Commissioners on the part of the United States.

U-RE, his x mark.
 KA-NI-ACHE, his x mark.
 AN-KA-TOSH, his x mark.
 JOSE-MARIA, his x mark.
 NI-CA-A-GAT, or Greenleaf, his x mark.
 GUERO, his x mark.
 PA-ANT, his x mark.
 PI-AH, his x mark.
 SU-VI-AP, his x mark.
 PA-BU-SAT, his x mark.

Witnesses :

DANIEL C. OAKES,
U. S. Ind. Agent.
 LAFAYETTE HEAD,
U. S. Indian Agent.
 U. M. CURTIS,
Interpreter.
 H. P. BENNET,
 ALBERT G. BOONE,
 E. H. KELLOGG,
 WM. J. GODFREY.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :—

Ratification with amendment.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 July 25, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty and agreement made and entered into at Washington City, D. C., on the second day of March, one thousand eight hundred and sixty-eight, between the United States and the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta[h] bands of Ute Indians, with the following

AMENDMENT :

ARTICLE XIII. Strike out the following words : “ also one good bull for every twenty-five [head of] cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase.”

Amendment, Art. XIII. Ante, p. 622.

Attest :

GEO. C. GORHAM,
Secretary.

Amendment
assented to.

And whereas the foregoing amendment having been fully explained and interpreted to certain duly authorized chiefs and headmen of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, they did, to wit: those of the Grand River and Uintah Ute Indians on the fifteenth day of August, in the year one thousand eight hundred and sixty-eight, those of the Yampas on the first day of September, in the same year, those of the Tabeguaches and Muaches on the fourteenth day of September, in the same year, those of the Capote Utes on the twenty-fourth day of September, in the same year, and those of the Weeminuche Utes on the twenty-fifth day of September, in the same year, give their free and voluntary assent to the said amendment in a writing, which, after reciting the aforesaid action of the Senate and its said proposed amendment, concludes in the words and figures following, to wit: —

Whereas the Senate of the United States has advised and consented to the ratification of the treaty made on the second day of March, one thousand eight hundred and sixty-eight, with the Tabaguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, with the following amendment, to wit: —

In Article XIII. strike out the following words: "also one good bull for every twenty-[five head of] cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase."

Now, therefore, we, the chiefs and headmen of the aforesaid named bands of Ute Indians, duly authorized by our people, do hereby assent and agree to the said amendment, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals on the days and dates set opposite our names respectively.

Date of Signing.	Signatures.	Interpretation of Names.	Band
1868. Aug. 15	SAC-WE-OCH	his X mark.	Grand River Ute Indians.
	TAH-NACH	his X mark.	
	PAH-AH-PITCH	his X mark.	
	TAB-Y-OU-SOUCK-EN	his X mark.	
	SHOU-WACH-A-WICKET	his X mark.	
	PE-AH	his X mark.	
	AH-UMP	his X mark.	Uintah Ute Indians.
	AN-TRO	his X mark.	
	PAH	his X mark.	
	QUIR-NAUCH	his X mark.	
YAH-MAH-NA	his X mark.		

TREATY WITH THE UTE INDIANS. MARCH 2, 1868.

Signed in the presence of

A. SAGENDORF.
 URIAH M. CURTIS, *Spec. Interpreter.*
 E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*
 DANIEL C. OAKES, *U. S. Ind. Agent.*
 LOUIS O. HOWELL.

Date of Signature.	Signature.	Interpretation of Names.	Band.
Sept. 1.	SA-WA-WAT-SE-WITCH	his X mark.	Tampar.
	COLORADO	his X mark.	
	PA-ANT	his X mark.	
	SU-RI-AP	his X mark.	
	NICK-A-A-GAH	his H mark.	
		Blue River.	
		Red, (Spanish.)	
		Tall.	
		Lodge Pole's Son.	
		Green Leaf.	

Signed in the presence of

E. H. KELLOGG, *Secretary Indian Superintendency Colorado Territory.*
 U. M. CURTIS, *Spec. U. S. Interpreter.*
 DANIEL C. OAKES, *U. S. Indian Agent.*
 H. P. BENNET.
 LOUIS O. HOWELL.

Date of Signing.	Signatures.	Interpretation of Names.	Band.
Sept. 14.	OU-RAY	his X mark.	Tabogwachas.
	SHA-WA-NA	his X mark.	
	GUERO	his X mark.	
	TAH-BE-WAH-CHE-KAH	his X mark.	
	AH-KAN-ASH	his X mark.	
	KA-NI-ACHE	his X mark.	Manacher.
	AN-KA-TOSH	his X mark.	
	SAP-PO-WAN-E-RI	his X mark.	
	TU-SA-SA-RI-BE	his X mark.	
	NA-CA-GET	his X mark.	
YA-MA-AJ	his X mark.	or George.	
		Arrow.	
		Blue Flower.	
		Light Haired.	
		Sun Rise.	
		Red Cloud.	
		One who was taken down.	
		Red. (Ute.)	
		Son to Tu-sa-sa-ri-be.	

Signed in the presence of

WM. J. GODFROY.
 DANIEL C. OAKES, *U. S. Ind. Agt.*
 EDWARD R. HARRIS, *Special Interpreter.*
 E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*
 LOUIS O. HOWELL,
 URIAH M. CURTIS, *Interpreter.*

TREATY WITH THE UTE INDIANS. MARCH 2, 1868.

To the other copy of these instruments are signed as witnesses the following names: Juan Martine Martines, (friend of Indians,) Albert H. Pfeiffer, (their old agent,) Manuel Lusero.

Date of Signng.	Signature.	Interpretation of Names.	Band.		
Sept. 24.	SO-BO-TA	his X mark.	A Big Frock.	Ca-po-tas Utes.	
	I-SI-DRO	his X mark.			
	SOW-WA-CH-WICHE	his X mark.			A Green Herb.
	BA-BU-ZAT	his X mark.			A Crystal Drop Water.
	SAB-OU-ICHIE	his X mark.			Wounded in the Abdomen.
	CHU-I-WISH	his X mark.			Long Tailed Deer
	I-TA-LI-UH	his X mark.			
	E-RI-AT-OW-UP	his X mark.			Water Carrier.
	AA-CA-WA	his X mark.			Red Eyes.
	AC-I-APO-CO-EGO	his X mark.			Red Snake.
	MARTINE	his X mark.			Named after a Mexican friend.
	OU-A-CHEE	his X mark.			
	TAP-AP-O-WATIE	his X mark.			
SU-VI-ATH	his X mark.	The Swoop of a Bird.			
WI-AR-OW	his X mark.				

Signed in the presence of
 LAFAYETTE HEAD.
 ALB. H. PFEIFFER.
 MANUEL LUSERO.
 E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*
 URIAH M. CURTIS, *Interpreter.*
 DANIEL C. OAKES, *U. S. Ind. Agent.*

Date of Signng.	Signatures.	Interpretation of Names.	Band.	
Sept. 25.	PA-JA-CHO-PE	his X mark.	A Claw.	We-mi-nu-ohes Utes.
	PA-NO-AR	his X mark.	Broad Brow.	
	SU-BI-TO-AU	his X mark.	Ugly Man.	
	TE-SA-GA-RA-POU-IT	his X mark.	White Eyes.	
	SA-PO-EU-A-WA	his X mark.	Big Belly.	
	QU-ER-A-TA	his X mark.	A Bear.	

Signed in the presence of

LAFAYETTE HEAD.

MANUEL LUSERO.

ALB. H. PFEIFFER.

E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*

JUAN MARTINE MARTINES, *Interpreter and Indian's Friend.*

DANIEL C. OAKES, *U. S. Ind. Agent.*

URIAH M. CURTIS, *Interpreter.*

I hereby certify that, pursuant to the order from the Commissioner of Indian Affairs, dated August fourth, one thousand eight hundred and sixty-eight, I visited and held councils with the various bands of Ute Indians, at the times and places named in this instrument; and to all those familiar with the provisions of the treaty referred to have had the Senate amendment fully interpreted to them, and to all those not familiar with the treaty itself I have had the same fully explained and interpreted; and the forty-seven chiefs whose names are hereunto subscribed, placed their names to this instrument with the full knowledge of its contents and likewise with the provisions of the treaty itself.

Given under my hand at Denver, this fourteenth day of October, one thousand eight hundred and sixty-eight.

A. C. HUNT,

Gov. Ex-off. Supt. Ind. Affairs.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth day of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

Proclaimed.

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

Done at the city of Washington, this sixth day of November, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

Convention between the United States and the King of Italy for the surrender of Criminals; Concluded at Washington, March 23, 1868; Ratified September 17, 1868; Proclaimed September 30, 1868.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: March 23, 1868.

A PROCLAMATION.

WHEREAS a convention for the surrender of criminals between the United States of America and his Majesty the King of Italy was concluded and signed by their respective plenipotentiaries at Washington on the twenty-third day of March, eighteen hundred and sixty-eight, which convention, being in the English and Italian languages, is word for word as follows:—

Preamble.

CONVENTION FOR THE SURRENDER OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF ITALY.

CONVENZIONE PER L'ESTRADIZIONE DEI CRIMINALI SUA MAESTÀ IL RE D'ITALIA E GLI STATI UNITI D'AMERICA.

The United States of America and his majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; his Majesty the King of Italy, the Commander Marcello Cerruti, envoy extraordinary and minister plenipotentiary; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Sua Maestà il Re d'Italia e gli Stati Uniti di America, avendo giudicato spedito affine di assicurare una migliore amministrazione della giustizia e prevenire i delitti ne' rispettivi lor territorii e giurisdizione, di consegnarsi a vicenda in certe determinate circostanze gli individui condannati o accusati de' crimini indicati più sotto, che sieno fuggitivi dalla giustizia, hanno risoluto di concludere una Convenzione d'Estradizione, ed hanno nominato a questo scopo per loro Plenipotenziarii:

Contracting parties.

Sua Maestà il Re d'Italia, il Comandatore Marcello Cerruti, suo Inviato Straordinario, e Ministro Plenipotenziario, presso gli Stati Uniti.

Il Presidente degli Stati Uniti, Guglielmo H. Seward, Segretario di Stato.

I quali dopo essersi comunicati i loro pieni poteri e questi trovati in buona e debita forma, hanno convenuto negli articoli seguenti, cioè:

ARTICLE I.

ARTICOLO I.

The government of the United States and the government of Italy mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the

Il Governo Italiano, e il Governo degli Stati Uniti convengono gli consegnarsi reciprocamente gli individui, i quali essendo stati condannati, o essendo accusati dei crimini specificati nell' articolo seguente, commessi nella giurisdizione di una

Certain persons convicted of or charged with certain crimes to be delivered up.

Evidence of
criminality.

contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ARTICLE II.

Crimes.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

Murder, and
attempt to com-
mit murder.

1. Murder, comprehending the crimes designated in the Italian penal code, by the terms of parricide, assassination, poisoning, and infanticide.

2. The attempt to commit murder.

Rape, arson,
piracy, and
mutiny.

3. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

Burglary.

4. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.

Forgery.

5. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

Counterfeiting.

6. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes, and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps, and marks of state and public administrations, and the utterance thereof.

Embezzlement.

7. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8. Embezzlement by any person or persons hired or salaried, to the

delle Parti Contraenti, si rifugieranno, o saranno ritrovati nei territorii dell'altra. Purché, ciò non sia fatto che sopra tali prove di criminalità, quali, secondo le leggi del luogo ove il fuggitivo, o l'individuo accusato sarà ritrovato, guistificherebbero il suo arresto, e darebbero luogo a procedimento penale, se il crimine fosse stato ivi commesso.

ARTICOLO II.

Sarà accordata l'extradizione degli individui condannati o accusati, a norma delle disposizioni della presente Convenzione, delle infrazioni seguenti alla leggi penali.

1. Omicidio volontario, nella qual denominazione si comprendono i crimini qualificati nel Codice penale Italiano, coi nomi di parricidio, infanticidio, assassinio ed avvelenamento.

2. Tentativo di omicidio.

3. I crimini di stupro, incendio, pirateria e sedizione a bordo di un bastimento, quando le persone componenti lo equipaggio, o parte di' esse, si sono con frode o con violenza esercitate contro chi lo comanda, impadronite del bastimento medesimo.

4. Il crimine di *burglary*, consistente nell'atto d'introdursi di notte tempo con rottura e scalata nell'abitazione altrui, con intenzione criminosa, e il crimine di *robbery*, consistente nell'atto di togliere delittuosamente e per forza, oggetti o danaro dalla persona altrui, con violenza o minacce.

5. Il crimine di falso, sotto il quale s'intende l'emissione di scritture falsificate, e la contraffazione di atti sovrani, pubblici e governativi.

6. La fabbricazione e smercio di false monete, si in metallico che in carta, di rendite dello Stato, biglietti di banca ed obbligazioni, ed in generale di qualunque titolo ed strumento di credito, contraffazione di sigilli, punzoni, bolli e marche dello Stato e delle pubbliche Amministrazioni, ed emissione dei medesimi.

7. Sottrazione di pubblici fondi, commessa nella giurisdizione d'una

detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE V.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Italy, respectively, shall accompany the requisition. When, however, the

delle due Parti, da ufficiali o depositarii pubblici.

8. Sottrazione commessa da una o più persone impiegate o salariate, a danno delle persone dalle quali sono impiegate, ogni qualvolta questi crimini sono passibili di pena infamanti.

ARTICOLO III.

Le disposizioni di questa Convenzione non si applicheranno ad alcun crimine o delitto di natura politica. L'individuo, o gli individui, che saranno estraditi per i crimini enumerati nell' articolo precedente, non potranno in alcun caso essere giudicati per alcun crimine ordinario anteriore a quello pel quale vien domandata l'estradizione.

ARTICOLO IV.

Se l'individuo reclamato in base alle stipulazioni della presente Convenzione sarà stato arrestato per infrazioni commesse nel paese dove egli si é rifuggito, o sarà stato condannato per le medesime, la sua estradizione potrà essere differita fino a che sia stato assolto, o che abbia scontato il termine della reclusione fissato dalla sentenza.

ARTICOLO V.

Le domande per la estradizione dei criminali fuggitivi dalla giustizia, saranno fatte dai rispettivi agenti Diplomatici delle Parti contraenti, e nel caso di loro assenza dal paese, o dalla sede del Governo, potranno asser fatte dagli Ufficiali Consolari superiori. Se la persona della quale vien richiesta l' estradizione, e stata condannata per un qualche crimine, una copia della sentenza della Corte che lo ha condannato, legalizzata col proprio sigillo, ed una attestazione della ufficialità del carattere del Giudice per mezzo della competente autorità Esecutiva, e la legalizzazione di quest ultima per mezzo del Ministro o Console d' Italia o degli Stati Uniti rispettivamente, dovranno accompagnare tale domanda.

Political offences not included. Persons surrendered not to be tried for old ordinary offences.

Extradition of those under arrest for local offences may be deferred.

Requisitions for extradition, how to be made;

in cases of convicts.

Requisitions
in cases of
those charged
with crime.

fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VI.

Expenses of
the arrest, &c.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the government in whose name the requisition shall have been made.

ARTICLE VII.

Convention to
last for what
time;

This convention shall continue in force during five (5) years from the day of exchange of ratifications, but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

when to be
ratified.

The present convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

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

Signatures.

Done at Washington, the twenty-third day of March, A. D. one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-second.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] M. CERRUTI.

Ratification.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications were exchanged at Washington on the seventeenth instant:

Allorquando, però, il fuggitivo sarà soltanto imputato di crimine, una copia debitamente legalizzata del mandato di cattura, rilasciato nel paese dove il crimine fu commesso o delle deposizioni sulle quali tal mandato fu rilasciato, accompagnerà la domanda come sopra. La competente autorità Esecutiva in Italia, e il Presidente degli Stati Uniti, rilasceranno allora mandato di cattura contro il fuggitivo onde possa essere tratto nanti la competente autorità giudiziaria, per essere esaminato. Se rimane deciso, che in base alle leggi e alle testimonianze, la estradizione è dovuta in virtù della Convenzione, il fuggitivo sarà consegnato secondo le formalità prescritte in casi consimili.

ARTICOLO VI.

Le spese dell' arresto, della detenzione, e del trasporto degli individui reclamati, saranno pagate del Governo, in nome del quale la domanda sarà stata fatta.

ARTICOLO VII.

Questa Convenzione rimarrà in vigore per cinque (5) anni, dalla data dello scambio delle ratificazioni, ma se nessuna delle Parti avrà, sei (6) mesi prima dato avviso all' altra della sua intenzione di farne cessare gli effetti, la Convenzione rimarrà in vigore per altri cinque (5) anni, e così di seguito.

La presente Convenzione sarà ratificata, e le ratifiche saranno scambiate ad Washington, nel termine di sei (6) mesi, e prima se sarà possibile.

In fede di che, i rispettivi Plenipotenzarii, l' hanno firmata in doppio originale e vi hanno apposto i loro sigilli.

Fatto ad Washington li venti-tre de Marzo, Anno di Grazia mille ottocento sessantotto.

[SEAL.] M. CERRUTI.
[SEAL.] WILLIAM H. SEWARD.

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

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

Done in the city of Washington this thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-eight,
[SEAL.] and of the independence of the United States the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and different Tribes of Sioux Indians ; Concluded April 29 et seq., 1868 ; Ratification advised February 16, 1869 ; Proclaimed February 24, 1869.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : April 29 et seq,
1868.

Preamble.

WHEREAS a treaty was made and concluded at Fort Laramie, in the Territory of Dakota, [now in the Territory of Wyoming,] on the twenty-ninth day of April, and afterwards, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, commissioners, on the part of the United States, and Ma-za-pon-kaska, Tah-shun-ka-co-qui-pah, Heh-won-ge-chat, Mah-to-non-pah, Little Chief, Makh-pi-ah-lu-tah, Co-cam-iyaya, Con-te-pe-ta, Ma-wa-tau-ni-hav-ska, He-na-pin-wa-ni-ca, Wah-pah-shaw, and other chiefs and headmen of different tribes of Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :

Articles of a treaty made and concluded by and between Lieutenant-General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises. Contracting
parties.

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. War to cease
and peace to be
kept.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained. Offenders
against the In-
dians to be ar-
rested, &c.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. Wrong-doer
against the
whites to be
punished.

And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining Damages.

loss while violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Reservation.

Boundaries.

ARTICLE II. The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Certain persons not to enter or reside thereon.

Additional arable land to be added, if, &c.

ARTICLE III. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

Buildings on reservation.

ARTICLE IV. The United States agrees, at its own proper expense, to construct at some place on the Missouri river, near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached to the same, to cost not exceeding eight thousand dollars.

Agent's residence, office, and duties.

ARTICLE V. The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and

forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select land for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Others may select land for cultivation.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

Certificate.

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the commissioner of the general land office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

Surveys.

Alienation and descent of property.

Certain Indians may receive patents for one hundred and sixty acres of land.

Such Indians receiving patents to become citizens of the United States.

ARTICLE VII. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and

Education.

Children to attend school.

female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

School-houses and teachers.

Seeds and agricultural implements.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

Instruction in farming.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Second blacksmith.

Physician, farmer, &c. may be withdrawn.

ARTICLE IX. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Additional appropriation in such case.

Delivery of goods in lieu of money or other annuities.

ARTICLE X. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on [or before*] the first day of August of each year, for thirty years, the following articles, to wit:

Clothing.

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

Census.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

Other necessary articles.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress

Appropriation to continue for thirty years.

* The words "or before" are inserted with black pencil.

may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Army officer
to attend the de-
livery.

Meal and
flour.

Cows and
oxen.

ARTICLE XI. In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill river, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

Right to occu-
py territory out-
side of reserva-
tion surrendered.

Right to hunt
reserved.

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

Agreements
as to railroads;

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

emigrants
&c.;

4th. They will never capture, or carry off from the settlements, white women or children.

women and
children;

5th. They will never kill or scalp white men, nor attempt to do them harm.

white men;

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river and westward to the Pacific ocean, and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe.

Pacific rail-
road, wagon
roads, &c.

Damages for
crossing their
reservation.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte river, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Military posts
or roads.

ARTICLE XII. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article VI. of this treaty.

No treaty for
cession of reser-
vation to be
valid unless, &c.

United States
to furnish phy-
sicians, teachers,
&c.

ARTICLE XIII. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Presents for
best crops.

ARTICLE XIV. It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

Reservation to
be permanent
home of tribes.

ARTICLE XV. The Indians herein named agree that when the agency house and other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article XI. hereof.

Unceded Indi-
an territory.

ARTICLE XVI. The United States hereby agrees and stipulates that the country north of the North Platte river and east of the summits of the Big Horn mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of the Sioux nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

Not to be oc-
cupied by
whites, &c.

Effect of this
treaty upon for-
mer treaties.

ARTICLE XVII. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

Execution by
the Brulé band.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. TAYLOR, [SEAL.]

W. T. SHERMAN, [SEAL.]

Lt. Genl.

WM. S. HARNEY, [SEAL.]

Bvt. Maj. Gen. U. S. A.

JOHN B. SANBORN, [SEAL.]

S. F. TAPPAN, [SEAL.]

C. C. AUGUR, [SEAL.]

Bvt. Maj. Genl.

ALFRED H. TERRY, [SEAL.]

Bvt. M. Gen. U. S. A.

Attest:

A. S. H. WHITE, *Secretary.*

Executed on the part of the Brulé band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

MA-ZA-PON-KASKA, his x mark, Iron Shell.	[SEAL.]
WAH-PAT-SHAH, his x mark, Red Leaf.	[SEAL.]
HAH-SAH-PAH, his x mark, Black Horn.	[SEAL.]
ZIN-TAH-GAH-LAT-SKAH, his x mark, Spotted Tail.	[SEAL.]
ZIN-TAH-SKAH, his x mark, White Tail.	[SEAL.]
ME-WAH-TAH-NE-HO-SKAH, his x mark, Tall Mandas.	[SEAL.]
SHE-CHA-CHAT-KAH, his x mark, Bad Left Hand.	[SEAL.]
NO-MAH-NO-PAH, his x mark, Two and Two.	[SEAL.]
TAH-TONKA-SKAH, his x mark, White Bull.	[SEAL.]
CON-RA-WASHTA, his x mark, Pretty Coon.	[SEAL.]
HA-CAH-CAH-SHE-CHAH, his x mark, Bad Elk.	[SEAL.]
WA-HA-KA-ZAH-ISH-TAH, his x mark, Eye Lance.	[SEAL.]
MA-TO-HA-KE-TAH, his x mark, Bear that looks behind.	[SEAL.]
BELLA-TONKA-TONKA, his x mark, Big Partisan.	[SEAL.]
MAH-TO-HO-HONKA, his x mark, Swift Bear.	[SEAL.]
TO-WIS-NE, his x mark, Cold Place.	[SEAL.]
ISH-TAH-SKAH, his x mark, White Eyes.	[SEAL.]
MA-TA-LOO-ZAH, his x mark, Fast Bear.	[SEAL.]
AS-HAH-KAH-NAH-ZHE, his x mark, Standing Elk.	[SEAL.]
CAN-TE-TE-KI-YA, his x mark, The Brave Heart.	[SEAL.]
SHUNKA-SHATON, his x mark, Day Hawk.	[SEAL.]
TATANKA-WAKON, his x mark, Sacred Bull.	[SEAL.]
MAPIA SHATON, his x mark, Hawk Cloud.	[SEAL.]
MA-SHA-A-OW, his x mark, Stands and Comes.	[SEAL.]
SHON-KA-TON-KA, his x mark, Big Dog.	[SEAL.]

Attest:

ASHTON S. H. WHITE, *Secretary of Commission.*
 GEORGE B. WITHS, *Phonographer to Commission.*
 GEO. H. HOLTZMAN.
 JOHN D. HOWLAND.
 JAMES C. O'CONNOR.
 CHAS. E. GUERN, *Interpreter.*
 LEON F. PALLARDY, *Interpreter.*
 NICHOLAS JANIS, *Interpreter.*

Executed on the part of the Ogallalah band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the twenty-fifth day of May, in the year A. D. 1868. Execution by the Ogallalah band.

TAH-SHUN-KA-CO-QUI-PAH, his x mark, Man-afraid-of-his-horses.	[SEAL.]
SHA-TON-SKAH, his x mark, White Hawk.	[SEAL.]
SHA-TON-SAPAH, his x mark, Black Hawk.	[SEAL.]
E-GA-MON-TON-KA-SAPAH, his x mark, Black Tiger.	[SEAL.]
OH-WAH-SHE-CHA, his x mark, Bad Wound.	[SEAL.]
PAH-GEE, his x mark, Grass.	[SEAL.]
WAH-NON-REH-CHE-GEH, his x mark, Ghost Heart.	[SEAL.]
CON-REEH, his x mark, Crow.	[SEAL.]
OH-HE-TE-KAH, his x mark, The Brave.	[SEAL.]
TAH-TON-KAH-HE-YO-TA-KAH, his x mark, Sitting Bull.	[SEAL.]
SHON-KA-OH-WAH-MON-YE, his x mark, Whirlwind Dog.	[SEAL.]
HA-HAH-KAH-TAH-MIECH, his x mark, Poor Elk.	[SEAL.]
WAM-BU-LEE-WAH-KON, his x mark, Medicine Eagle.	[SEAL.]

CHON-GAH-MA-HE-TO-HANS-KA, his x mark, High Wolf. [SEAL.]
 WAH-SE-CHUN-TA-SHUN-KAH, his x mark, American Horse. [SEAL.]
 MAH-HAH-MAH-HA-MAK-NEAR, his x mark, Man that walks under the ground. [SEAL.]
 MAH-TO-TOW-PAH, his x mark, Four Bears. [SEAL.]
 MA-TO-WEE-SHA-KTA, his x mark, One that kills the bear. [SEAL.]
 OH-TAH-KEE-TOKA-WEE-CHAKTA, his x mark, One that kills in a hard place. [SEAL.]
 TAH-TON-KAH-TA-MIECH, his x mark, The poor Bull. [SEAL.]
 OH-HUNS-EE-GA-NON-SKEN, his x mark, Mad Shade. [SEAL.]
 SHAH-TON-OH-NAH-OM-MINNE-NE-OH-MINNE, his x mark, Whirling Hawk. [SEAL.]
 MAH-TO-CHUN-KA-OH, his x mark, Bear's Back. [SEAL.]
 CHE-TON-WEE-KOH, his x mark, Fool Hawk. [SEAL.]
 WAH-HOH-KE-ZA-AH-HAH, his x mark, One that has the lance. [SEAL.]
 SHON-GAH-MANNI-TOH-TAN-KA-SEH, his x mark, Big Wolf Foot. [SEAL.]
 EH-TON-KAH, his x mark, Big Mouth. [SEAL.]
 MA-PAH-CHE-TAH, his x mark, Bad Hand. [SEAL.]
 WAH-KE-YUN-SHAH, his x mark, Red Thunder. [SEAL.]
 WAK-SAH, his x mark, One that Cuts Off. [SEAL.]
 CHAM-NOM-QUI-YAH, his x mark, One that Presents the Pipe. [SEAL.]
 WAH-KE-KE-YAN-PUH-TAH, his x mark, Fire Thunder. [SEAL.]
 MAH-TO-NONK-PAH-ZE, his x mark, Bear with Yellow Ears. [SEAL.]
 CON-REE-TEH-KA, his x mark, The Little Crow. [SEAL.]
 HE-HUP-PAH-TOH, his x mark, The Blue War Club. [SEAL.]
 SHON-KEE-TOH, his x mark, The Blue Horse. [SEAL.]
 WAM-BALLA-OH-CONQUO, his x mark, Quick Eagle. [SEAL.]
 TA-TONKA-SUPPA, his x mark, Black Bull. [SEAL.]
 MOH-TO-HA-SHE-NA, his x mark, The Bear Hide. [SEAL.]

Attest :

S. E. WARD.
 JAS. C. O'CONNOR.
 J. M. SHERWOOD.
 W. C. SLIGER.
 SAM DEON.
 H. M. MATTHEWS.
 JOSEPH BISSONETTE, *Interpreter.*
 NICHOLAS JANIS, *Interpreter.*
 LEFROY JOTT, *Interpreter.*
 ANTOINE JANIS, *Interpreter.*

Execution by
 the Minneconjon
 band.

Executed on the part of the Minneconjon band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

At Fort Laramie, D. T., } HEH-WON-GE-CHAT, his x [SEAL.]
 May 26, '68, 13 names. } mark, One Horn.
 } OH-PON-AH-TAH-E-MANNE, [SEAL.]
 his x mark, The Elk that bellows Walking.

At Fort Laramie, D. T., } HEH-HO-LAH-REH-CHA- [SEAL.]
 May 25, '68, 2 names. } SKAH, his x mark, Young
 White Bull.

WAH-CHAH-CHUM-KAH-COH-KEE-PAH, his x [SEAL.]
 mark, One that is afraid of Shield.

HE-HON-NE-SHAKTA, his x mark, The Old Owl. [SEAL.]
 MOC-PE-A-TOH, his x mark, Blue Cloud. [SEAL.]
 OH-PONG-GE-LE-SKAH, his x mark, Spotted Elk. [SEAL.]
 TAH-TONK-KA-HON-KE-SCHNE, his x mark, [SEAL.]
 Slow Bull.

SHONK-A-NEE-SHAH-SHAH-A-TAH-PE, his x [SEAL.]
 mark, The Dog Chief.

MA-TO-TAH-TA-TONK-KA, his x mark, Bull Bear. [SEAL.]
 WOM-BEH-LE-TON-KAH, his x mark, The Big Eagle. [SEAL.]
 MA-TOH-EH-SCHNE-LAH, his x mark, The Lone [SEAL.]
 Bear.

MAH-TOH-KE-SU-YAH, his x mark, The One who [SEAL.]
 Remembers the Bear.

MA-TOH-OH-HE-TO-KEH, his x mark, The Brave [SEAL.]
 Bear.

EH-CHE-MA-HEH, his x mark, The Runner. [SEAL.]
 TI-KI-YA, his x mark, The Hard. [SEAL.]
 HE-MA-ZA, his x mark, Iron Horn. [SEAL.]

Attest :

JAS. C. O'CONNOR.
 WM. H. BROWN.
 NICHOLAS JANIS, *Interpreter.*
 ANTOINE JANIS, *Interpreter.*

Executed on the part of the Yanctonais band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized: Execution by the Yanctonais band.

MAH-TO-NON-PAH, his x mark, Two Bears. [SEAL.]
 MA-TO-HNA-SKIN-YA, his x mark, Mad Bear. [SEAL.]
 HE-O-PU-ZA, his x mark, Louzy. [SEAL.]
 AH-KE-CHE-TAH-CHE-CA-DAN, his x mark, [SEAL.]
 Little Soldier.

MAH-TO-E-TAN-CHAN, his x mark, Chief Bear. [SEAL.]
 CU-WI-H-WIN, his x mark, Rotten Stomach. [SEAL.]
 SKUN-KA-WE-TKO, his x mark, Fool Dog. [SEAL.]
 ISH-TA-SAP-PAH, his x mark, Black Eye. [SEAL.]
 IH-TAN-CHAN, his x mark, The Chief. [SEAL.]
 I-A-WI-CA-KA, his x mark, The one who Tells the [SEAL.]
 Truth.

AH-KE-CHE-TAH, his x mark, The Soldier. [SEAL.]
 TA-SHI-NA-GL, his x mark, Yellow Robe. [SEAL.]
 NAH-PE-TON-KA, his x mark, Big Hand. [SEAL.]
 CHAN-TEE-WE-KTO, his x mark, Fool Heart. [SEAL.]
 HOH-GAN-SAH-PA, his x mark, Black Catfish. [SEAL.]
 MAH-TO-WAH-KAN, his x mark, Medicine Bear. [SEAL.]
 SHUN-KA-KAN-SHA, his x mark, Red Horse. [SEAL.]
 WAN-RODE, his x mark, The Eagle. [SEAL.]
 CAN-HPI-SA-PA, his x mark, Black Tomahawk. [SEAL.]
 WAR-HE-LE-RE, his x mark, Yellow Eagle. [SEAL.]
 CHA-TON-CHE-CA, his x mark, Small Hawk, or [SEAL.]
 Long Fare.

SHU-GER-MON-E-TOO-HA-SKA, his x mark, Tall [SEAL.]
 Wolf.

MA-TO-U-TAH-KAH, his x mark, Sitting Bear. [SEAL.]
 HI-HA-CAH-GE-NA-SKENE, his x mark, Mad Elk. [SEAL.]

Arapahoes.

LITTLE CHIEF, his x mark. [SEAL.]
 TALL BEAR, his x mark. [SEAL.]
 TOP MAN, his x mark. [SEAL.]
 NEVA, his x mark. [SEAL.]
 THE WOUNDED BEAR, his x mark. [SEAL.]
 THIRLWIND, his x mark. [SEAL.]
 THE FOX, his x mark. [SEAL.]
 THE DOG BIG MOUTH, his x mark. [SEAL.]
 SPOTTED WOLF, his x mark. [SEAL.]
 SORREL HORSE, his x mark. [SEAL.]
 BLACK COAL, his x mark. [SEAL.]
 BIG WOLF, his x mark. [SEAL.]
 KNOCK-KNEE, his x mark. [SEAL.]
 BLACK CROW, his x mark. [SEAL.]
 THE LONE OLD MAN, his x mark. [SEAL.]
 PAUL, his x mark. [SEAL.]
 BLACK BULL, his x mark. [SEAL.]
 BIG TRACK, his x mark. [SEAL.]
 THE FOOT, his x mark. [SEAL.]
 BLACK WHITE, his x mark. [SEAL.]
 YELLOW HAIR, his x mark. [SEAL.]
 LITTLE SHIELD, his x mark. [SEAL.]
 BLACK BEAR, his x mark. [SEAL.]
 WOLF MOCASSIN, his x mark. [SEAL.]
 BIG ROBE, his x mark. [SEAL.]
 WOLF CHIEF, his x mark. [SEAL.]

Witnesses :

ROBT. P. MCKIBBIN,
Capt. 4 Inf. Bvt. Lt. Col. U. S. A. Comdg. Ft. Laramie.
 WM. H. POWELL, *Bvt. Maj. Capt. 4th Inf.*
 HENRY W. PATTERSON, *Capt. 4th Infy.*
 THEO. E. TRUE, *2d Lieut. 4th Inf.*
 W. G. BULLOCK,
 CHAS. E. GUERN,
Special Indian Interpreter for the Peace Commission.

FORT LARAMIE, Wg. T., Nov. 6, 1868.

MAKH-PI-AH-LU-TAH, his x mark, Red Cloud. [SEAL.]
 WA-KI-AH-WE-CHA-SHAH, his x mark, Thunder [SEAL.]
 Man.
 MA-ZAH-ZAH-GEH, his x mark, Iron Cane. [SEAL.]
 WA-UMBLE-WHY-WA-KA-TUYAH, his x mark, [SEAL.]
 High Eagle.
 KO-KE-PAH, his x mark, Man Afraid. [SEAL.]
 WA-KI-AH-WA-KOU-AH, his x mark, Thunder Fly- [SEAL.]
 ing Running.

Witnesses :

W. McE. DYE, *Bvt. Col. U. S. A. Comg.*
 A. B. CAIN, *Capt. 4 Inf. Bt. Maj. U. S. A.*
 ROBT. P. MCKIBBIN, *Capt. 4 Inf. Bvt. Lt. Col. U. S. A.*
 JNO. MILLER, *Capt. 4th Inf.*
 G. L. LUHN, *1st Lieut. 4th Inf. Bvt. Capt. U. S. A.*

H. C. SLOAN, *2d Lt. 4th Inf.*
 WHITTINGHAM COX, *1st. Lieut. 4th Infy.*
 A. W. VOGDES, *1st Lt. 4th Infy.*
 BUTLER D. PRICE, *2d Lt. 4th Inf.*

HEADQRS., FORT LARAMIE, *Novr. 6, '68.*

Executed by the above on this date.
 All of the Indians are Ogallalabs excepting Thunder Man and Thunder Flying Running, who are Brulés.

WM. McE. DYE,
Maj. 4th Infy. and Bvt. Col. U. S. A. Comg.

Attest:

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*
 P. J. DE SMET, S. J., *Missionary among the Indians.*
 SAML. D. HINMAN, B. D., *Missionary.*

Executed on the part of the Uncpapa band of Sioux, by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized. Execution by the Uncpapa band.

CO-KAM-I-YA-YA, his x mark, The Man that Goes in the Middle. [SEAL.]

MA-TO-CA-WA-WEKSA, his x mark, Bear Rib. [SEAL.]

TA-TO-KA-IN-YAN-KE, his x mark, Running Antelope. [SEAL.]

KAN-GI-WA-KI-TA, his x mark, Looking Crow. [SEAL.]

A-KI-CI-TA-HAN-SKA, his x mark, Long Soldier. [SEAL.]

WA-KU-TE-MA-NI, his x mark, The One who Shoots Walking. [SEAL.]

UN-KCA-KI-KA, his x mark, The Magpie. [SEAL.]

KAN-GI-O-TA, his x mark, Plenty Crow. [SEAL.]

HE-MA-ZA, his x mark, Iron Horn. [SEAL.]

SHUN-KA-I-NA-PIN, his x mark, Wolf Necklace. [SEAL.]

I-WE-HI-YU, his x mark, The Man who Bleeds from the Mouth. [SEAL.]

HE-HA-KA-PA, his x mark, Elk Head. [SEAL.]

I-ZU-ZA, his x mark, Grind Stone. [SEAL.]

SHUN-KA-WI-TKO, his x mark, Fool Dog. [SEAL.]

MA-KPI-YA-PO, his x mark, Blue Cloud. [SEAL.]

WA-MLN-PI-LU-TA, his x mark, Red Eagle. [SEAL.]

MA-TO-CAN-TE, his x mark, Bear's Heart. [SEAL.]

A-KI-CI-TA-I-TAU-CAN, his x mark, Chief Soldier. [SEAL.]

Attest:

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOIS[E], *Interpreter.*
 P. J. DE SMET, S. J., *Missy. among the Indians.*
 SAML. D. HINMAN, *Missionary.*

Executed on the part of the Blackfeet band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized. by the Blackfeet band.

CAN-TE-PE-TA, his x mark, Fire Heart. [SEAL.]

WAN-MDI-KTE, his x mark, The One who Kills Eagle. [SEAL.]

SHO-TA, his x mark, Smoke. [SEAL.]

WAN-MDI-MA-NI, his x mark, Walking Eagle. [SEAL.]

WA-SHI-CUN-YA-TA-PI, his x mark, Chief White Man. [SEAL.]

TREATY WITH THE SIOUX INDIANS. APRIL 29, 1868.

KAN-GI-I-YO-TAN-KE, his x mark, Sitting Crow. [SEAL.]
 PE-JI, his x mark, The Grass. [SEAL.]
 KDA-MA-NI, his x mark, The One that Rattles as he [SEAL.]
 Walks.
 WAH-HAN-KA-SA-PA, his x mark, Black Shield. [SEAL.]
 CAN-TE-NON-PA, his x mark, Two Hearts. [SEAL.]

Attest :

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*
 P. J. DE SMET, S. J., *Missy. among the Indians.*
 SAML. D. HINMAN, *Missionary.*

Executed by
 the Cutheads
 band.

Executed on the part of the Cutheads band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

TO-KA-IN-YAN-KA, his x mark, The One who Goes [SEAL.]
 Ahead Running.
 TA-TAN-KA-WA-KIN-YAN, his x mark, Thunder Bull. [SEAL.]
 SIN-TO-MIN-SA-PA, his x mark, All over Black. [SEAL.]
 CAN-I-CA, his x mark, The One who Took the Stick. [SEAL.]
 PA-TAN-KA, his x mark, Big Head. [SEAL.]

Attest :

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOIS[E], *Interpreter.*
 P. J. DE SMET, S. J., *Missy. among the Indians.*
 SAML. D. HINMAN, *Missionary.*

by the Two
 Kettle band;

Executed on the part of the Two Kettle band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

MA-WA-TAN-NI-HAN-SKA, his x mark, Long Mandan. [SEAL.]
 CAN-KPE-DU-TA, his x mark, Red War Club. [SEAL.]
 CAN-KA-GA, his x mark, The Log. [SEAL.]

Attest :

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*
 P. J. DE SMET, S. J., *Missy. among the Indians.*
 SAML. D. HINMAN, *Missionary to the Dakotas.*

by the Sans
 Arch band.

Executed on the part of the Sans Arch band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized.

HE-NA-PIN-WA-NI-CA, his x mark, The One that has [SEAL.]
 Neither Horn.
 WA-INLU-PI-LU-TA, his x mark, Red Plume. [SEAL.]
 CI-TAN-GI, his x mark, Yellow Hawk. [SEAL.]
 HE-NA-PIN-WA-NI-CA, his x mark, No Horn. [SEAL.]

Attest :

JAS. C. O'CONNOR.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOIS[E], *Interpreter.*
 P. J. DE SMET, S. J., *Missy. among the Indians.*
 SAML. D. HINMAN, *Missionary.*

Executed on the part of the Santee band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized. Execution by the Santee band.

WA-PAH-SHAW, his x mark, Red Ensign.	[SEAL.]
WAH-KOO-TAY, his x mark, Shooter.	[SEAL.]
HOO-SHA-SHA, his x mark, Red Legs.	[SEAL.]
O-WAN-CHA-DU-TA, his x mark, Scarlet all over.	[SEAL.]
WAU-MACE-TAN-KA, his mark x, Big Eagle.	[SEAL.]
CHO-TAN-KA-E-NA-PE, his x mark, Flute-player.	[SEAL.]
TA-SHUN-KE-MO-ZA, his x mark, His Iron Dog.	[SEAL.]

Attest :

SAML. D. HINMAN, B. D., *Missionary.*
 J. N. CHICKERING, *2d Lt. 22d Infy., Bvt. Capt. U. S. A.*
 P. J. DE SMET, S. J.
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 February 16, 1869.

Resolved (two thirds of the senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States and the different bands of the Sioux nation of Indians, made and concluded the 29th April, 1868.

Attest :

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said treaty. Proclamation.

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

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America, the ninety-third.

[SEAL.]

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Crow Tribe of Indians; Concluded May 7, 1868; Ratification advised July 25, 1868; Proclaimed August 12, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

May 7, 1868.

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

WHEREAS a Treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant-General W. T. Sherman, Brevet Major-General William S. Harney, Brevet Major-General Alfred H. Terry, Brevet Major-General C. C. Augur, John B. Sanborn, and S. F. Tappan, commissioners, on the part of the United States, and Che-Ra-Pee-Ish-Ka-Te, Chat-Sta-He, and other chiefs and headmen of the Crow tribe of Indians, on the part 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 Fort Laramie, Dakota Territory, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Crow Indians, they being duly authorized to act in the premises.

Contracting parties.

ARTICLE I. From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Peace and friendship.

Offenders among the whites to be arrested and punished;

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they refuse wilfully so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating, or because of his violating, the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

among the Indians, to be given up to the United States, or, &c.

Rules for ascertaining damages.

Reservation.
Boundaries.

ARTICLE II. The United States agrees that the following district of country, to wit: commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone river; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employés of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will, and do hereby, relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

Who not to
reside thereon.

Buildings to
be erected by
the United
States.

ARTICLE III. The United States agrees, at its own proper expense, to construct on the south side of the Yellowstone, near Otter creek, a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other building, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not exceeding eight thousand dollars.

Reservation
to be permanent
home of the In-
dians.

ARTICLE IV. The Indians herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and as long as peace subsists among the whites and Indians on the borders of the hunting districts.

Agent to
make his home
and reside
where.

ARTICLE V. The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

His duties.

Heads of fam-
ily, desiring to
commence farm-
ing, may select
lands, &c.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book," as herein directed, shall cease to be held in common, but

the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Effect of such selection.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed. Persons not heads of families.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Crow Land Book." Certificate of selection to be delivered, &c.; to be recorded.

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations and the internal police thereof, as may be thought proper. Survey.

ARTICLE VII. In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are, or may be, settled on said agricultural reservation; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years. Children between six and sixteen to attend school.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum. Duty of agent.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required. School-houses and teachers.

ARTICLE IX. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservation herein provided for, on the first day of September of each year for thirty years, the following articles, to wit: Seeds and agricultural implements.

For each male person, over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woolen socks. Instruction in farming.

For each female, over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics. Delivery of articles in lieu of money and annuities.

For the boys and girls under the ages named, such flannel and cotton Clothing.

goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

Census.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

Annual appropriations in money for ten years;

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually

may be changed.

Army officer to attend the delivery of goods.

detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation, and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated, that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described, and commence farming, one good American cow and one good, well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

Subsistence.

Cow and oxen to each family.

Physician, teachers, &c.

ARTICLE X. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Cession of reservation not to be valid, unless, &c

ARTICLE XI. No treaty for the cession of any portion of the reservation herein described, which may be held in common, shall be of any force or validity as against the said Indians unless executed and signed by, at least, a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in Article VI. of this treaty.

Annual presents for most valuable crops.

ARTICLE XII. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN, *Lt. Genl.*
 WM. S. HARNEY,
Bvt. Majr. Gen. & Peace Commissioner.
 ALFRED H. TERRY, *Bvt. M. Genl.*
 C. C. AUGUR, *Bvt. M. Genl.*
 JOHN B. SANBORN.
 S. F. TAPPAN.

ASHTON S. H. WHITE, *Secretary.*

CHE-RA-PEE-ISH-KA-TE, Pretty Bull,	his x mark,	[SEAL.]
CHAT-STA-HE, Wolf Bow,	his x mark,	[SEAL.]
AH-BE-CHE-SE, Mountain Tail,	his x mark,	[SEAL.]
KAM-NE-BUT-SA, Black Foot,	his x mark,	[SEAL.]
DE-SAL-ZE-CHO-SE, White Horse,	his x mark,	[SEAL.]
CHIN-KA-SHE-ARACHE, Poor Elk,	his x mark,	[SEAL.]
E-SA-WOOR, Shot in the Jaw,	his x mark,	[SEAL.]
E-SHA-CHOSE, White Forehead,	his x mark,	[SEAL.]
— ROO-KA, Pounded Meat,	his x mark,	[SEAL.]
DE-KA-KE-UP-SE, Bird in the Neck,	his x mark,	[SEAL.]
ME-NA-CHE, The Swan,	his x mark,	[SEAL.]

Attest:

GEORGE B. WILLIS, *Phonographer.*
 JOHN D. HOWLAND.
 ALEX. GARDNER.
 DAVID KNOX.
 CHAS. FREEMAN.
 JAS. C. O'CONNOR.

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

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 July 25, 1868. }

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Crow Indians of Montana Territory, made the seventh day of May, eighteen hundred and sixty-eight.

Attest:

GEO. C. GORHAM,
Secretary.
 By W. J. McDONALD,
Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

Proclamation.

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

Done at the City of Washington, this twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, [SEAL.] and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER,
Acting Secretary of State.

Treaty between the United States of America and the Northern Cheyenne and Northern Arapahoe Tribes of Indians; Concluded May 10, 1868; Ratification advised July 25, 1868; Proclaimed August 25, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

May 10, 1868.

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

WHEREAS a treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant-General William T. Sherman, Brevet Major-General William S. Harney, Brevet Major-General Alfred H. Terry, Brevet Major-General C. C. Augur, John B. Sanborn, and S. F. Tappan, commissioners, on the part of the United States, and Wah-Toh-Nah, Bah-Ta-Che, and other chiefs and headmen of the Northern Cheyenne and Northern Arapahoe tribes of Indians, on the part 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 Fort Laramie, Dakota Territory, on the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Northern Cheyenne and Northern Arapahoe Indians, they being duly authorized to act in the premises.

Contracting parties.

ARTICLE I. From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Peace and friendship.

Offenders among the whites to be arrested and punished;

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

among the Indians, to be given up to the United States, &c.

Rules for ascertaining damages.

- Reservation.** **ARTICLE II.** The Indians, parties to this treaty, hereby agree to accept for their permanent home some portion of the tract of country set apart and designated as a permanent reservation for the Southern Cheyenne and Arapahoe Indians by a treaty entered into by and between them and the United States, at Medicine Lodge creek, on the — day of October, eighteen hundred and sixty-seven, or some portion of the country and reservation set apart and designated as a permanent home for the Brulé and other bands of Sioux Indians, by a treaty entered into by and between said Indians and the United States, at Fort Laramie, D. T., on the twenty-ninth day of April, eighteen hundred and sixty-eight. And the Northern Cheyenne and Arapahoe Indians do hereby relinquish, release, and surrender to the United States all right, claim, and interest in and to all territory outside the two reservations above mentioned, except the right to roam and hunt while game shall be found in sufficient quantities to justify the chase. And they do solemnly agree that they will not build any permanent homes outside of said reservations, and that within one year from this date they will attach themselves permanently either to the agency provided for near the mouth of Medicine Lodge creek, or to the agency about to be established on the Missouri River, near Fort Randall, or to the Crow agency near Otter creek, on the Yellowstone river, provided for by treaty of the seventh day of May, eighteen hundred and sixty-eight, entered into by and between the United States and said Crow Indians, at Fort Laramie, D. T.; and it is hereby expressly understood that one portion of said Indians may attach themselves to one of the afore-mentioned reservations, and another portion to another of said reservations, as each part or portion of said Indians may elect.
- Territory outside surrendered.** **ARTICLE III.** If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservations not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.
- To belong to what agency.** Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.
- Selection of reservations.** For each tract of land so selected a certificate containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Northern Cheyenne and Arapahoe Land Book."
- Heads of families desiring to commence farming may select lands, &c.** The President may, at any time, order a survey of the reservation; and when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.
- Effect of such selection.** The United States may pass such laws on the subject of alienation and descent of property as between Indians and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.
- Persons not heads of families.** **ARTICLE IV.** In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female,
- Certificate of selections to be delivered, &c.;**
- to be recorded.**
- Survey.**
- Alienation and descent of property.**
- Children between six and sixteen to attend school.**

between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

Duty of agent.
School-houses
and teachers.

ARTICLE V. When the head of a family or lodge shall have selected lands, and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm for a period of three years more he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

Seeds and
agricultural im-
plements.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Instruction in
farming.

ARTICLE VI. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservations herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

Delivery of
articles in lieu
of money and
annuities.

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks.

Clothing.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimates from year to year can be based.

Census.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing under this article

Annual ap-
propriations in
money for ten
years;

can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods, herein named, to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided

may be
changed.

Army officer
to attend the de-
livery of goods.

Subsistence. the Indians cannot furnish their own subsistence at an earlier date; and it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

Cow and oxen to each family.

Physician, teachers, &c.

ARTICLE VII. The United States hereby agrees to furnish annually to the Indians who settle upon the reservation a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.

Cession of reservation not to be valid, unless, &c.

ARTICLE VIII. No treaty for the cession of any portion of the reservations herein described, which may be held in common, shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as hereinbefore provided.

Annual presents for most valuable crops.

ARTICLE IX. It is agreed that the sum of five hundred dollars annually for three years, from the date when they commenced to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN,

Lt. Gen'l.

WM. S. HARNEY,

Bvt. Maj. Gen. U. S. A.

ALFRED H. TERRY,

Bvt. M. Gen'l.

C. C. AUGUR,

Bvt. Maj. Gen'l.

JOHN B. SANBORN,

S. F. TAPPAN,

Commissioners.

Attest:

ASHTON S. H. WHITE, *Secretary.*

WAH-TAH-NAH, Black Bear.

his x mark. [SEAL.]

BAH-TA-CHE, Medicine Man.

his x mark. [SEAL.]

OH-CUM-GA-CHE, Little Wolf.

his x mark. [SEAL.]

ICHS-TAH-EN, Short Hair.

his x mark. [SEAL.]

NON-NE-SE-BE, Sorrel Horse,

his x mark. [SEAL.]

KA-TE-U-NAN, The Under Man.

his x mark. [SEAL.]

AH-CHE-E-WAH, The Man in the Sky.

his x mark. [SEAL.]

WE-AH-SE-VOSE, The Big Wolf.

his x mark. [SEAL.]

CHES-NE-ON-E-AH, The Beau.

his x mark. [SEAL.]

MAT-AH-NE-WE-TAH, The Man that falls from his horse.

his x mark. [SEAL.]

OH-E-NA-KU, White Crow.

his x mark. [SEAL.]

A-CHE-KAN-KOO-ENI, Little Shield.

his x mark. [SEAL.]

TAH-ME-LA-PASH-ME, or Dull Knife.

his x mark. [SEAL.]

Attest:

GEORGE B. WILLIS, *Phonographer.*

JOHN D. HOWLAND.

ALEX. GARDNER.

DAVID KNOX.

CHAS. FREEMAN.

JAS. C. O'CONNOR.

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

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 July, 25, 1868. }

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Northern Cheyenne and Northern Arapaho[e] Indians, made the tenth day of May, one thousand eight hundred and sixty-eight.

Attest:

GEO. C. GORHAM,
Secretary.

By W. J. McDONALD,
Chief Clerk.

Proclamation

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington this twenty-fifth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

[SEAL.]

Treaty between the United States and the King of Bavaria concerning the Citizenship of Emigrants; Concluded at Munich, May 26, 1868; Ratified September 18, 1868; Proclaimed October 8, 1868.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 26, 1868.

A PROCLAMATION.

WHEREAS a treaty concerning the citizenship of emigrants between the United States of America and his Majesty the King of Bavaria, was concluded and signed by their respective plenipotentiaries at Munich, on the twenty-sixth day of May, one thousand eight hundred and sixty-eight, which treaty, being in the English and German languages, is word for word as follows:—

Preamble.

His Majesty the King of Bavaria and the President of the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the kingdom of Bavaria, have resolved to treat on this subject, and have, for that purpose, appointed plenipotentiaries to conclude a convention; that is to say: His Majesty the King of Bavaria, Dr. Otto, Baron of Voelderndorff, Councillor of Ministry, and the President of the United States of America, George Bancroft, envoy extraordinary and minister plenipotentiary, who have agreed to and signed the following articles:

Seine Majestät der König von Bayern und der Präsident der Vereinigten Staaten von Amerika, von dem Wunsche geleitet, die Staatsangehörigkeit derjenigen Personen zu regeln, welche aus Bayern in die Vereinigten Staaten von Amerika und aus den Vereinigten Staaten von Amerika in das Gebiet des Königreiches Bayern einwandern, haben beschlossen über diesen Gegenstand zu unterhandeln, und zu diesem Behufe Bevollmächtigte ernannt, um eine Uebereinkunft abzuschliessen, nämlich: Seine Majestät der König von Bayern, Allerhöchstihren Ministerialrath Dr. Otto, Freiherrn von Völderndorff, und der Präsident der Vereinigten Staaten von Amerika, den ausserordentlichen Gesandten und bevollmächtigten Minister George Bancroft, welche die folgenden Artikel vereinbart und unterzeichnet haben:

Contracting parties.

ARTICLE I.

Citizens of Bavaria, who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian

ARTIKEL I.

Angehörige des Königreiches Bayern, welche naturalisirte Staatsangehörige der Vereinigten Staaten von Amerika geworden sind und fünf Jahre lang ununterbrochen in den Vereinigten Staaten zugebracht haben, sollen von Seite Bayerns als amerikanische Angehörige erachtet, und als solche behandelt werden.

Ebenso sollen Staatsangehörige der Vereinigten Staaten von Amerika, welche naturalisirte Angehörige des Königreiches Bayern geworden sind und fünf Jahre lang ununterbrochen in Bayern zugebracht

Citizens of Bavaria, when to be held citizens of the United States;

of the United States, when to be held citizens of Bavaria.

citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

Naturalized citizens of either country punishable for certain offences.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE III.

Convention for the extradition of criminals to be in force.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States, on the one part, and Bavaria, on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

ARTICLE IV.

What to be held as renouncing naturalization.

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

haben, von den Vereinigten Staaten als Angehörige Bayerns erachtet, und als solche behandelt werden.

Die blosse Erklärung der Absicht Staatsangehöriger des einen oder des anderen Theils werden zu wollen, soll in Beziehung auf keinen der beiden Theile die Wirkung der Naturalisation haben.

ARTIKEL II.

Ein naturalisirter Angehöriger des einen Theils soll bei etwaiger Rückkehr in das Gebiet des anderen Theils wegen einer, nach den Gesetzen des letzteren mit Strafe bedrohten Handlung, welche er vor seiner Auswanderung verübt hat, zur Untersuchung und Strafe gezogen werden können, sofern nicht nach den bezüglichlichen Gesetzen seines ursprünglichen Vaterlandes Verjährung oder sonstige Strafflosigkeit eingetreten ist.

ARTIKEL III.

Der Vertrag zwischen dem Königreiche Bayern einerseits und den Vereinigten Staaten von Amerika andererseits, wegen der in gewissen Fällen zu gewährenden Auslieferung der vor der Justiz flüchtigen Verbrecher, welcher am 12ten September, 1853, abgeschlossen worden ist, bleibt unverändert fortbestehen.

ARTIKEL IV.

Wenn ein in Amerika naturalisirter Bayer sich wieder in Bayern niederlässt, ohne die Absicht nach Amerika zurückzukehren, so soll er als auf seine Naturalisation in den Vereinigten Staaten Verzicht leistend erachtet werden.

Ebenso soll ein in Bayern naturalisirter Amerikaner, wenn er sich wieder in den Vereinigten Staaten niederlässt, ohne die Absicht nach Bayern zurückzukehren, als auf seine Naturalisation in Bayern Verzicht leistend erachtet werden.

Der Verzicht auf die Rückkehr kann als vorhanden angesehen werden, wenn der Naturalisirte des einen Theils sich länger als zwei Jahre in dem Gebiete des anderen Theils aufhält.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by his Majesty the King of Bavaria and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Munich within twelve months from the date hereof.

In faith whereof the plenipotentiaries have signed and sealed this convention.

Munich, the 26th May, 1868.

[SEAL.] GEORGE BANCROFT.

[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

PROTOCOL.

Done at Munich, the 26th May, 1868.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I. RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative

ARTIKEL V.

Der gegenwärtige Vertrag tritt sofort nach dem Austausch der Ratifikationen in Kraft, und hat für zehn Jahre Gültigkeit. Wenn kein Theil dem andern sechs Monate vor dem Ablauf dieser zehn Jahre Mittheilung von seiner Absicht macht denselben dann aufzuheben, so soll er ferner in Kraft bleiben bis zum Ablauf von 12 Monaten, nachdem einer der contrahirenden Theile dem anderen von einer solchen Absicht Kenntniss gegeben.

When this convention is to take effect, and how long to be in force;

ARTIKEL VI.

Der gegenwärtige Vertrag soll ratificirt werden, von Seiner Majestät dem König von Bayern und von dem Präsidenten unter und mit Genehmigung des Senats der Vereinigten Staaten, und die Ratifikationen sollen zu München innerhalb zwölf Monaten von heutigem Datum ausgewechselt werden.

When to be ratified.

Zur Urkund dessen haben die Bevollmächtigten diese Uebereinkunft unterzeichnet und besiegelt.

Execution.

München den 26 Mai, 1868.

[SEAL.] DR. OTTO FHR. VON VÖLDERNDORFF.

[SEAL.] GEORGE BANCROFT.

PROTOCOLL.

Protocol.

Verhandelt München, den 26 May, 1868.

Die Unterzeichneten vereinigten sich heute, um den in Vollmacht ihrer hohen Committenten vereinbarten Vertrag über die Staatsangehörigkeit derjenigen Personen, welche aus Bayern in die Vereinigten Staaten von Amerika, und aus den Vereinigten Staaten von America nach Bayern auswandern, zu unterzeichnen, bei welcher Gelegenheit folgende den Inhalt dieses Vertrages näher feststellende und erläuternde Bemerkungen in gegenwärtiges Protocol niedergelegt wurden:

I. ZU ARTIKEL I. DES VERTRAGES.

1. Nachdem die Copulative "und" Naturalization and resi-

dence required to constitute a citizen.

The residence when.

“and” is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indiginate, or on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

Residence.

2. The words “resided uninterruptedly” are obviously to be understood, not of a continued bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

No punishment for emigration.

II. RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed, that a person who, under the first article, is to be held as an adopted citizen of the other state, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

III. RELATING TO ARTICLE FOUR OF THE TREATY.

Rights as to resident aliens, not affected.

1. It is agreed on both sides, that the regulative powers granted to the two governments respectively, by

selbst, dass nicht die Naturalization allein, sondern ein dazu kommander fünfjähriger ununterbrochener Aufenthalt erforderlich ist, um eine Person als unter den Vertrag fallend ansehen zu können, wobei übrigens keineswegs erforderlich sein soll, dass der fünfjährige Aufenthalt erst nach der Naturalization folgen müsste. Doch wird hierbei anerkannt, dass, wenn ein Bayer des bayerischen Indigenates, oder andererseits ein Amerikaner der amerikanischen Staatsangehörigkeit, in der gesetzlich vorgeschriebenen Weise von der Regierung seines bisherigen Vaterlandes entlassen worden ist, und sodann die Naturalization in dem anderen Staate in rechtlicher Weise und vollkommen, gültig erlangt hat, dann ein noch hinzukommender fünfjähriger Aufenthalt *nicht* mehr erforderlich sein soll, sondern ein solcher Naturalisirter vom Momente seiner Naturalization an, als bayerischer, und umgekehrt, amerikanischer Angehöriger erachtet und behandelt werden soll.

2. Die Worte “ununterbrochen zugebracht” sind selbstverständlich nicht im körperlichen sondern im juristischen Sinne zu nehmen, und deshalb unterbricht eine momentane Abwesenheit, eine Reise, oder dergleichen, keineswegs die fünfjährige Frist, welche der Artikel I. im Sinne hat.

II. ZU ARTIKEL II. DES VERTRAGES.

1. Es wird anerkannt, dass eine nach Artikel I. als Angehörige des andern Staates zu erachtende Person bei ihrer etwaigen Rückkehr in ihr früheres Vaterland auch nicht wegen des etwa durch seine Auswanderung selbstbegangenen Reatus einer Strafe unterworfen werden kann, und selbst nicht später wenn sie die neu erworbene Staatsangehörigkeit wieder verloren haben sollte.

III. ZU ARTIKEL IV. DES VERTRAGES.

1. Man ist beiderseits übereingekommen, dass die den beiden Regierungen gesetzlich gestatteten

their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfilment of their military duty cannot be admitted to a permanent residence in the land till they shall have become thirty-two years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America and reciprocally an American naturalized in Bavaria takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on his Majesty, the King, whether he will, or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the state to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free

Sicherungsmassregeln gegen solche in ihrem Territorium sich aufhaltende Fremde, deren Aufenthalt die Ruhe und Ordnung im Lande gefährdet, durch den Vertrag nicht berührt werden; insbesondere wird die im bayerischen Wehrgesetze vom 30ten Januar, 1868, Artikel 10, Absatz 2, enthaltene Bestimmung, wonach denjenigen Bayern, welche vor Erfüllung ihrer Militärpflicht aus Bayern ausgewandert sind, der *ständige* Aufenthalt im Lande bis zum vollendeten 32ten. Lebensjahre untersagt ist, durch den Vertrag nicht berührt, doch wird constatirt, dass durch den im Artikel 10 gebrauchten Ausdruck: "*der ständige Aufenthalt*" ohnehin schon derartig Ausgewanderten eine kürzere und zu bestimmten Zwecken unternommene vorübergehende Reise nach Bayern nicht untersagt ist, und erklärte sich die Königlich Bayerische Staatsregierung überdiess gern bereit, in solchen Fällen, in welchen die Auswanderung offenbar *bona fide* geschehen ist, eine milde Praxis eintreten zu lassen.

2. Es wird anerkannt, dass ein in Amerika naturalisirter Bayer und umgekehrt ein in Bayern naturalisirter Amerikaner, wenn er sich ohne die Absicht, in sein new erworbenes Vaterland zurückzukehren in seinem früheren Vaterlande wieder niedergelassen hat, keineswegs hierdurch allein schon die frühere Staatsangehörigkeit wieder erlangt, vielmehr hängt es, was Bayern anbetrifft, von Seiner Majestät dem Könige ab, ob er in diesem Falle die Bayerische Staatsangehörigkeit wieder verleihen will oder nicht.

Der Artikel IV. soll demnach nur die Bedeutung haben, dass derjenige Staat, in welchem der Ausgewanderte die neue Staatsangehörigkeit erworben hat, diesen nicht hindern kann, die frühere Staatsangehörigkeit wieder zurückzuerwerben; nicht aber, dass der Staat, welchem der Ausgewanderte früher angehört hat, denselben auch sofort wieder zurücknehmen müsse. Es hat vielmehr der im anderen Staate Naturalisirte nach den bestehenden Gesetzen und Vorschriften sich um Wiederaufnahme in sein früheres

Meaning of
"permanent
residence."

Recovery of
former citizen-
ship.

choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two plenipotentiaries give each other mutually the assurance that their respective governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[SEAL.] GEORGE BANCROFT.

Vaterland zu bewerben und dieselbe, wie jeder andere Fremde, neu zu erwerben. Doch soll es in seinem freien Ermessen liegen, ob er diesen Weg einschlagen, oder seine bisher erworbene Staatsangehörigkeit beibehalten will.

Die beiden Bevollmächtigten ertheilen sich gegenseitig die Zusicherung, dass ihre Regierungen mit der Ratifikation des Vertrages zugleich auch die im gegenwärtigen Protocolle enthaltenen Verabredungen und Erläuterungen ohne weitere förmliche Ratifikation derselben, als genehmigt ansehen und aufrecht erhalten werden.

DR. OTTO FHR. VON VÖLDERNDORFF.
[SEAL.]

Exchange of ratifications.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications were exchanged at Munich the 18th day of September last :

Proclamation.

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.

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

Done in the city of Washington, this 8th day of October, in the year [SEAL] of our Lord one thousand eight hundred and sixty eight, and of the Independence of the United States the ninety-third.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State*

Treaty between the United States of America and the Navajo Tribe of Indians; Concluded June 1, 1868; Ratification advised July 25, 1868; Proclaimed August 12, 1868.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

June 1, 1868.

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

WHEREAS a treaty was made and concluded at Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant-General W. T. Sherman and Samuel F. Tappan, commissioners, on the part of the United States, and Barboncito, Armijo, and other chiefs and headmen of the Navajo tribe of Indians, on the part 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 and agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, one thousand eight hundred and sixty-eight, by and between the United States, represented by its commissioners, Lieutenant-General W. T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo nation or tribe of Indians, represented by their chiefs and headmen, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said chiefs and headmen being hereto subscribed,) of the other part, witness: —

Contracting parties.

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

Peace and friendship.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

Offenders among the whites to be arrested and punished;

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner

among the Indians, to be given up to the United States, or, &c.

Rules for ascertaining damage.

of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

Reservation boundaries.

ARTICLE II. The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Cañon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-oso, Bear Spring, and west by a parallel of longitude about 109° 30' west of Greenwich, provided it embraces the outlet of the Cañon-de-Chilly, which cañon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employés of the government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

Who not to reside thereon.

Buildings to be erected by the United States.

ARTICLE III. The United States agrees to cause to be built, at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter shop and blacksmith shop, not to cost exceeding one thousand dollars each; and a school-house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

Agent to make his home and reside where.

ARTICLE IV. The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them, and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

His duties.

Heads of families desiring to commence farming may select lands, &c.

ARTICLE V. If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land book" as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Effect of such selection.

Persons not heads of families.

Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

Certificate of selection to be delivered, &c.;

to be record-

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon, that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Navajo Land Book."

The President may at any time order a survey of the reservation, and when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. Survey.

The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. Alienation and descent of property.

ARTICLE VI. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. Children between six and sixteen to attend school.

The provisions of this article to continue for not less than ten years.

ARTICLE VII. When the head of a family shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of two years, he shall be entitled to receive seeds and implements to the value of twenty-five dollars. Seeds and agricultural implements.

ARTICLE VIII. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles, to wit: Delivery of articles in lieu of money and annuities.

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian — each Indian being encouraged to manufacture their own clothing, blankets, &c.; to be furnished with no article which they can manufacture themselves. And, in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based. Clothing, &c.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing, under the article, can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. Indians to be furnished with no articles they can make. Census.

ARTICLE IX. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United Annual appropriations in money for ten years;

may be changed.

Army officer to attend delivery of goods, &c.

Stipulations by the Indians

as to outside territory;

States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

railroads;

1st. That they will make no opposition to the construction of railroads now being built or hereafter to be built across the continent.

2nd. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

residents, travellers, wagons on trains;

3rd. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States, or to persons friendly therewith.

women and children;

4th. That they will never capture or carry off from the settlements women or children.

scalping;

5th. They will never kill or scalp white men, nor attempt to do them harm.

roads or stations;

6th. They will not in future oppose the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head man of the tribe.

damages;

military posts and roads.

7th. They will make no opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Cession of reservation not to be valid, unless, &c.

ARTICLE X. No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in article — of this treaty.

Indians to go to reservation when required.

ARTICLE XI. The Navajos also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

Appropriations how to be disbursed.

ARTICLE XII. It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any conditions provided in the law, to wit:

Removal.

1st. The actual cost of the removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

Sheep and goats.

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

Cattle and corn.

3rd. The purchase of five hundred beef cattle and a million pounds of corn, to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

Remainder.

4th. The balance, if any, of the appropriation to be invested for the maintenance of the Indians pending their removal, in such manner as the agent who is with them may determine.

Removal, how made.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mex-

ico, and when completed, the management of the tribe to revert to the proper agent.

ARTICLE XIII. The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

Reservation to be permanent home of Indians.

Penalty for leaving reservation.

In testimony of all which the said parties have hereunto, on this the first day of June, one thousand eight hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

Execution.

W. T. SHERMAN,

Lt. Gen'l, Indian Peace Commissioner.

S. F. TAPPAN,

Indian Peace Commissioner.

BARBONCITO, Chief.	his x mark.
ARMIJO.	his x mark.
DELGADO.	
MANUELITO.	his x mark.
LARGO.	his x mark.
HERRERO.	his x mark.
CHIQUETO.	his x mark.
MUERTO DE HOMBRE.	his x mark.
HOMBRO.	his x mark.
NARBONO.	his x mark.
NARBONO SEGUNDO.	his x mark.
GAÑADO MUCHO.	his x mark.

Council.

RIQUO.	his x mark.
JUAN MARTIN.	his x mark.
SERGINTO.	his x mark.
GRANDE.	his x mark.
INOETENITO.	his x mark.
MUCHACHOS MUCHO.	his x mark.
CHIQUETO SEGUNDO:	his x mark.
CABELLO AMARILLO.	his x mark.
FRANCISCO.	his x mark.
TORIVIO.	his x mark.
DESDENDADO.	his x mark.
JUAN.	his x mark.
GUERO.	his x mark.
GUGADORE.	his x mark.
CABASON.	his x mark.
BARBON SEGUNDO.	his x mark.
CABARES COLORADOS.	his x mark.

TREATY WITH THE NAVAJO INDIANS. JUNE 1 1868.

Attest:

GEO. W. G. GETTY,
Col. 37th Inf'y, Bt. Maj. Gen'l U. S. A.
 B. S. ROBERTS,
Bt. Brg. Gen'l U. S. A., Lt. Col. 3d Cav' y.
 J. COOPER MCKEE,
Bt. Lt. Col. Surgeon U. S. A.
 THEO. H. DODD,
U. S. Indian Ag't for Navajos.
 CHAS. MCCLURE,
Bt. Maj. and C. S. U. S. A.
 JAMES F. WEEDS,
Bt. Maj. and Asst. Surg. U. S. A.
 J. C. SUTHERLAND,
Interpreter.
 WILLIAM VAUX,
Chaplain U. S. A.

Ratification.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
 July 25, 1868. }

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Navajo Indians, concluded at Fort Sumner, New Mexico, on the first day of June, 1868.

Attest:

GEO. C. GORHAM,
Secretary,
 By W. J. McDONALD,
Chief Clerk.

Proclamation.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

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

Done at the City of Washington, this twelfth day of August, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER,
Acting Secretary of State.

Treaty between the United States of America and the Eastern Band of Shoshonees and the Bannack Tribe of Indians; Concluded, July 3, 1868; Ratification advised, February 16, 1869; Proclaimed, February 24, 1869.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

July 3, 1868.

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

WHEREAS a treaty was made and concluded at Fort Bridger, in the Territory of Utah, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, commissioners, on the part of the United States, and Wash-a-kie, Wau-ni-pitz, and other chiefs and headmen of the Eastern Band of Shoshonee Indians, and Tag-gee, Tay-to-ba, and other chiefs and headmen of the Bannack tribe of Indians, on the part of said band and tribe of Indians respectively, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

Articles of a Treaty with the Shoshonee (Eastern Band) and Bannack Tribes of Indians, made the third Day of July, 1868, at Fort Bridger, Utah Territory.

Articles of a treaty made and concluded at Fort Bridger, Utah Territory, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Shoshonee (eastern band) and Bannack tribes of Indians, they being duly authorized to act in the premises:

Contracting parties.

ARTICLE I. From this day forward, peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it.

War to cease and peace to be kept.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

Offenders against the Indians to be arrested, &c.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other

Wrong-doers against the whites to be punished.

Damages. treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Reservation. ARTICLE II. It is agreed that whenever the Bannacks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the "Port neuf" and "Kansas Prairie" countries, and that, when this reservation is declared, the United States will secure to the Bannacks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency house and residence of agent, in proportion to their numbers, as herein provided for the Shoshonee reservation. The

Boundaries. United States further agrees that the following district of country, to wit: commencing at the mouth of Owl creek and running due south to the crest of the divide between the Sweetwater and Papo Agie rivers; thence along the crest of said divide and the summit of Wind River mountains to the longitude of North Fork of Wind river; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl creek and along middle of channel of Owl creek to place of beginning, shall be and the same is set apart for the absolute and undisturbed use and occupation of the Shoshonee Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will and do hereby relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

Certain persons not to enter or reside thereon.

Buildings on reservation.

ARTICLE III. The United States agrees, at its own proper expense, to construct at a suitable point on the Shoshonee reservation a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding two thousand dollars; an agency building for the residence of the agent, to cost not exceeding three thousand; a residence for the physician, to cost not more than two thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said Shoshonee reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not more than eight thousand dollars.

Indians to make reservations their permanent home when, &c.
Hunting.

ARTICLE IV. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as

game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

ARTICLE V. The United States agrees that the agent for said Indians shall in the future make his home at the agency building on the Shoshonee reservation, but shall direct and supervise affairs on the Bannack reservation; and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Agent's residence, office, and duties.

ARTICLE VI. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within the reservation of his tribe, not exceeding three hundred and twenty acres in extent, which tract so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Heads of families may select lands for farming.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above described. For each tract of land so selected a certificate, containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the "Shoshonee (eastern band) and Bannack Land Book."

Others may select land for cultivation.

The President may at any time order a survey of these reservations, and when so surveyed Congress shall provide for protecting the rights of the Indian settlers in these improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.

Surveys.

Alienation and descent of property.

ARTICLE VII. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

Education.

Children to attend school.

Schoolhouses and teachers.

ARTICLE VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, in value one hundred dollars, and for each

Seeds and agricultural implements.

succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

Instruction in farming.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

Delivery of goods in lieu of money or other annuities.

ARTICLE IX. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house on the reservation herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

Clothing.

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks; for each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

Census.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based; and in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper.

Other necessary articles.

And if at any time within the ten years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Appropriation to continue for ten years.

Army officer to attend the delivery.

United States to furnish physician, teachers, mechanics, &c.

ARTICLE X. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

No treaty for cession of reservation to be valid, unless, &c.

ARTICLE XI. No treaty for the cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his right to any tract of land selected by him, as provided in Article VI. of this treaty.

Presents for best crops.

ARTICLE XII. It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe, who, in the judgment of the agent, may grow the most valuable crops for the respective year.

Agent to reside at Fort Bridger, until, &c.

ARTICLE XIII. It is further agreed that until such time as the agency buildings are established on the Shoshonee reservation, their agent shall

reside at Fort Bridger, U. T., and their annuities shall be delivered to them at the same place in June of each year.

N. G. TAYLOR, [SEAL.]
 W. T. SHERMAN, [SEAL.]

Lt. Genl.

WM. S. HARNEY, [SEAL.]
 JOHN B. SANBORN, [SEAL.]
 S. F. TAPPAN, [SEAL.]
 C. C. AUGUR, [SEAL.]

Bvt. Major Genl. U. S. A., Commissioners.

ALFRED H. TERRY, [SEAL.]
Brig. Gen. and Bvt. M. Gen. U. S. A.

Attest:

A. S. H. WHITE, *Secretary.*

Shoshonees:

WASH-A-KIE.	his + mark.
WAU-NY-PITZ.	his + mark.
TOOP-SE-PO-WOT.	his + mark.
NAR-KOK.	his + mark.
TABOONSHE-YA.	his + mark.
BAZEEL.	his + mark.
PAN-TO-SHE-GA.	his + mark.
NINNY-BITSE.	his + mark.

Bannacks:

TAGGEE.	his + mark.
TAY-TO-BA.	his + mark.
WE-RAT-ZE-WON-A-GEN.	his + mark.
COO-SHA-GAN.	his + mark.
PAN-SOOK-A-MOTSE.	his + mark.
A-WITE-ETSE.	his + mark.

Witnesses:

HENRY A. MORROW,

Lt. Col. 36th Infantry and Bvt. Col. U. S. A., Comdg. Ft. Bridger.

LUTHER MANPA, *U. S. Indian Agent.*

W. A. CARTER.

J. VAN ALLEN CARTER, *Interpreter.*

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

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 February 16, 1869.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Shoshonee (eastern band) and Bannack tribes of Indians, made and concluded at Fort Bridger, Utah Territory, on the third July, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and con-

Proclamation.

sent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD,
Secretary of State.

Convention between the United States of America and the Republic of Mexico, for the Adjustment of Claims; Concluded July 4, 1868; Proclaimed February 1, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 4, 1868.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the republic of Mexico, providing for the adjustment of the claims of citizens of either country against the other, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, which convention, being in the English and Spanish languages, is word for word as follows:

Preamble.

Whereas it is desirable to maintain and increase the friendly feelings between the United States and the Mexican republic, and so to strengthen the system and principles of republican government on the American continent; and whereas since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their plenipotentiaries, — the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican republic, Matias Romero, accredited as envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

Considerando que es conveniente mantener y ensanchar los sentimientos amistosos entre la república Mexicana y los Estados Unidos, y afianzar así el sistema y principios de gobierno republicano en el continente Americano; y considerando que con posterioridad á la celebracion del tratado de Guadalupe Hidalgo, de 2 de Febrero de 1848, ciudadanos de la república Mexicana han hecho reclamaciones y presentado quejas, con motivo de perjuicios sufridos en sus personas ó sus propiedades, por autoridades de los Estados Unidos, y reclamaciones y quejas semejantes se han hecho y presentado con motivo de perjuicios sufridos por ciudadanos de los Estados Unidos, en sus personas ó sus propiedades por autoridades de la república Mexicana y el Presidente de los Estados Unidos de América han determinado concluir una convencion para el arreglo de dichas reclamaciones y quejas, y han nombrado sus plenipotenciarios; el Presidente de la república Mexicana á Matias Romero acreditado como enviado extraordinario y ministro plenipotenciario de la república Mexicana en los Estados Unidos; y el Presidente de los Estados Unidos, á William H. Seward, Secretario de Estado, quienes despues de haberse mostrado sus respectivos plenos poderes y encontrados en buena y debida forma, han convenido en los articulos siguientes:

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Contracting parties.

ARTICLE 1

ARTICULO I.

Claims upon both countries to be submitted to the commissioners.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the government of the Mexican republic arising from injuries to their persons or property by authorities of the Mexican republic, and all claims on the part of corporations, companies, or private individuals, citizens of the Mexican republic, upon the government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two commissioners, one to be appointed by the President of the United States, by and with the advice and consent of the Senate, and one by the President of the Mexican republic. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican republic, respectively, shall forthwith name another person to act as commissioner in the place or stead of the commissioner originally named.

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Provision for the death, absence, &c. of either commissioner.

Commissioners to meet in Washington, within six months;

to subscribe a solemn declaration which shall be entered of record.

The commissioners so named shall meet at Washington within six months after the exchange of the ratifications of this convention, and shall, before proceeding to 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 public law, justice, and equity, without fear, favor, or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the governments of the United States and of the Mexican republic, respectively; and such declaration

Todas las reclamaciones hechas por corporaciones, compañías ó individuos particulares, ciudadanos de la república Mexicana, procedentes de perjuicios sufridos en sus personas ó en sus propiedades, por autoridades de los Estados Unidos, y todas las reclamaciones hechas por corporaciones, compañías ó individuos particulares, ciudadanos de los Estados Unidos, procedentes de perjuicios sufridos en sus personas ó en sus propiedades, por autoridades de la república Mexicana, que hayan sido presentadas á cualquiera de los dos gobiernos, solicitando su interposición para con el otro, con posterioridad á la celebracion del tratado de Guadalupe Hidalgo entre la república Mexicana y los Estados Unidos, de 2 de Febrero de 1848, y que aún permanecen pendientes, de la misma manera que cualesquiera otras reclamaciones que se presentaren dentro del tiempo que mas adelante se especificará, se referiran á dos comisionados, uno de los cuales será nombrado por el Presidente de la república Mexicana y el otro por el Presidente de los Estados Unidos, con el consejo y aprobación del Senado. En caso de muerte, ausencia ó incapacidad de alguno de los comisionados, ó en caso de que alguno de los comisionados cese de funcionar como tal, ó suspenda el ejercicio de sus funciones, el Presidente de la república Mexicana ó el Presidente de los Estados Unidos respectivamente, nombraran desde luego otra persona que haga de comisionado en lugar del que originalmente fué nombrado.

Los comisionados nombrados de esta manera, se reuniran en Washington dentro de seis meses, despues de cangeadas las ratificaciones de esta convencion, y antes de desempeñar sus funciones, haran y suscribiran una declaracion solemne de que examinaran y decidiran imparcial y cuidadosamente, segun su mejor saber, y conforme con el derecho público, la justicia y equidad, y sin temor ó afecion á

shall be entered on the record of their proceedings.

The commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such umpire, another and different person shall be named, as aforesaid, to act as such umpire, in the place of the person so originally named, as aforesaid, and shall make and subscribe such declaration, as aforesaid.

ARTICLE II.

The commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice, in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf

su respectivo pais, sobre todas las reclamaciones antes especificadas, que se les sometan por los gobiernos de la república Mexicana y de los Estados Unidos respectivamente, y dicha declaracion se asentará en la acta de sus procedimientos.

Los comisionados procederan entonces á nombrar una tercera persona que hará de árbitro en el caso ó casos en que difieran de opinion.

Si no pudieren convenir en el nombre de esta tercera persona, cada uno de ellos nombrará una persona, y en todos y cada uno de los casos en que los comisionados difieran de opinion respecto de la decision que deban dar, se determinará por suerte quien de las dos personas asi nombradas hará de árbitro en ese caso particular. La persona ó personas que se eligieren de esa manera, para ser árbitros, haran y suscribirán, ántes de obrar como tales, en cualquier caso, una declaracion solemne en una forma, semejante á la que deberá haber sido ya hecha y suscrita por los comisionados, lo cual se asentará tambien en la acta de los procedimientos. En caso de muerte, ausencia ó incapacidad de la persona ó personas nombrados árbitros, ó en caso de que suspendan el ejercicio de sus funciones, se rehusen á desempeñarlas ó cesen en ellas, otra persona será nombrado árbitro de la manera, que queda dicha, en lugar de la persona originalmente nombrada, y hará y suscribirá la declaracion ántes mencionada.

ARTICULO II.

En seguida procederan juntamente los comisionados á la investigacion y decision de las reclamaciones que se les presenten, en el órden y de la manera que de comun acuerdo creyeren conveniente, pero recibiendo solamente las pruebas ó informes que se les ministren por los respectivos gobiernos ó en su nombre. Tendran obligacion de recibir y leer todas las manifestaciones ó documentos escritos que se les presenten por sus gobiernos

Commissioners to name an umpire.

If they cannot agree upon an umpire, each shall name a person, and it shall be decided by lot in any case which of the two shall act as umpire in that case.

The umpire to subscribe a solemn declaration.

If umpire declines to act, &c. another may be named.

Commissioners to proceed to investigate and decide claims.

Mode of proceeding.

of their respective governments in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they may have agreed to name, or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon finally and without appeal. The decision of the commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each government to name one person to attend the commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

Umpire to be called in, if, &c.

Decisions to be given in writing.

Each government may name one agent to attend the commission on its behalf.

Decisions to be absolutely final and conclusive, and full effect to be given thereto.

No claim to be considered arising from any transaction prior to Feb. 2, 1848.

The President of the United States of America and the President of the Mexican republic hereby solemnly and sincerely engage to consider the decision of the commissioners jointly or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of a transaction of a date prior to the 2d of February, 1848, shall be admissible under this convention.

respectivos, ó en su nombre, en apoyo ó respuesta á cualquiera reclamacion, y de oír, si se les pidiere, á una persona por cada lado, en nombre de cada gobierno, en todas y cada una de las reclamaciones separadamente. Se dejaren de convenir sobre alguna reclamacion particular, llamaran en su auxilio al árbitro que hayan nombrado de comun acuerdo, ó á quien la suerte haya designado segun fuere el caso, y el arbitro, despues de haber examinado las pruebas producidas en favor y en contra de la reclamacion, y despues de haber oido, si se le pidiere, á una persona por cada lado, como queda dicho, y consultado con los comisionados, decidirá sobre ella finalmente y sin apelacion. La decision de los comisionados y del árbitro se dará en cada reclamacion por escrito, especificará si la suma que se concediere se pagará en oro ó en moneda corriente de los Estados Unidos, y será firmada por ellos respectivamente. Cada gobierno podrá nombrar una persona que concurra á la comision en nombre del gobierno respectivo, como agente; que presente ó defienda las reclamaciones en nombre del mismo gobierno, y que responda á las reclamaciones hechas contra el, y que le represente en general en todos los negocios que tengan relacion con la investigacion y decision de reclamaciones.

El Presidente de la república Mexicana y el Presidente de los Estados Unidos de América se comprometen solemne y sinceramente en esta convencion, á considerar la decision de los comisionados de acuerdo, ó del árbitro, segun fuere el caso, como absolutamente final y definitiva, respecto de cada una de las reclamaciones falladas por los comisionados ó el árbitro respectivamente, y á dar entero cumplimiento á tales decisiones sin objecion, evasion ni dilacion ninguno. Se conviene que ninguna reclamacion que emane de acontecimientos de fecha anterior al 2 de Febrero de 1848, se admeterá con arreglo á esta convencion.

ARTICLE III.

Every claim shall be presented to the commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the commissioners, or of the umpire in the event of the commissioners differing in opinion thereupon, and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting. It shall be competent for the commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

ARTICLE IV.

When decisions shall have been made by the commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico or at the city of Washington, in gold or its equivalent, within twelve months from the close of the commission, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in Article VI. of this convention. The residue of the said balance shall be paid in annual instalments to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year until the whole shall have been paid.

ARTICULO III.

Todas las reclamaciones se presentaran á los comisionados dentro de ocho meses contados desde el dia de su primera reunion, á no ser en las casos en que se manifieste que haya habido razones para dilatarlas, siendo estas satisfactorias para los comisionados ó para el árbitro, si los comisionados no se convinieren, y en ese y otros casos semejantes el periodo para la presentacion de las reclamaciones podrá estenderse por un plazo que no exceda de tres meses.

Los comisionados tendran la obligacion de examinar y decidir todas las reclamaciones dentro de dos años y seis meses, contados desde el dia de su primera reunion. Los comisionados de comun acuerdo ó el árbitro, si ellos difirieren podran decidir en cada caso, si una reclamacion ha sido ó no debidamente hecha, comunicada y sometida á la comision, ya sea en su totalidad ó en parte y cual sea esta, con arreglo al verdadero espiritu y á la letra de esta convencion.

ARTICULO IV.

Cuando los comisionados y el árbitro hayan decidido todos los casos que les hayan sido debidamente sometidos, la suma total fallada en todos los casos decididos en favor de los ciudadanos de una parte, se deducirá de la suma total fallada en favor de los ciudadanos de la otra parte, y la diferencia hasta la cantidad de trescientos mil pesos en oro, ó su equivalente, se pagará en la ciudad de Mexico ó en la ciudad de Washington, al gobierno en favor de cuyos ciudadanos se haya fallado la mayor cantidad, sin interes, ni otra deduccion que la especificada en el Artículo VI. de esta convencion.

El resto de dicha diferencia se pagará en abonos anuales que no excedan de trescientos mil pesos en oro ó su equivalente, hasta que se haya pagado el total de la diferencia.

Claims to be presented within eight months of the day of their first meeting, unless, &c.

Time not to be extended for over three months longer.

Commissioners to decide upon every claim, within what time.

The awards in favor of the citizens of one country to be deducted from those in favor of the citizens of the other country, and the balance, to the amount of \$300,000, to be paid in twelve months, &c.

The residue of the balance, when and how to be paid.

ARTICLE V.

This commission to make a full and final settlement of all claims prior to the exchange of the ratifications hereof.

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE VI.

Accurate records to be kept of the proceedings of the commissions.

Secretaries.

Pay of commissioners;

of umpire;

of the secretaries.

Whole expenses to be deducted from sums awarded, but not to exceed five per cent. thereof.

The commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings, with the dates. For that purpose they shall appoint two secretaries versed in the language of both countries to assist them in the transaction of the business of the commission. Each government shall pay to its commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both governments. The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each government upon the joint recommendation of the commission. The salary of the secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States. The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission, provided always, that such deduction shall not exceed five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed in moieties by the two governments.

ARTICULO V.

Las altas partes contratantes convienen en considerar el resultado de los procedimientos de esta comision, como arreglo completo, perfecto y final, de toda reclamacion contra cualquiera gobierno, que proceda de acontecimientos de fecha anterior al canje de las ratificaciones de la presente convencion; y se comprometen ademas á que toda reclamacion, ya sea que se haya presentado ó no á la referida comision, sera considerada y tratada, concluidos los procedimientos de dicha comision, como finalmente arreglada, desechada y para siempre inadmissible.

ARTICULO VI.

Los comisionados y el árbitro llevaran una relacion fiel y actas esactas de sus procedimientos con especificacion de las fechas; con este objeto nombrarán dos secretarios versados en las lenguas de ambos paises, para que les ayuden en el arreglo de los asuntos de la comision.

Cada gobierno pagará á su comisionado un sueldo que no exceda de cuatro mil quinientos pesos al año, en moneda corriente de los Estados Unidos, cuya cantidad será la misma para ambos gobiernos. La compensacion que haya de pagarse al árbitro se determinará por consentimiento mútuo, al terminarse la comision; pero podran hacerse por cada gobierno adelantos necesarios y razonables en virtud de la recomendacion de los dos comisionados.

El sueldo de los secretarios no excederá de la suma de dos mil quinientos pesos al año, en moneda corriente de los Estados Unidos. Los gastos todos de la comision, incluyendo los contingentes, se pagarán con una reduccion proporcional de la cantidad total fallada por los comisionados, siempre que tal deducccion no exceda del cinco por ciento de las cantidades falladas.

Si hubiere algun deficiente, lo cubrirán ambos gobiernos por mitad.

ARTICLE VII.

ARTICULO VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican republic, with the approbation of the Congress of that republic, and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

La presente convencion será ratificada por el Presidente de la república Mexicana, con aprobacion del Congreso de la misma, y por el Presidente de los Estados Unidos, con el consejo y aprobacion del Senado de los mismos, y las ratificaciones se cangearán en Washington dentro de nueve meses contados desde la fecha de la convencion, ó antes, si fuere posible. En fé de lo cual, los respectivos plenipotenciarios la hemos firmado y sellado con nuestros sellos respectivos. Hecho en Washington el dia cuatro de Julio, del año del Señor mil ochocientos sesenta y ocho.

Ratifications when to be exchanged.

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

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

Signature.

WILLIAM H. SEWARD. [L. s.]
M. ROMERO. [L. s.]

M. ROMERO. [L. s.]
WILLIAM H. SEWARD. [L. s.]

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

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

Proclamation.

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

Done at the city of Washington this first day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the independence of the United States of America the ninety-third.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States of America and the Republic of Mexico, for regulating the Citizenship of Emigrants; Concluded July 10, 1868; Proclaimed February 1, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 10, 1868.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the republic of Mexico, for the purpose of regulating the citizenship of persons who may emigrate from the one country to the other, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, which convention as amended, and being in the English and Spanish languages, is word for word as follows :

Preamble.

The President of the United States of America and the President of the republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the republic of Mexico, have decided to treat on this subject, and with this object have named as plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as envoy extraordinary and minister plenipotentiary of the republic of Mexico near the government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :

ARTICLE I.

Those citizens of the United States who have been made citizens of the Mexican republic by naturalization, and have resided without interruption in Mexican territory five years, shall be held by the United States as citizens of the Mexican republic and shall be treated as such. Reciprocally, citizens of the Mexican republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the

Deseando el Presidente de la república Mexicana y el Presidente de los Estados Unidos de América determinar la ciudadanía de las personas que emigran de Mexico á los Estados Unidos de América y de los Estados Unidos de América a la república Mexicana, han decidido hacer un tratado sobre este asunto, y con este objeto han nombrado sus plenipotenciarios :

Contracting parties.

El Presidente de la república Mexicana á Matias Romero, acreditado como enviado extraordinario y ministro plenipotenciario de la república Mexicana ante el gobierno de los Estados Unidos, y el Presidente de los Estados Unidos á William H. Seward, Secretario de Estado, quienes, despues de haberse mostrado sus respectivos poderes y encontrados en buena y debida forma, han convenido en los articulos siguientes :

ARTICULO Iº.

Los ciudadanos de los Estados Unidos que se hayan hecho ciudadanos de la república Mexicana por naturalizacion y hayan residido sin interrupcion en territorio Mexicano por cinco años, seran considerado por los Estados Unidos como ciudadanos de la república Mexicana y seran tratado como tales.

Citizens of the one country naturalized in the other, to be held and treated as citizens of such other country.

Reciprocamente los ciudadanos de la república Mexicana, que se hayan hecho ciudadanos de los Estados Unidos y hayan residido sin

Declaration of intention to become a citizen not to have the effect of naturalization.

United States for five years, shall be held by the republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

interupcion en territorio de los Estados Unidos por cinco años, seran considerados por la república Mexicana como ciudadanos de los Estados Unidos y seran tratados como tales. La declaracion que se haga de la intencion de hacerse ciudadano de uno ú otro pais, no produce para ninguna de las dos partes contratantes los efectos de la naturalizacion. Este articulo se aplicará tanto á los ciudadanos que se hayan naturalizado en cualquiera de los dos paises contratantes, como á los que se naturalizaren en lo futuro.

ARTICLE II.

Naturalized citizens returning to original country, liable to trial for offences committed before emigration.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

ARTICULO II°.

Los ciudadanos naturalizados de una de las partes contratantes quedan sujetos, al volver al territorio de la otra parte á enjuiciamiento y castigo por una accion criminal conforme á las leyes de su pais original, cometida antes de su emigracion, exceptuando siempre las limitaciones establecidas por las leyes de su pais original.

ARTICLE III.

Convention of December 11, 1861, for the extradition of fugitives from justice to remain in full force. Vol. xii. p. 1199.

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

ARTICULO III°.

La convencion para la entrega mútua en ciertos casos, de criminales fugitivos de la justicia, concluida entre la república Mexicana por una parte, y los Estados Unidos por la otra, el día once de Diciembre del año de mil ochocientos y sesenta uno, permanece en vigor sin alteracion ninguna.

ARTICLE IV.

Naturalization how may be renounced.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

When the intent not to return may be held to exist.

The intent not to return may be held to exist when the person naturalized in the one country resides

ARTICULO IV°.

Si un Norte Americano naturalizado en Mexico renueva su residencia en los Estados Unidos, sin tener intencion de volver á Mexico, se considerará que ha renunciado a su naturalizacion en Mexico. Reciprocamente, si un Mexicano naturalizado en los Estados Unidos renueva su residencia en Mexico, sin intencion de volver á los Estados Unidos, se considerará que ha renunciado á su naturalizacion en los Estados Unidos. La intencion de no volver se considerará que existe cuando la persona naturalizada en

in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States by and with the advice and consent of the Senate thereof, and by the President of the Mexican republic with the approval of the Congress of that republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof.

In faith whereof, the plenipotentiaries have signed and sealed this convention at the city of Washington this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD. [L. s.]
M. ROMERO. [L. s.]

And whereas the said convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged :

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

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

Done at the city of Washington this first day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

[SEAL.]

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

un pais resida en el otro mas de dos años, pero esta presuncion puede ser destruida por prueba en contrario.

ARTICULO V.º

La presente convencion comenzará a tener efecto inmediatamente despues del cange de sus ratificaciones y durará vigente por diez años. Si ninguna de las dos partes contratantes notificare á la otra con seis meses de anticipacion su deseo de terminar, la convencion permanece vigente hasta doce meses despues de que una de las partes contratantes haya notificado tal deseo á la otra.

When this convention shall take effect and how long remain in force.

ARTICULO VI.º

La presente convencion será ratificada por el Presidente de la república Mexicana con aprobacion del Congreso de la misma república, y por el Presidente de los Estados Unidos con el consejo y consentimiento del Senado de los mismos Estados Unidos, y las ratificaciones se cambiarian en Washington dentro de nueve meses contados desde esta fecha.

Ratifications, when to be exchanged.

En fé de lo cual los plenipotenciarios han firmado y sellado esta convencion en la ciudad de Washington á los diez dias de Julio del año del Señor de mil ochocientos sesenta y ocho.

M. ROMERO. [L. s.]
WILLIAM H. SEWARD. [L. s.]

Ratification.

Proclamation.

Convention between the General Post-Office of the United States of America and the General Post-Office of the United Kingdom of Great Britain and Ireland. July 28, 1868.

Preamble.

THE general post-office of the United States of America and the general post-office of the United Kingdom of Great Britain and Ireland, being desirous of establishing and maintaining an exchange of mails between the United States on the one side and the Straits Settlements and the British East Indies on the other, by means conjointly of the line of United States mail packets plying between San Francisco and Hong Kong and of the line of British mail packets plying between Hong Kong and Singapore, Calcutta, Madras, Bombay, and Aden, the undersigned duly authorized for that purpose have agreed upon the following articles :

Exchange of mails; to include what;

ARTICLE I. There shall be a direct exchange of mails between the offices of New York and San Francisco on the one part, and the offices of Singapore, Calcutta, Madras, Bombay, and Aden, on the other, comprising letters, newspapers, prices current, book packets, and packets of patterns or samples originating in the United States and addressed respectively to the Straits Settlements, or to the British East Indies, or originating in the British East Indies or the Straits Settlements, respectively, and addressed to the United States.

how conveyed.

These mails shall be conveyed by United States mail packets between San Francisco and Hong Kong via Yokohama, and by British mail packets between Hong Kong and Singapore or the Indian ports.

ARTICLE II. The postage to be collected in the United States, upon paid correspondence addressed to the Straits Settlements or the British East Indies, shall be ten cents per single letter not exceeding half an ounce in weight, heavier letters being charged in proportion, two cents each on newspapers or prices current, and eight cents per four ounces on book packets, or packets of patterns or samples; and the postage to be collected in the Straits Settlements or the British East Indies, upon paid correspondence addressed to the United States, shall be ten pence per single letter not exceeding half an ounce in weight, heavier letters being charged in proportion, and four pence per four ounces for newspapers, prices current, book packets or packets of patterns or samples.

Rates of postage, and weight of letters.

The correspondence thus paid shall be delivered at the place of destination, whether in the United States or in the British Possessions, free from all charge whatsoever.

Delivery of correspondence.

Letters posted in either country unpaid or insufficiently paid shall, nevertheless, be forwarded and shall be charged at the place of destination with a rate of postage of the same amount that would be chargeable on a letter of like weight, posted for despatch in the opposite direction, together with a fine of six pence in the Straits Settlements or the British East Indies, or of twelve cents in the United States.

Unpaid letters.

ARTICLE III. The exchange of the correspondence referred to in Article II., preceding, shall not give rise to any accounts between the British and the United States post-offices. Each office shall keep the postage which it collects.

Each office to keep postago.

ARTICLE IV. Every letter, newspaper, price current, book packet or packet of patterns or samples, despatched from one office to the other, shall be plainly stamped in red ink with a stamp bearing the words "paid all" on the right-hand upper corner of the address, and shall also bear the dated stamp of the office at which it was posted.

Letters, &c. how paid.

Dead letters, &c. ARTICLE V. Dead letters, newspapers, &c. which cannot be delivered from whatever cause shall be mutually returned, without charge, monthly, or as frequently as the regulations of the respective offices will permit.

Detailed regulations. ARTICLE VI. The two offices may, by mutual consent, make such detailed regulations as shall be found necessary to carry out the objects of this arrangement, such regulations to terminate at any time on a reasonable notice by either office.

Convention, when to commence, and how to terminate. ARTICLE VII. This convention shall come into operation on the first day of November, one thousand eight hundred and sixty-eight, and shall be terminable at any time on a notice by either office of six months.

Signature. Done in duplicate and signed in Washington on the twenty-eighth day of July, A. D. one thousand eight hundred and sixty-eight, and in London on the fourteenth day of August, one thousand eight hundred and sixty-eight.

[SEAL.] ALEX. W. RANDALL,
Postmaster-General.

[SEAL.] MONTROSE,
Postmaster-General of the United Kingdom.

Approval.

I hereby approve the foregoing convention, and in testimony thereof I have caused the seal of the United States to be affixed.

[SEAL.] ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

WASHINGTON, July 28, 1868.

Amendatory Treaty to the Treaty of June 9, 1863, between the United States of America and the Nez Percé Tribe of Indians; Concluded, August 13, 1868; Ratification advised, February 16, 1869; Proclaimed, February 24, 1869.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

August 13, 1868.

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

WHEREAS to the treaty of the ninth of June, one thousand eight hundred and sixty-three, between the United States and the Nez Percé tribe of Indians, an amendatory treaty was concluded at the city of Washington, in the District of Columbia, on the thirteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, commissioner, on the part of the United States, and Lawyer, head chief, and Timothy and Jason, chiefs, of the Nez Percé tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which amendatory treaty is in the words and figures following, to wit :

Preamble.
Vol. xiv. p. 647.

Contracting
parties.

Whereas certain amendments are desired by the Nez Percé tribe of Indians to their treaty concluded at the Council Ground in the valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three; and whereas the United States are willing to assent to said amendments; it is therefore agreed by and between Nathaniel G. Taylor, commissioner, on the part of the United States, thereunto duly authorized, and Lawyer, Timothy, and Jason, chiefs of said tribe, also being thereunto duly authorized, in manner and form following, that is to say :

ARTICLE I. That all lands embraced within the limits of the tract set apart for the exclusive use and benefit of said Indians by the 2d article of said treaty of June 9th, 1863, which are susceptible of cultivation and suitable for Indian farms, which are not now occupied by the United States for military purposes, or which are not required for agency or other buildings and purposes provided for by existing treaty stipulations, shall be surveyed as provided in the 3d article of said treaty of June 9th, 1863, and as soon as the allotments shall be plowed and fenced, and as soon as schools shall be established as provided by existing treaty stipulations, such Indians now residing outside the reservation as may be decided upon by the agent of the tribe and the Indians themselves, shall be removed to and located upon allotments within the reservation: Provided, however, That in case there should not be a sufficient quantity of suitable land within the boundaries of the reservation to provide allotments for those now there and those residing outside the boundaries of the same, then those residing outside, or as many thereof as allotments can not be provided for, may remain upon the lands now occupied and improved by them, provided, that the land so occupied does not exceed twenty acres for each and every male person who shall have attained the age of twenty-one years or is the head of a family, and the tenure of those remaining upon lands outside the reservation shall be the same as is provided in said 3d article of said treaty of June 9th, 1863, for those

Reservation.
Vol. xiv. pp. 647,
648.

Allotments.

receiving allotments within the reservation; and it is further agreed that those now residing outside of the boundaries of the reservation and who may continue to so reside shall be protected by the military authorities in their rights upon the allotments occupied by them, and also in the privilege of grazing their animals upon surrounding unoccupied lands.

Timber to be
protected.
Vol. xiv. p. 651.

ARTICLE II. It is further agreed between the parties hereto that the stipulations contained in the 8th article of the treaty of June 9th, 1863, relative to timber, are hereby annulled as far as the same provides that the United States shall be permitted to use thereof in the maintaining of forts or garrisons, and that the said Indians shall have the aid of the military authorities to protect the timber upon their reservation, and that none of the same shall be cut or removed without the consent of the head chief of the tribe, together with the consent of the agent and Superintendent of Indian Affairs, first being given in writing, which written consent shall state the part of the reservation upon which the timber is to be cut, and also the quantity, and the price to be paid therefor.

School mon-
eys, &c.

ARTICLE III. It is further hereby stipulated and agreed that the amount due said tribe for school purposes and for the support of teachers that has not been expended for that purpose since the year 1864, but has been used for other purposes, shall be ascertained and the same shall be reimbursed to said tribe by appropriation by Congress, and shall be set apart and invested in United States bonds and shall be held in trust by the United States, the interest on the same to be paid to said tribe annually for the support of teachers.

Execution.

In testimony whereof the said Commissioner on the part of United States and the said chiefs representing said Nez Percé tribe of Indians have hereunto set their hands and seals this 13th day of August, in the year of our Lord one thousand eight hundred and sixty-eight, at the city of Washington, D. C.

N. G. TAYLOR,	[L. s.]
<i>Commissioner Ind'n Affr's.</i>	
LAWYER, Head Chief Nez Percés.	[L. s.]
TIMOTHY, ^{his} × Chief.	[L. s.]
JASON, ^{his} × Chief.	[L. s.]
_{mark.}	

In presence of —

CHARLES E. MIX.
ROBERT NEWELL, *U. S. Agt.*
W. R. IRWIN.

Ratification.

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

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 16, 1869.

Resolved, (two thirds of the senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States and the Nez Percé tribe of Indians, concluded at Washington, D. C. August 13, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Proclamation.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and con-

sent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said amendatory treaty.

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

Done at the city of Washington this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

