

TREATY OF AMITY, SETTLEMENT, AND LIMITS,

Feb. 22, 1819.

Oct. 29, 1820.

Ratified by the
United States,
Feb. 19, 1821.

Ratified by the
King of Spain,
Oct. 24, 1820.

Mutual desire
to consolidate
friendship, &c.

Between the United States of America and his Catholic Majesty. (a)

THE United States of America and his Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a Treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

(a) See notes of the treaties with Spain, ante, page 138.

An act for carrying into execution the treaty between the United States and Spain, concluded at Washington on the twenty-second day of February, 1819. March 3, 1821, vol. 3, p. 637.

The decisions of the Supreme Court, in cases arising under this treaty, have been:

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty, the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory, which, at the time of the cession, was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France, west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory, before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations, to permit their declarations to decide the course of an independent government, in a matter vitally interesting to itself. *Foster et al. v. Neilson*, 2 Peters, 306.

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. *Ibid.* 309.

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1829, will not enable the court to apply its provisions to the case of the plaintiff. *Ibid.* 314.

The article does not declare that all the grants made by his Catholic majesty, before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised, must be the act of the legislature. Until such act shall be passed, the court is not at liberty to disregard the existing laws on the subject. *Ibid.*

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. *Soulard et al. v. The United States*, 4 Peters, 511.

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect, the relation of the inhabitants of Louisiana to their government, is not changed. The new government takes the place of that which has passed away. *Ibid.*

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of congress refers, are in the first, second and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. *Delassus v. The United States*, 9 Peters, 117.

The right of property is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to lands is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it;

TRATADO DE AMISTAD, ARREGLO DE DIFERENCIAS Y LIMITES,

Entre S. M. Ca. y los Estados Unidos de America.

DESEANDO S. M. Catolica y los Estados Unidos de America consolidar, de un modo permanente, la buena correspondencia y amistad que felizmente reyna entre ambas partes, han resuelto transigir y terminar todas sus diferencias y pretensiones por medio de un Tratado, que fixe, con precision, los limites de sus respectivos y confinantes territorios en la America Septentrional.

but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana, excludes any idea of interfering with private property. *Ibid.*

After the acquisition of Florida by the United States, in virtue of the treaty with Spain, of 22d of February, 1819, various acts of congress were passed for the adjustment of private land claims, within the ceded territory. The tribunals authorized to decide on them, were not authorized to settle any which exceeded a league square; on those exceeding that quantity, they were directed to report, especially, their opinion, for the future action of congress. The lands embraced in the larger claims were defined by surveys, and plats retained; these were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d May, 1828. By the sixth section, it was provided, "that all claims to land within the territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated, or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of congress, were excluded. *United States v. Arredondo et al.* 6 Peters, 706.

The validity of concessions of land, by the authorities of Spain, in East Florida, is expressly recognised in the Florida treaty, and in the several acts of congress. *Ibid.*

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty, as is allowed in the grant from the date of the instrument. And the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles under these concessions have been uniformly confirmed, when the tract did not exceed a league square. *Ibid.*

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain, before the cession of Florida by Spain to the United States was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the acts of Congress for the settlement of land claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land. *Held*, that the acts of congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and incentive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. *Mitchell et al. v. The United States*, 9 Peters, 711.

Under the Florida treaty, grants of land made before the 24th January, 1818, by his Catholic Majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the supreme court in *Arredondo's* case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with, within the terms limited in the grant, that the grants shall be null and void. *United States v. Kingsley*, 12 Peters, 476.

The treaty with Spain, by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the government, until Florida shall become a state. In the mean time, Florida continues to be a territory of the United States, governed by virtue of that clause in the constitution, which empowers "congress to make all needful rules and regulations respecting the territory, or other property, belonging to the United States." *American Ins. Co. v. Three Hundred and Fifty-six Bales of Cotton*, 1 Peters, 542.

John Quincy Adams and Luis De Onis, negotiators.

With this intention, the President of the United States has furnished with their full powers JOHN QUINCY ADAMS, Secretary of State of the said United States; and his Catholic Majesty has appointed the most excellent Lord Don LUIS DE ONIS, Gonzales, Lopez y Vara, Lord of the town of Rayaces, perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand-Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order, of the Council of his Catholic Majesty; his Secretary, with Exercise of Decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America.

Full powers exchanged.

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1.

Firm and inviolable peace and friendship.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and his Catholic Majesty, his successors and subjects, without exception of persons or places.

ARTICLE 2.

His Catholic Majesty cedes the Floridas.

What things are included in the cession.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

ARTICLE 3.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine,

The object of the treaty with Spain, which ceded Florida to the United States, dated 22d May, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it, as the decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen. *Comegys et al. v. Vasse*, 1 Peters, 212.

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings in the established courts of justice. *Ibid.*

The treaty with Spain recognised an existing right in the aggrieved parties to compensation; and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our government as matter of right, and as such was granted by Spain. *Ibid.* 217.

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them, for damages and injuries, which were to be satisfied under the treaty, by the United States; passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. *Ibid.*

The king of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words, in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the supreme court cannot adopt it as a rule to decide what was granted, what excepted, and what reserved. *United States v. Arredondo et al.*, 6 Peters, 741.

Even in cases of conquest, it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged; if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of

Con esta mira, han nombrado, Su. M. C^a al E^xmo. Sor. Dⁿ. LUIS DE ONIS, Gonzales, Lopez y Vara, Señor de la Villa de Rayaces, Regidor perpetuo del Ayuntamiento de la Ciudad de Salamanca, Caballero Gran Cruz de la real Orden Americana de Isabel la Católica, y de la Decoracion del Lis de la Venda, Caballero Pensionista de la Real y distinguida Orden Española de Carlos III, Ministro Vocal de la Suprema Asamblea de dicha Rl. Orden, de su Consejo, su Secretario con ejercicio de Decretos, y su Enviado Extraordinario y Ministro Plenipotenciario cerca de los Estados Unidos de America: Y el Presidente de los Estados Unidos, á Dⁿ. JUAN QUINCY ADAMS, Secretario de Estado de los mismos Estados Unidos.

Y ambos Plenipotenciarios, despues de haver cangeado sus Poderes, han ajustado y firmado los articulos siguientes:

ART. 1.

Habrá una paz solida e inviolable y una amistad sincera entre S. M. C^a sus sucesores y subditos, y los Estados Unidos y sus ciudadanos, sin excepcion de personas ni lugares.

ART. 2.

S. M. C^a cede á los Estados Unidos, en toda propiedad y soberania, todos los territorios que le pertenecen, situados al Este del Misisipi, conocidos bajo el nombre de Florida Occidental y Florida Oriental. Son comprendidos en este articulo las yslas adyacentes dependientes de dichas dos provincias, los sitios, plazas publicas, terrenos valdios, edificios publicos, fortificaciones, casernas y otros edificios, que no sean propiedad de algun individuo particular, los archivos y documentos directamente relativos á la propiedad y soberania de las mismas dos provincias. Dichos archivos y documentos se entregarán á los comisarios ú oficiales de los Estados Unidos debidamente autorizados para recibirlos.

ART. 3.

La linea divisoria entre los dos paises al occidente del Misisipi, arrancará del Seno Mexicano, en la embodadura del Rio Sabina; en el Mar,

property, remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government, would have been unaffected by the change. It would have remained the same as under the ancient sovereign. *United States v. Percheman, 7 Peters, 51.*

The language of the second article of the treaty between the United States and Spain, of 22d February 1819, by which Florida was ceded to the United States, conforms to this general principle. *Ibid.*

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government, as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. *Ibid.*

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The English has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations. *Ibid.*

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. *Ibid.*

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed," are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. *Ibid.*

In the case of *Foster v. Neilson, 2 Peters, 253*, the supreme court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article. *Ibid.*

Boundary line west of the Mississippi.

According to Melish's Map, of 1st Jan. 1818.

The use of the waters of the Sabine, Red river, and Arkansas, common to both nations.

Territorial renunciations, corresponding with the boundary line.

A commissioner and surveyor to be appointed by each party, to run the boundary line.

Free exercise of religion in the ceded territories, &c.

Inhabitants of the ceded territories to be incorporated in the Union, &c.

in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or *Red River*; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But, if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line; that is to say: the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his Catholic Majesty cedes to the said United States, all his rights, claims, and pretensions, to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE 4.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one year, from the date of the ratification of this treaty, at Nachitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE 5.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ARTICLE 6.

The inhabitants of the territories which his Catholic Majesty cedes to the United States, by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles

seguirá al Norte por la orilla occidental de este Rio, hasta el grado 32 de latitud; desde, allí por una linea recta al Norte, hasta el grado de latitud en que entra en el Rio Roxo de Natchitochez (Red River,) y continuará por el curso del Rio Roxo al oeste, hasta el grado 100 de longitud occidental de Londres y 23 de Washington; en que, cortará este Rio, y seguirá por una linea recta al Norte, por el mismo grado, hasta el Rio Arkansas, cuya orilla meridional, seguirá hasta su nacimiento en el grado 42 de latitud Septentrional; y desde, dicho punto, se tirará una linea recta por el mismo paralelo de latitud, hasta el Mar del Sur. Todo segun el Mapa de los Estados Unidos de Melish, publicado en Philadelphia, y perfeccionado en 1818. Pero si el nacimiento del Rio Arkansas se hallase al Norte ó Sur de dicho grado 42 de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario, hasta que encuentre el expresado grado 42 de latitud, y desde, allí por el mismo paralelo, hasta el Mar del Sur. Pertenecerán á los Estados Unidos todas las ysas de los Rios Sabina, Roxo de Natchitochez, y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas, y la navegacion del Sabina hasta el Mar, y de los expresados Rios Roxo y Arkansas, en toda la extension de sus mencionados limites, en sus respectivas orillas, sera comun á los habitantes de las dos naciones.

Las dos altas partes contratantes convienen en ceder y renunciar todos sus derechos, reclamaciones, y pretensiones, sobre los territorios que se describen en esta linea; á saber, S. M. C^a renuncia y cede, para siempre, por si, y á nombre de sus herederos y sucesores, todos los derechos que tiene sobre los territorios al Este y al Norte de dicha linea; y los Estados Unidos, en igual forma, ceden á S. M. C^a y renuncian, para siempre, todos sus derechos, reclamaciones, y pretensiones, á qualesquiera territorios situados al Oeste y al Sur de la misma linea arriba descrita.

ART. 4.

Para fixar esta linea con mas precision y establecer los mojones que señalen con exactitud los limites de ambas naciones, nombrará cada una de ellas un comisario y un geómetra, que se juntarán antes del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitochez, en las orillas del Rio Roxo, y procederán á señalar y demarcar dicha linea, desde la embocadura del Sabina, hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar, con certidumbre, el origen del expresado Rio Arkansas, y fixar, segun queda estipulado y convenido en este Tratado, la linea que debe seguir, desde el grado 42 de latitud, hasta el Mar Pacifico. Llevaran diarios y levantarán planos de sus operaciones, y el resultado convenido por ellos se tendrá por parte de este Tratado, y tendrá la misma fuerza que si estuviere inserto in el; deviendo convenir amistosamente los dos gobiernos en el arreglo de quanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

ART. 5.

A los habitantes de todos los territorios cedidos se les conservará el ejercicio libre de su religion, sin restriccion alguna; y á todos los que quisieren trasladarse á los dominios Españoles, se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en unó ni otro caso derecho alguno.

ART. 6.

Los habitantes de los territorios que S. M. C^a cede por este Tratado á los Estados Unidos, seran incorporados en la Union de los mismos Estados, lo mas presto posible, segun los principios de la Constitucion

of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States.

ARTICLE 7.

Spanish troops to be withdrawn, and possession given within 6 months after exchange of ratifications.

The officers and troops of his Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this Treaty, or sooner, if possible, by the officers of his Catholic Majesty, to the commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana.

ARTICLE 8.

Grants of land before 24th Jan. 1818, confirmed, &c.

Owners to fulfil the conditions.

Grants since 24th Jan. 1818, null and void.

All the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities, in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his Catholic Majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be, null and void.

ARTICLE 9.

Reciprocal renunciation of claims.

Claims renounced by the United States.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this Treaty.

The renunciation of the United States will extend to all the injuries mentioned in the Convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposit at New-Orleans, in 1802.

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish government, statements of which, soliciting the interposition of the government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the Convention of 1802, and until the signature of this Treaty.

The renunciation of his Catholic Majesty extends:

1. To all the injuries mentioned in the Convention of the 11th of August, 1802.

2. To the sums which his Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

Claims renounced by Spain.

Federal, y admitidos al goce de todos los privilegios, derechos, é inmunidades, de que disfrutaban los ciudadanos de los demas Estados.

ART. 7.

Los oficiales y tropas de S. M. C^a evacuarán los territorios cedidos á los Estados Unidos seis meses despues del cange de la ratificacion de este Tratado, ó antes si fuese posible, y darán posesion de ellos á los oficiales ó comisarios de los Estados Unidos debidamente autorizados para recibirlos: Y los Estados Unidos proveerán los transportes y escolta necesarios para llevar á la Habana los oficiales y tropas Españoles, y sus equipages.

ART. 8.

Todas las concesiones de terrenos hechas por S. M. C^a ó por sus legitimas autoridades antes del 24 de Enero, de 1818, en los expresados territorios que S. M. cede á los Estados Unidos, quedarán ratificadas y reconocidas á las personas que esten en posesion de ellas, del mismo modo que lo serian si S. M. hubiese continuado en el dominio de estos territorios; pero los propietarios que por un efecto de las circunstancias en que se ha hallado la Nacion Española y por las revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, seran obligados á cumplirlas segun las condiciones de sus respectivas concesiones, desde la fecha de este Tratado, en defecto de lo qual seran nulas y de ningun valor. Todas las concesiones posteriores al 24 de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de S. M. C^a para la cesion de las dos Floridas, convienen y declaran las dos altas partes contratantes que quedan anuladas y de ningun valor.

ART. 9.

Las dos altas partes contratantes, animadas de los mas vivos deseos de conciliacion, y con el objeto de cortar de raiz todas las discusiones que han existido entre ellas y afianzar la buena armonia que desean mantener perpetuamente, renuncian, una y otra, reciprocamente, á todas las reclamaciones de daños y perjuicios que asi ellas como sus respectivos subditos y ciudadanos hayan experimentado hasta el dia en que se firme este Tratado.

La renuncia de los Estados Unidos se extiende á todos los perjuicios mencionados en el Convenio de 11 de Agosto, de 1802.

2. A todas las reclamaciones de presas hechas por los Corsarios Franceses, y condenadas por los Consules Franceses dentro del territorio y jurisdiccion de España.

3. A todas las reclamaciones de indemnizaciones por la suspension del derecho de deposito en Nueva Orleans en 1802.

4. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno Español, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de S. M. en España y sus colonias.

5. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno de España, en que se haya reclamado la interposicion del gobierno de los Estados Unidos antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó presentadas al Departamento de Estado de esta Republica, ó Ministro de los Estados Unidos en España.

La renuncia de S. M. Ca. se extiende:

1. A todos los perjuicios mencionados en el Convenio de 11 de Agosto, de 1802.

2. A las cantidades que suplió, para la vuelta del Capitan Pike, de as Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New-York.

4. To all claims of Spanish subjects upon the government of the United States, arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of his Catholic Majesty upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited, before the date of this Treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of his Majesty, or to his Minister in the United States.

Renunciation
of claims for
ransactions in
the Floridas.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

Satisfaction by
the U. S. for
injuries to inha-
bitants of Flo-
rida.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

ARTICLE 10.

Convention of
11th Aug. 1802,
annulled.
Ante, p. 198.

The Convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

ARTICLE 11.

U. S. to satisfy
claims of their
citizens to
amount of
\$5,000,000.

Three com-
missioners to be
appointed, to
decide upon
claims.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a Commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which Commission shall meet at the City of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of, all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence, of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the Treaty, between the two parties, of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.

Commission-
ers to take an
oath, &c.

Commission-
ers may hear
and examine on
oath, &c.

Spanish go-
vernment to
furnish docu-
ments, &c.

Payment of
the claims.

The payment of such claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of Stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the

3. A los perjuicios causados por la expedicion de Miranda, armada y equipada en Nueva York.

4. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de los Estados Unidos.

5. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, en que se haya reclamado la interposicion del gobierno de España antes de la fecha de este Tratado, y desde la fecha del Convenio de 1802, ó que hayan sido presentadas al Departamento de Estado de S. M. ó á su Ministro en los Estados Unidos.

Las altas partes contratantes renuncian reciprocamente todos sus derechos á indemnizaciones por qualquiera de los ultimos acontecimientos y transacciones de sus respectivos comandantes y oficiales en las Floridas.

Y los Estados Unidos satisfarán los perjuicios, si los hubiese habido, que los habitantes y oficiales Españoles justifiquen legalmente haber sufrido por las operaciones del Exército Americano en ellas.

ART. 10.

Queda anulado el Convenio hecho entre los dos gobiernos, en 11 de Agosto, de 1802, cuyas ratificaciones fueron cangeadas en 21 de Diciembre de 1818.

ART. 11.

Los Estados Unidos descargando á la España para lo sucesivo de todas las reclamaciones de sus ciudadanos á que se extienden las renunciaciones hechas, en este Tratado, y dandolas por enteramente canceladas, toman sobre si la satisfaccion ó pago de todas ellas hasta la cantidad de cinco millones de pesos fuertes. El Sor. Presidente nombrará, con consentimiento y aprobacion del Senado, una Comision compuesta de tres Comisionados, ciudadanos de los Estados Unidos, para averiguar con certidumbre el importe total y justificacion de estas reclamaciones; la qual se reunirá en la Ciudad de Washington, y en el espacio de tres años, desde su reunion primera, recibirá, examinará, y decidirá, sobre el importe y justificacion de todas las reclamaciones arriba expresadas y descritas. Los dichos comisionados prestarán juramento, que se anotará en los quadernos de sus operaciones, para el desempeño fiel y eficaz de sus deberes, y en caso de muerte, enfermedad, ó ausencia precisa de alguno de ellos, será reemplazado del mismo modo, ó por el Sor. Presidente de los Estados Unidos, en ausencia del Senado. Los dichos comisionados se hallaran autorizados para oír y examinar bajo juramento qualquiera demanda relativa á dichas reclamaciones, y para recibir los testimonios autenticos y convenientes relativos á ellas. El gobierno Español subministrará todos aquellos documentos y aclaraciones que esten en su poder para el ajuste de las expresadas reclamaciones, segun los principios de justicia, el derecho de gentes, y las estipulaciones del Tratado entre las dos partes de 27 de Octubre, de 1795, cuyos documentos se especificarán quando se pidan á instancia de dichos comisionados.

Los Estados Unidos pagarán aquellas reclamaciones que sean admitidas y ajustadas por los dichos comisionados, ó por la mayor parte de ellos, hasta la cantidad de cinco millones de pesos fuertes, sea inmediatamente en su Tesoreria, ó por medio de una creacion de fondos con el interés de un seis por ciento al año, pagaderos de los productos de las ventas de los terrenos valdios en los territorios aqui cedidos á los

United States, or in such other manner as the Congress of the United States may prescribe by law.

Records of proceedings, &c. to be deposited in the Department of State.
Copies to the Spanish government.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish government, if required, at the demand of the Spanish Minister in the United States.

ARTICLE 12.

Treaty of 1795 confirmed, with exceptions.
Ante, p. 138.

The Treaty of Limits and Navigation, of 1795, remains confirmed in all, and each one of, its articles, excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this Treaty, or having received their entire execution, are no longer valid.

Neutral flag to cover enemies' property, where.
Ante, p. 146.

With respect to the 15th article of the same Treaty of Friendship, Limits, and Navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others.

ARTICLE 13.

Sailors deserting to be delivered up on proof, &c.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port, shall exhibit the document known by the name of *Articles*; and the Spanish consul in American ports, the Roll of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ARTICLE 14.

U. S. certify that they received no compensation from France for claims provided for in this treaty.

The United States hereby certify that they have not received any compensation from France, for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just and proper.

ARTICLE 15.

Spanish vessels, laden with Spanish productions, to be admitted into the ports of Pensacola and St. Augustine without higher duties than vessels of the U. S., for twelve years.

The United States, to give to his Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of his Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term, no

Estados Unidos, ó de qualquiera otra manera que el Congreso de los Estados Unidos ordene por ley.

Se depositarán, despues de concluidas sus transacciones, en el Departamento de Estado de los Estados Unidos, los quadernos de las operaciones de los dichos Comisionados, juntamente con los documentos que se les presenten relativos á las reclamaciones que deben ajustar y decidir; y se entregarán copias de ellos ó de parte de ellos al Gobierno Español, y á peticion de su Ministro en los Estados Unidos, si lo solicitase.

ART. 12.

El Tratado de Limites y Navegacion de 1795, queda confirmado en todos y cada uno de sus artículos, excepto los artículos, 2, 3, 4, 21, y la segunda clausula del 22, que habiendado sido alterados por este Tratado, ó cumplidos enteramente no pueden tener valor alguno.

Con respecto al artículo 15 del mismo Tratado de Amistad, Limites y Navegacion, de 1795, en que se estipula que la bandera cubre la propiedad, han convenido las dos altas partes contratantes en que esto se entienda así con respecto á aquellas potencias que reconozcan este principio; pero que, si una de las dos partes contratantes estuviere en guerra con una tercera, y la otra neutral, la bandera de esta neutral cubrirá la propiedad de los enemigos cuyo gobierno reconozca este principio, y no de otros.

ART. 13.

Deseando ambas potencias contratantes favorecer el comercio reciproco prestando cada una en sus puertos todos los auxilios convenientes á sus respectivos buques mercantes, han acordado en hacer prender y entregar los marineros que desiertan de sus buques en los puertos de la otra, á instancia del Consul; quien sin embargo deberá probar que los desertores pertenecen á los buques que los reclaman, manifestando el documento de costumbre en su nacion; esto es, que el Consul Español en puerto Americano exhibirá el Roll del Buque, y el Consul Americano en puerto Español, el documento conocido bajo el nombre de *Articles*; y constando en uno ú otro el nombre ó nombres del desertor ó desertores que se reclaman, se procederá al arresto, custodia, y entrega al buque á que correspondan.

ART. 14.

Los Estados Unidos certifican por el presente que no han recibido compensacion alguna de la Francia por los perjuicios que sufrieron de sus corsarios, consules y tribunales, en las costas y puertos de España, para cuya satisfaccion se provee en este Tratado, y presentarán una relacion justificada de las presas hechas, y de su verdadero valor, para que la España pueda servirse de ella en la manera que mas juzgue justo y conveniente.

ART. 15.

Los Estados Unidos para dar á S. M. Ca. una prueba de sus deseos de cimentar las relaciones de Amistad que existen entre las dos naciones, y de favorecer el Comercio de los subditos de S. M. Ca. convienen en que, los buques Españoles que vengán solo cargados de productos de sus frutos ó manufacturas directamente de los puertos de España ó de sus colonias, sean admitidos por el espacio de doce años en los puertos de Panzacola y San Augustin de las Floridas, sin pagar mas derechos por sus cargamentos, ni mayor derecho de tonelage, que el que paguen los buques de los Estados Unidos. Durante este tiempo ninguna nacion

other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this Treaty.

ARTICLE 16.

Treaty to be ratified, and ratifications exchanged.

The present Treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

In witness whereof, we, the under written Plenipotentiaries of the United States of America and of his Catholic Majesty, have signed, by virtue of our powers, the present Treaty of Amity, Settlement, and Limits, and have thereunto affixed our seals, respectively.

Done at Washington, this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS, (L. s.)
LUIS DE ONIS, (L. s.)

Ratification by his Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.

Oct. 24, 1820.

“Ferdinand the Seventh, by the Grace of God, and by the constitution of the Spanish monarchy, king of the Spains.

“Dn. Fernando Septimo, por la Gracia de Dios, y por la Constitucion de la Monarquia Española, Rey de las Españas.

Ratification, by the King of Spain, of the treaty of Feb. 22, 1819.

Whereas, on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the City of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories; which are of the following form and literal tenor :

Por quanto en el dia veinte y dos de Febrero del año proximo pasado de mil ochocientos diez y nueve, se concluyo y firmo en la Ciudad de Washington, entre Dn Luis de Onis, mi Enviado Extraordinario y Ministro Plenipotenciario, y Dn. Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un Tratado compuesto de diez y seis articulos, que tiene por objeto el Arreglo de Diferencias y de Limites entre ambos Gobiernos y sus respectivos Territorios; cuya forma y tenor literal es el siguiente :

tendrá derecho á los mismos privilegios en los territorios cedidos. Los doce años empezaran á contarse tres meses despues de haberse cambiado las ratificaciones de este Tratado.

ART. 16.

El presente Tratado sera ratificado en debida forma por las partes contratantes, y las ratificaciones se cangearán en el espacio de seis meses desde esta fecha, ó mas pronto si es posible.

En fé de lo qual nosotros los infrascritos Plenipotenciarios de S. M. Ca., y de los Estados Unidos de America, hemos firmado en virtud de nuestros poderes, el presente Tratado de Amistad, Arreglo de Diferencias, y Limites, y le hemos puesto nuestros sellos respectivos.

Hecho en Washington, á veinte y dos de Febrero, de mil ochocientos diez y nueve.

LUIS DE ONIS, (L. s.)
JOHN QUINCY ADAMS, (L. s.)

Por tanto, habiendo visto y examinado los referidos diez y seis artículos, y habiendo precedido la anuencia y autorizacion de las Cortes Generales de la Nacion, por lo respectivo a la cesion que en los artículos 2º y 3º se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos artículos y clausulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fe y palabra de Rey, cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circunstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el artículo 16; pues mi deliberada voluntad es que la presente ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguidad que pueda ofrecer el contenido del artículo 8º. del referido Tratado, con motivo de la fecha que en el se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las tres concesiones de tierras hechas a favor del Dugue de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargas; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramente anuladas è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaracion se ha de entender ratificado el referido artículo 8º. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario des Despacho de Estado.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Sig.]

FERNANDO.

[Refren.]

EVARISTO PEREZ DE CASTRO.

[Here follows the above Treaty, word for word.]

“Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them: and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with

“Por tanto, habiendo visto y examinado los referidos diez y seis articulos, y habiendo precedido la anuencia y autorizacion de las Cortes Generales de la Nacion por lo respectivo a la cesion que en los articulos 2º y 3º se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fe y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circunstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el articulo 16; pues mi deliberada voluntad es que la presente ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguidad que pueda ofrecer el contenido del articulo 8º. del referido Tratado con motivo de la fecha que en el se señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las tres concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargas; tengo a bien declarar que has referidas tres concesiones han quedado y quedan enteramente anuladas è invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ò causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna: bajo cuya explicita declaracion se ha de entender ratificado el referido articulo 8º. En fé de todo lo cual mandé despachar la presente firma da de mi mano, sellada con mi

my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Sign.] FERNANDO.

[Sig.] FERNANDO.

[Countersigned,]

[Refren.]

EVARISTO PEREZ DE CASTRO."

EVARISTO PEREZ DE CASTRO."

The following are the grants which have been annulled by the foregoing treaty :

COPIA.

Don Antonio Porcel, Caballero pensionista de la Real y distinguida Orden de Carlos 3º. del Consejo de Estado, y Secretario de Estado y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha seis de Febrero, de mil ochocientos diez y ocho, se espidieron por el estinguido Consejo de las Indias, Reales Cedula de igual tenor, al Gobernador Capitan General de la ysla de Cuba y su distrito, al Intendente de Exercicio y Real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que Cada uno en la parte que le tocara dispusiese lo conveniente a que tuviese efecto la gracia concedida al Dugue de Alagon de varios terrenos en la Florida Oriental, cuyo contenido es el siguiente.

"EL REY.

Mi Gobernador y Capitan General de la ysla de Cuba y su distrito. El Dugue de Alagon, Baron de Espes, me hizo presente en esposicion de doce de Julio del ano ultimo lo que sigue—Senor: El Dugue de Alagon, Baron de Espes, Capitan de Guardias de la Real Persona de V. M. con el mayor respeto espone: que siendo un interes de la Corona, que se den a grandes Capitalistas los terrenos incultos para que se pueblen y cultiven en lo que se resultan unas ventajas demostradas y aconsejadas por todos los Politicos, en cuyo caso se hallan muchos, ocasi los mas del fertil suelo de las Floridas; y siendo tambien un derecho de V. M. como dueno absoluto, el distribuirlos en obsequio de la Agricultura; y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M. y de su Reyno todo. Deseoso de merecer estas senales de aprecio de su magnanimo corazon, y de contribuir por mi parte a llenar las miras del poblacion tan interesantes al bien comun: a V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental, situado entre las Margenes de los Rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la Costa del Golfo de la Florida, e yslas adyacentes, con la embocadura en el Rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla izquienda hasta su nacimiento, tirando una linea ala Laguna Macaco, bajando luego por el Camino del Rio de San Juan hasta la laguna Valdes, cortando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del Rio Amarima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho u veinte y cinco de latitud, y continuando por la costa del mar, con todas sus yslas adyacentes, hasta la embocadura del Rio Hijuelos, en plena propiedad para si y sus herederos, y permitiendose la introduccion de Negros para el trabajo y cultivo de las tierras libre de derechos: gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta esposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi Real servicio, como tambien a las ventajas que resultaran al Estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder ala gracia que solicita en quanto no se oponga a las Leyes de esos mis Reynos; y comunicarlo al mi Consejo de las Indias para su execucion, en Real orden de diez y siete de Diciembre del referido ano. En su consecuencia os mando y en cargo por esta mi Real cedula que con arreglo a las Leyes que rigen en la materia, auxiliéis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirigan asu debido efecto, sin perjuicio de tercero, y para que el espresado Dugue de Alagon pueda desde luego poner en execucion su designio conforme en todo con mis benificos deseos en obsequio de la agricultura y comercio de dhas posesiones, que

claman per una poblacion proporcionada ala feracidad de su suelo, y ala defensa y seguridad de las costas, dando cuenta sucesivamente de su progreso ; entendiendose que la introduccion de negros que comprende la misma gracia, deve sujetarse en quanto al trafico de ellos, a las reglas prescriptas en mi Real Cedula de diez y nueve de Diciembre ultimo, que asi es mi voluntad ; y que de esta cedula se tome razon en la Contaduria General de Indias. Fecha en Palacio a seis de Febrero, de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor :
ESTEBAN VAREA."

Y para que conste firmo esta Certificacion en Madrid, a quince de Octubre, de mil ochocientos veinte.

(Sig.)

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la orden de Carlos 3^o. del Consejo de Estado, y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.

(Sig.)

EVARISTO PEREZ DE CASTRO.

(TRANSLATION.)

Don Antonio Porcel, Knight Pensioner of the Royal and distinguished Order of Charles 3d ; of the Council of State, and Secretary of State and of Despatch of the Ultra-Marine Government, &c.

I certify, that, under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the lato Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant, made to the Duke of Alagon, of various lands in East Florida, of the following tenor :

THE KING.

My Governor and Captain General of the Island of Cuba and its dependencies: The Duke of Alagon, Baron de Espes, has manifested to me, on the twelfth of July last, as follows :—"Sire : The Duke of Alagon, Baron de Espes, Captain of your majesty's Royal Body Guards, with the greatest respect, exposes : that, it being the interest of the crown that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out and advised by all politicians, and by means of which much or nearly the most of the fertile soil of the Floridas has been discovered, and it being a right of your majesty, as absolute lord, to distribute them for the benefit of agriculture, and in reward and recompense of the eminent services which have been rendered to your majesty and your whole kingdom ; being desirous of deserving those marks of the value of his magnanimous courage, and of contributing as far as possible to fulfil the designs of population, so interesting to the commonweal, he humbly requests your majesty, that you would deign to grant him all the uncultivated land not ceded in East Florida which lies between the rivers Saint Lucia and Saint John, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from Lake Macaco, then descending by the way of the river Saint John to the Lake Valdes, crossing by another line from the extreme north of said lake to the source of the river Amarima, following its right bank as far as its mouth, in the twenty-eighth or twenty-fifth degree of latitude, and running along the sea-coast, with all the adjacent Islands up to the mouth of the river Hijuelos, in full property to himself and his heirs : allowing them also to import negroes, for the labor and cultivation of the lands, free of duties : A gift which I hope to obtain from your Majesty's innate goodness."

Having taken the premises into consideration, and bearing in mind the distinguished merit of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms ; and to make it known to my

council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned: Wherefore, I charge and command you, by this my royal cedula, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all requisite measures for its accomplishment, without injury to any third party: and in order that the said Duke of Alagon may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, as far as relates to the traffic in them, to be subject to the regulations prescribed in my royal cedula of the nineteenth of December last, for such is my will; and that due note be taken of the present cedula in the office of the Accountant General of the Indies.

Dated at the Palace the sixth of February, one thousand eight hundred and eighteen

I, THE KING.

By command of the King our Lord:

ESTERAN VAREA.

And I confirm this exemption, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

(Signed,)

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the Order of Charles 3d, of the Council of State, and Secretary of Despatch of State, &c.

I certify that the foregoing signature of his Excellency Don Antonio Porcel, Secretary of Despatch of the Ultra-Marine Government, is that which he is accustomed to put to all his writings; and for the proper purposes I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

(Signed,)

EVARISTO PEREZ DE CASTRO.

COPIA.

Don Antonio Porcel, Caballero pensionista de la Real y distinguida orden de Carlos tercero, del Consejo de Estado, y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de seis de Febrero, de mil ochocientos diez y ocho, se expedieron por el estinguido consejo de las Indias Reales Cedula de igual tenor al Gobernador Capitan General de la ysla de Cuba y su distrito, al Intendente de exercito y real Hacienda de la Havana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiese lo conveniente a que tubiese efecto la gracia concedida al Brigadier Conde de Punonrostro de varios terrenos situados en la Florida Occidental, cuyo contenido es el siguiente.

“EL REY.

“Mi Gobernador y Capitan General de la ysla de Cuba y su distrito. El Brigadier Conde de Punonrostro me hizo presente en exposicion de tres de Noviembre del ano ultimo lo que sigue—Senor: El Brigadier Conde de Punonrostro, Grande de Espana de primera clase, y vuestro Gentilhombre de Camara con exercicio, &c. &c. P. A. L. R. P. de V. M. con el mas profundo respeto, expone: que movido del anhelo de procurar por todos los medios posibles el hacer productible parte de los inmensos terrenos despoblados e incultos que V. M. tiene en las Americas, y que por su feracidad prometen las mayores ventajas, tanto al que expone como al Estado, si llegase a verificarse, como lo espera, el noble proyecto que anima al exponente de convertir una pequena parte de aquellos desiertos en morada de habitantes pacificos cristianos e industriosos, que aumentando la poblacion de vuestros reynos, fomenten la agricultura y el comercio, y por consiguiente hagan inmensos los ingresos de vuestro real Herario. Esta empresa dirigida por persona que al conocimiento del pays reune las circunstancias de poder comparar los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitada ha elevado su poder a un grado extraordinario, distinguiendose la Mobila adyacente a la Florida, que en los seis anos ultimos aprovechandose de la emigracion se ha convertido de un pays inculto y desierto, en una Provincia rica y comerciante, cultivada y poblada con mas de 300,000 habitantes. Esto mismo debe suceder a la Florida en el corto tiempo de diez y ocho o veinte anos si se adoptan las medidas conducentes a ello, y si al exemplo del exponente avandonan otros la apatia y se dedican a labrar su fortunat

individual, y por consiguiente la del Estado. Confiado pues en lo re comendable de esta empresa, en los vivos deseos que animan a V. M. por la prosperidad de la Nacion, y en los servicios y sacrificios del exponente, se atreve a suplica a V. M. que en remuneracion de ellos se digne concederle en plena propiedad y con arreglo a las leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprendidas entre el rio Perdido al occidente del Golfo de Mexico, y los rios Amaruja y el Sn. Juan, desde Popa hasta su desagüe en el Mar por la parte de Oriente, por el Norte la linea de demarcacion con los Estados Unidos, y al Sur por el Golfo de Mexico, incluyendo las yslas desiertas en la costa. Por tanto, a V. M. rendidamente suplica, que en atencion a lo expuesto, y a las inculdables ventajas que resultan a la Nacion, se sirva acceder a este solicitud, y mandar al mismo tiempo se comuniquen las correspondientes ordenes a las Autoridades del Pays, prebiendiendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos, como para llevar a efecto la empresa en todas sus partes: gracia que espera de la munificencia de V. M. Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi real servicio, como tambien a las ventajas que resultaran al Estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder a la gracia que solicita en cuanto no se oponga a las leyes de esos mis reynos, y comunicarlo al mi consejo de Indias para su execucion en Real orden de diez y siete de Diciembre, del referido ano. En su consecuencia os mando y encargo por esta mi Real Cedula, que con arreglo a las leyes que rigen en la materia auxilleis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan a su debido efecto, sin perjuicio de tercero, y para que el espresado Conde de Punonrostro pueda desde luego poner en execucion su designio, conforme en todo con mis beneficis deseos, en obsequio de la agricultura y comercio de dichas posesiones que claman por una poblacion proporcionada a la feracidad de su suelo, y a la defensa y seguridad de las costas; dando cuenta sucesivamente de su progreso; que asi es mi voluntad, y que de esta cedula se tome razon en la Contaduria General de Indias. Fecha en Palacio, a seis de Febrero, de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:
ESTEBAN VAREA."

Y para que consto firmo esta certificacion en Madrid, a quince de Octubre, de mil ochocientos y veinte.

(Sig.)

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la orden de Carlos 3d, del Consejo de Estado y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.

EVARISTO PÉREZ DE CASTRO.

(TRANSLATION.)

Don Antonio Porcel, Knight Pensioner of the Royal and distinguished order of Charles 3d, of the Council of State, and Secretary of State and of Despatch of the Ultramarine government, &c.

I certify that, under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost in his particular department to give effect to the grant made to Brigadier the Count of Punonrostro, of various lands situated in West Florida, of the following tenor:

THE KING.

My Governor and Captain General of the Island of Cuba and its dependencies: The Brigadier Count of Punonrostro submitted to me, on the third of November last, what follows: "Sire: The Brigadier Count of Punonrostro, Grandee of Spain of the first class, and your Gentleman of the Bed Chamber in actual attendance, &c., &c., throws himself at your Majesty's Royal feet with the most profound respect, and submits to your Majesty: That, prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by your Majesty in

the Americas, which, by their fertility, offer the greatest advantages, not only to your memorialist, but to the state, provided due effect, as is hoped, be given to the noble project formed by your Majesty's memorialist, of converting a small portion of those deserts into the abode of peaceable Christians and industrious inhabitants, who will increase the population of your kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which, in the last six years, has received such an influx of emigrants, as to be converted from a desert waste into a rich commercial province, highly improved and peopled with more than three hundred thousand souls. A similar change would be effected in Florida within eighteen or twenty years, by the adoption of judicious arrangements, and by those exertions which your Majesty's memorialist proposes to employ for the promotion of his personal interest, and consequently that of the state. Relying on the merits of the case, and the lively interest felt by your Majesty in the national prosperity, and in the services and sacrifices of your Majesty's memorialist, he humbly requests your Majesty that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands, not heretofore ceded in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amartuja and Saint Johns, from Popa to the point where it empties into the ocean, for the eastern limit; and, for the northern, the boundary line of the United States; and, to the south, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the nation, your Majesty will be pleased to grant this his petition; and, thereupon, direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to, as in giving full effect to the whole enterprise. All which he hopes from the munificence of your Majesty."

Having taken the premises into consideration, and bearing in mind the distinguished merits of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries, the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my Council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned; wherefore, I charge and command you, by this, my Royal Cedula, with due observance of the laws to such cases pertaining, to give full and due effect to the said cession, taking all requisite measures for its accomplishment, without injury to any third party, and, to the end, that the said Count of Punonrostro may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportionate to the fertility of the soil, and the defence and security of the coasts, he giving regular accounts of his proceedings, for such is my will; and that due note be taken of the present Cedula in the office of the Accountant General of the Indies. Dated at the Palace, the sixth of February, one thousand eight hundred and eighteen.

I, THE KING.

By command of the King our Lord:
ESTEVAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty.

(Signed)

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the order of Charles 3d, of the Council of State, and Secretary of Despatch of State, &c.

I certify that the foregoing signature of his Excellency Don Antonio Porcel, Secretary of Despatch of the Ultra Marine Government, is that which he is accustomed to put to all his writings. And for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty.

(Signed)

EVARISTO PEREZ DE CASTRO.

COPIA.

Don Antonio Porcel, Caballero pensionista de la real y distinguida orden de Carlos tercero, del Consejo de Estado y Secretario de Estado y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de nueve de Abril, de mil ochocientos diez y ocho, se espidieron por el extinguido Consejo de las Indias reales cedula de igual tenor al Gobernador Capitan General de la ysla de Cuba y su distrito, al Intendente de exercito y real hacienda de la Habana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiera lo conveniente a que tubiese efecto la gracia concedida a Don Pedro de Vargas, de varios terrenos situados en las Floridas; cuyo contenido es el siguiente.

"EL REY.

Mi Gobernador y Capitan General de la ysla de Cuba y su distrito. Confecha de veinte y cinco de Enero ultimo, me hizo presente Don Pedro Vargas lo que sigue.— Senor: Don Pedro de Vargas, Caballero de la real orden militar de Alcantara, tesorero general de la real casa y Patrimonio de V. M. con el mas profundo respeto a V. R. M. espone. Que hay una porcion de tierras vacantes y despobladas en el territorio de las Floridas, y deseando que si V. M. se digna premiar sus tales cuales servicios y las pruebas de lealtad que le tiene dadas, sea sin el mas minimo grabamen del Erario, ni perjuicio de tercero como puede en el dia verificarse con algunas tierras de aquel pais a V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprehendida en la siguiente demarcacion, asaver. Desde la embocadura del rio Perdido y de su bahia en el Golfo de Mexico, siguiendo la costa del mar, subir por la bahia del Buen Socorro, y de la Mobila, continuar por el Rio de Mobila hasta tocar la linea norte de los Estados Unidos, y baxar por ella con una recta al origin del Rio Perdido y siguiendo por el Rio de la Mobila abaxo y la bahia de su nombre volver por la costa del Mar acia el Oeste con todas las calas entradas e yslas adyacentes que pertenecen a la Espana en la epoca presente hasta llegar a la linea del oeste de los Estados Unidos y volver por la del Norte comprehendiendo todas las tierras baldias que corresponden o puedan corresponder a la Espana y estan en disputa o reclamacion con los Estados Unidos, segun el tenor de los tratados, y asimismo el terreno baldio y no cedido a otro particular que hay entre el Rio Hijuelos en la Florida Oriental y el Rio Santa Lucia tirando una linea desde el nacimiento del uno al del otro y siguiendo por la costa del Golfo de Mexico, desde la embocadura del Rio Hijuelos, hasta la punta de tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadura del Rio Santa Lucia con las yslas y cayos adyacentes."

Enterado del contenido de esta esposicion, y atendiendo al merito de este sugeto y a su acreditado celo por mi real servicio; como tambien a las ventajas que resultaran al Estado de la poblacion de los citados paises, he tenido a bien acceder a la gracia que solicita, en cuanto no se oponga a las leyes de esos mis reinos, y comunicarlo al mi Consejo de las Indias para su cumplimiento en real orden de dos de Febrero proximo pasado. En su consecuencia os mando y encargo por esta mi real Cedula, que con arreglo a las Leyes que rigen en la materia y sin perjuicio de tercero auxiliéis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirigan a su debido efecto, como tambien al aumento de poblacion, agricultura y comercio, de las referidas posesiones; dando cuenta sucesivamente de su progreso: que asi es mi voluntad, y que de esta Cedula se tome razon en la contaduria general de Indias. Fecha en Palacio, a nueve de Abril, de milochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:

ESTEVAN VAREA."

Y para que conste firmo esta certificacion en Madrid, a quince de Octubre, de mil ochocientos y veinte.

(Signed)

ANTONIO PORCEL.

Don Evaristo Perez de Castro, Cabellero de numero de la orden de Carlos 3º. del Consejo de Estado y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus ascritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.

(Signed)

EVARISTO PEREZ DE CASTRO.

(TRANSLATION.)

Don Antonio Porcel, Knight Pensioner of the Royal and distinguished order of Charles 3d, of the Council of State, and Secretary of State and of Despatch of the Ultramarine government, &c.

I certify that, under date of the ninth of April, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late Council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Don Pedro de Vargas, of various lands situated in the Floridas, of the following tenor:

THE KING.

My Governor and Captain General of the Island of Cuba and its dependencies: Under date of the twenty-fifth of January last, Don Pedro de Vargas manifested to me as follows: "Sire: Don Pedro de Vargas, Knight of the Royal Order of Alcantara, Treasurer General of the Royal House and patrimony of your Majesty, with the most profound respect, at your royal feet, exposes—That there is a quantity of vacant and unpeopled land in the territory of the Floridas, and desiring that, if your Majesty shall deign to reward his passable services, and the proofs which he has given of his loyalty, it may be without the least burthen on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches your Majesty that, by an effect of your sovereign goodness, you would deign to grant him the property of the land which lies comprised within the following limits: that is to say; from the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the sea coast, to ascend by the bay of Buen Socorro, and of Mobile, continuing by the river Mobile, till it touches the northern line of the United States, and descending by that in a right line to the source of the river Perdido, and following the river Mobile in its lower part, and the bay of that name, returns by the sea coast towards the west; comprehending all the creeks, entries, and islands, adjacent, which may belong to Spain at the present time, till it reaches the west line of the United States, then, returning by their northern line, comprehending all the waste lands which belong, or may belong, to Spain, and are in dispute or reclamation with the United States, according to the tenor of the treaties, and, also, all the waste land not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river St. Lucia, drawing a line from the source of one river to the source of the other, and following by the coast of the Gulf of Mexico, from the mouth of the Hijuelos to the point of Tancha, and doubling this, by the coast of the Gulf of Florida, to the mouth of the river Saint Lucia, with the islands and keys adjacent."

Considering the contents of this exposition, and attending to the merit of the individual, and his accredited zeal for my royal service; as also to the advantages to result to the state from peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these my kingdoms, and communicated it to my Council of the Indies, for its accomplishment, in a royal order of the second of February last. Consequently, I command and charge you, by this my royal cedula, that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said grant, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce of the aforesaid possessions, giving account, from time to time, of the progress made, for this is my will; and that due notice shall be taken of this cedula, in the office of the Accountant General of the Indies. Dated at the Palace, the ninth of April, one thousand eight hundred and eighteen.

I, THE KING.

By command of the King, our Lord:

ESTEVAN VAREA.

I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty. (Signed) ANTONIO PORCEL.

Don Evaristo Perez de Castro, Knight of the Order of Charles 3d, of the Council of State, and Secretary of Despatch of State, &c.

I certify that the foregoing signature of his Excellency, Don Antonio Porcel, Secretary of Despatch of the Ultra-Marine Government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first day of October, one thousand eight hundred and twenty.

(Signed)

EVARISTO PEREZ DE CASTRO.