

## TREATIES OF THE UNITED STATES.

## CONVENTION WITH PERU,

FOR THE SATISFACTION OF CLAIMS OF AMERICAN CITIZENS, &amp;c.

THE United States of America and the Republic of Peru, desirous of consolidating permanently the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a Convention that shall determine exactly the responsibilities of Peru, with respect to the claims of certain citizens of the United States against her : And with this intention, the President of the United States has appointed James C. Pickett, Chargé d'Affaires of said States near Peru, and his Excellency the President of the Republic of Peru has appointed Don Manuel del Rio, principal officer of the Department of Finance, acting minister of the same Department, and supernumerary Councillor of State ; and both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles : —

## ARTICLE I.

The Peruvian Government, in order to make full satisfaction for various claims of citizens of the United States, on account of seizures, captures, detentions, sequestrations and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority, has stipulated to pay to the United States the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

## ARTICLE II.

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

March 17, 1841.

Proclamation  
January 8, 1847.  
Ratifications  
exchanged at  
Lima, October  
31 1846.

Preamble.

Negotiators.

The Peruvian  
Government to  
pay \$300,000, to  
satisfy the claims  
of American citi-  
zens for cap-  
tures, detentions,  
sequestrations,  
&c., of their pro-  
perty.

Distribution  
thereof.

To be paid at  
Lima in ten equal  
annual instal-  
ments.

## ARTICLE III.

Interest—how to be computed and paid.

The Peruvian Government agrees, also, to pay interest on the before mentioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January, one thousand eight hundred and forty-two, and the interest accruing on each instalment shall be paid with the instalment. That is to say, interest shall be paid on each annual instalment, from the first day of January, one thousand eight hundred and forty-two.

## ARTICLE IV.

Annual payments to be made in hard dollars, &c.

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars, of the same standard and value as those now coined at the mint in Lima, and the annual payments, as well as the accruing interest, may be exported from Peru free of all duty whatever.

## ARTICLE V.

What indemnities may and may not be demanded from the Government of Peru.

There shall not be demanded of the Government of Peru any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned, Esquire, when Chargé d'Affaires of the United States near Peru. But the claims subsequent to those presented by Mr. Larned to the Government of Peru, shall be examined and acted upon hereafter.

## ARTICLE VI.

How each annual instalment may be paid, &c.

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the custom-house at Callao, which shall be endorsable in sums of any amount, and receivable in the treasury as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as that, in case similar orders shall be at a discount in the market, the full value of each annual payment shall be secured and made good to the United States, as though it had been paid in cash, at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government.

## ARTICLE VII.

Convention subject to ratification. Ratifications to be exchanged within two years from date.

This Convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner, if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru.

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

Signed at Lima  
17th March,  
1841

Done in triplicate at the city of Lima, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one.

J. C. PICKETT, [L. s.]  
MANUEL DEL RIO, [L. s.]

[NOTE.— The foregoing treaty is published in *Foreign Treaties*, Vol. I. p. 570. The reason for publishing it again, appears in the following extract from the proclamation of the President, of January 8, 1847 :—

“ And whereas the seventh article of the said Convention required that the ratifications of the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties, owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and whereas it appears that the duly constituted authorities of the Republic of Peru did, on the 21st of October, 1845, by law, approve in all respects the said Convention, with the condition, however, that the first annual instalment of thirty thousand dollars on account of the principal of the debt recognized thereby, and to which the second article relates, should begin from the 1st of January, 1846, and the interest on this annual sum, according to Article III., should be calculated and paid from the 1st of January, 1842; and whereas the said Convention, and the aforesaid modification thereof, have been duly ratified, and the respective ratifications of the same were exchanged in the city of Lima on the 31st day of October last, by Albert G. Jewett on the part of the United States, and Manuel del Rio on the part of the Republic of Peru :

“ Now, therefore, be it known, that I, JAMES K. POLK, President of the United States of America, have caused the said Convention, and the modification thereof, to be made public, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.”]

Ratifications not having been exchanged within the time prescribed by the 7th article, the constituted authorities of Peru did, on 21st October, 1845, approve of said convention with certain conditions.

Ratifications exchanged 31st October, 1846.

Proclaimed 5th January, 1847.

## CONVENTION WITH HESSE CASSEL.

March 26, 1844.

Proclamation,  
May 8, 1845.  
Ratifications  
exchanged at  
Berlin, Oct. 16,  
1844.

Preamble.

*Convention for the mutual Abolition of the Droit d'Aubaine and Taxes on Emigration between the United States of America and the Grand Duchy of Hesse.*

THE United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiation for this purpose.

Negotiators.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse upon Baron Schaeffer-Bernstein, his Chamberlain, Colonel, Aid-de-camp, and Minister Resident near His Majesty the King of Prussia, who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:—

## ARTICLE I.

Droit d'aubaine  
and taxes on emi-  
gration abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is, hereby, and shall remain, abolished, between the two contracting parties, their states, citizens, and subjects, respectively.

## ARTICLE II.

Heirs of real  
property allowed  
to sell the same  
and withdraw the  
proceeds.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such

*Convention pour l'Abolition mutuelle du Droit d'Aubaine et des Taxes sur l'Emigration entre les Etats-Unis d'Amérique et le Grand Duché de Hesse.*

LES Etats-Unis d'Amérique, d'une part, et Son Altesse Royale le Grand Duc de Hesse, de l'autre part, désirant également d'écarter les restrictions qui existent actuellement dans leurs territoires sur l'acquisition et l'aliénation des biens, par leurs citoyens et sujets respectifs, sont convenus dans ce but d'entrer en négociation.

Pour atteindre ce but désirable, le Président des Etats-Unis d'Amérique a muni de pleins pouvoirs le Sieur Henry Wheaton, leur Envoyé Extraordinaire et Ministre Plenipotentiaire près la Cour de Sa Majesté le Roi de Prusse, et Son Altesse Royale le Grand Duc de Hesse a muni de pleins pouvoirs Monsieur le Baron de Schaeffer-Bernstein, son Chambellan, Colonel, et Aide-de-Camp, et Son Ministre Résident près Sa Majesté le Roi de Prusse, lesquels, après avoir échangés leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêtés les articles suivants:—

## ARTICLE, I.

Toute espèce de droit d'aubaine, droit de retraite, et droit de détraction, ou impôt d'emigration, est et demeurera aboli, entre les deux parties contractantes, leurs états, citoyens, et sujets, respectifs.

## ARTICLE II.

Si, par la mort de quelque personne possédant des immeubles ou biens-fonds sur le territoire de l'une des parties contractantes, ces immeubles ou biens-fonds venaient à passer, selon les lois du pays, à un citoyen ou sujet de

citizen or subject shall be allowed a term of two years to sell the same,—which term may be reasonably prolonged, according to circumstances,—and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken, in a like case, of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

This Convention shall be ratified by the President of the United States of America, by and with the advice and consent of their

l'autre partie, celui-ci, si par sa qualité d'étranger il est inhabile à les posséder, obtiendra un délai de deux ans, qui, d'après les circonstances, pourra être convenablement prolongé, pour les vendre, et pour en retirer le produit, sans obstacle, et exempté de tout droit de retenue de la part du gouvernement des états respectifs.

ARTICLE III.

Les citoyens ou sujets de chacune des parties contractantes auront, dans les états de l'autre, la liberté de disposer de leurs biens mobiliers, soit par testament, donation, ou autrement; et leurs héritiers, étant citoyens ou sujets de l'autre partie contractante, succéderont à leur biens, soit en vertu d'un testament ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux auxquels les habitans du pays où se trouvent les dits biens sont assujettis en pareille occasion.

Personal property may be disposed of by will or donation, or otherwise.

Duties on disposal of personal property the same as paid by inhabitants.

ARTICLE IV.

En cas d'absence des héritiers, on prendra provisoirement des dits biens mobiliers ou immobiliers les mêmes soins qu'on aurait pris, en pareille occasion, des biens des natifs du pays, jusqu'à ce que le propriétaire légitime, ou la personne qui a le droit de les vendre, d'après l'article deux, ait agréé des arrangemens pour recueillir l'héritage ou en disposer.

Property of absent heirs to be taken care of.

ARTICLE V.

S'il s'élève des contestations entre différens prétendans, ayant droit à la succession, elles seront décidées, en dernier ressort, selon les lois et par les juges du pays où la succession est vacante.

Disputes concerning inheritances to be decided by the local laws.

ARTICLE VI.

Cette Convention sera ratifiée par le Président des États-Unis d'Amérique, par et avec l'avis et le consentement de leur Sénat, et

Convention to be ratified, &c.

Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin, within the term of six months from the date of the signature hereof, or sooner, if possible.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not hereafter be cited as a precedent, nor in any way operate to the prejudice of the contracting parties.

Signed March  
26, 1844.

Done in quadruplicata, in the city of Berlin, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and forty-four, and the sixty-eighth of the Independence of the United States of America.

BARON DE SCHAEFFER-  
BERNSTEIN. [L. S.]

par Son Altesse Royale le Grand Duc de Hesse, et les ratifications en seront échangés à Berlin, dans l'espace de six mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signés les articles ci-dessus, tant en Français qu'en Anglaise, et y ont apposé leurs sceaux, déclarant toutefois que la signature dans ces deux langues ne doit pas, par la suite, être citée comme exemple, ni en aucune manière porter préjudice aux parties contractantes.

Fait par quadruplicata, en la ville de Berlin, le vingt-six du mois de Mars, l'an de Grace mille huit cent quarante-quatre, et le soixante-huitième de l'Indépendance des Etats-Unis d'Amérique.

HENRY WHEATON. [L. S.]

## TREATY WITH THE CREEKS AND SEMINOLES.

*Articles of a Treaty made by William Armstrong, P. M. Butler, James Logan, and Thomas L. Judge, Commissioners in Behalf of the United States, of the first Part; the Creek Tribe of Indians, of the second; and the Seminole Tribe of Indians, of the third Part.*

Jan. 4, 1845.

Proclamation,  
July 18, 1845.

WHEREAS it was stipulated, in the fourth article of the Creek treaty of 1833, that the Seminoles should thenceforward be considered a constituent part of the Creek nation, and that a permanent and comfortable home should be secured for them on the lands set apart in said treaty as the country of the Creeks; and whereas many of the Seminoles have settled and are now living in the Creek country, while others, constituting a large portion of the tribe, have refused to make their homes in any part thereof, assigning as a reason that they are unwilling to submit to Creek laws and government, and that they are apprehensive of being deprived, by the Creek authorities, of their property; and whereas repeated complaints have been made to the United States government, that those of the Seminoles who refuse to go into the Creek country have, without authority or right, settled upon lands secured to other tribes, and that they have committed numerous and extensive depredations upon the property of those upon whose lands they have intruded:

Preamble.  
Indian Treaties,  
vol. 1, p. 419.

Now, therefore, in order to reconcile all difficulties respecting location and jurisdiction, to settle all disputed questions which have arisen, or may hereafter arise, in regard to rights of property, and especially to preserve the peace of the frontier, seriously endangered by the restless and warlike spirit of the intruding Seminoles, the parties to this treaty have agreed to the following stipulations:—

## ARTICLE I.

The Creeks agree that the Seminoles shall be entitled to settle in a body or separately, as they please, in any part of the Creek country; that they shall make their own town regulations, subject, however, to the general control of the Creek council, in which they shall be represented; and, in short, that no distinction shall be made between the two tribes in any respect, except in the management of their pecuniary affairs, in which neither shall interfere with the other.

The Seminoles to settle in any part of the Creek country. To be subject generally to the Creek council.

No distinction between them, except in pecuniary affairs.

## ARTICLE II.

The Seminoles agree that those of their tribe who have not done so before the ratification of this treaty, shall, immediately thereafter, remove to and permanently settle in the Creek country.

Seminoles who have not removed to Creek country to do so immediately.

## ARTICLE III.

It is mutually agreed by the Creeks and Seminoles, that all contested cases between the two tribes, concerning the right of property, growing out of sales or transactions that may have occurred previous to the ratification of this treaty, shall be subject to the decision of the President of the United States.

Certain contested cases concerning the right of property to be subject to the decision of the President.

## ARTICLE IV

Additional annuity of \$3,000 for education allowed the Creeks for 20 years.

Education fund, annuities, &c., of the Creeks, to be expended in their own country in support of certain schools.

Proviso.

The Creeks being greatly dissatisfied with the manner in which their boundaries were adjusted by the treaty of 1833, which they say they did not understand until after its execution, and it appearing that in said treaty no addition was made to their country for the use of the Seminoles, but that, on the contrary, they were deprived, without adequate compensation, of a considerable extent of valuable territory: And, moreover, the Seminoles, since the Creeks first agreed to receive them, having been engaged in a protracted and bloody contest, which has naturally engendered feelings and habits calculated to make them troublesome neighbors: The United States, in consideration of these circumstances, agree that an additional annuity of three thousand dollars for purposes of education shall be allowed for the term of twenty years; that the annuity of three thousand dollars provided in the treaty of 1832 for like purposes shall be continued until the determination of the additional annuity above mentioned. It is further agreed that all the education funds of the Creeks, including the annuities above named, the annual allowance of one thousand dollars, provided in the treaty of 1833, and also all balances of appropriations for education annuities that may be due from the United States, shall be expended in their own country for the support of a manual labor school in the Canadian District, and of another in the Arkansas District: *Provided*, That the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed that, in the management of such schools, the wishes of the Creek council shall be consulted. (a)

## ARTICLE V.

Rations to be issued to such Seminoles as remove, during removal, and the whole tribe to be subsisted for six months after emigration.

Those refusing to remove in six months after ratification of this treaty not to participate in its benefits.

The Seminoles having expressed a desire to settle in a body on Little River, some distance westward of the present residence of the greater portion of them, it is agreed that rations shall be issued to such as may remove while on their way to their new homes; and that, after their emigration is completed, the whole tribe shall be subsisted for six months, due notice to be given that those who do not come into the Creek country before the issues commence shall be excluded. And it is distinctly understood that all those Seminoles, except those now in Florida, who refuse to remove to, and settle in, the Creek country, within six months after this treaty is ratified, shall not participate in any of the benefits it provides. (a)

## ARTICLE VI.

The sum of \$15,400 provided for in the treaty of Payne's Landing, and the \$3,000 provided for in said treaty, when to be paid. *Ind. Treat.*, vol. 1, p. 368.

The sum of fifteen thousand four hundred dollars, provided in the second article of the treaty of Payne's Landing, shall be paid in the manner therein pointed out, immediately after the emigration of those Seminoles who may remove to the Creek country is completed; also, as soon after such emigration as practicable, the annuity of three thousand dollars for fifteen years, provided in the fourth article of said treaty, and, in addition thereto, for the same period, two thousand dollars per annum in goods suited to their wants, to be equally divided among all the members of the tribe.

## ARTICLE VII.

\$1,000 per annum for 5 years to be furnished in agricultural implements.

In full satisfaction and discharge of all claims for property left or abandoned in Florida at the request of the officers of the United States, under promise of remuneration, one thousand dollars per annum, in agricultural implements, shall be furnished the Seminoles for five years.

(a) See Amendments, post, p. 824.

## ARTICLE VIII.

To avoid all danger of encroachments, on the part of either Creeks or Seminoles, upon the territory of other nations, the northern and western boundary lines of the Creek country shall be plainly and distinctly marked.

The northern and western boundary line of the Creeks to be marked.

In witness whereof, the said Commissioners and the undersigned Chiefs and Head Men of the Creek and Seminole tribes, have hereunto set their hands, at the Creek Agency, this fourth day of January, 1845.

WM. ARMSTRONG,  
*Act'g Superintendent Western Territory.*  
P. M. BUTLER, *Cher. Agent.*  
JAMES LOGAN, *Creek Agent.*  
THOMAS L. JUDGE,  
*Seminole Sub-Agent.*

*Creeks.*

Roly McIntosh,  
To-marh-le Micco,  
Eu-faula Harjo,  
O-poeth-le Yoholo,  
Yargee,  
Samuel Miller,  
Cot-char Tustunnuggee,  
\*K. Lewis,  
Tuskunar Harjo,  
Tinthlanis Harjo,  
To-cose Fixico,  
\*Samuel C. Brown,  
Ho-tul-gar Harjo,  
Oak-chun Harjo,  
Art-tis Fixico,  
Joseph Carr,  
Ar-ar-te Harjo,  
Samuel Perryman,  
O-switchée Emarthlar,  
Talloaf Harjo,  
David Barnett,

Jim Boy,  
\*B. Marshall,  
Tinthlanis Harjo,  
Co-ah-coo-che Emarthlar,  
Thlathlo Harjo,  
E cho Harjo,  
Co-ah-thlocco,  
Ke-sar-che Harjo,  
No cose Harjo,  
Yar-dick-ah Harjo,  
Yo-ho-lo Chop-ko,  
Phil Grayson,  
Chu-ille,  
E-cho Emarthla,  
Pol-lot-ke,  
Kot-che Harjo,  
To-cose Micco,  
Henry Marshall,  
Matthew Marshall,  
Che-was tiah Fixico,  
Tom Carr.

*Seminoles.*

Miccanope,  
Coah-coo-che, or Wild Cat,  
Alligator,  
Nocose Yoholo,  
Halleck Tustunnuggee,  
Emah-thloo-chee,  
Octi-ar-chee,  
Tus-se-kiah,  
Pos-cof-far,  
E-con-chat-te-micco,  
Black Dirt,

Itch-hos-se Yo-ho-lo,  
Kap-pe-chum-e-coo-che,  
O-tul-ga Harjo,  
Yo-ho-lo Harjo,  
O-switchée Emarthla,  
Kub-bit-che,  
An-lo-ne,  
Yah-hah Fixico,  
Fus-hat-chee Micco,  
O-chee-see Micco,  
Tus-tun-nug-goo-chee.

In the presence of—

J. B. Luce, *Secretary to Commissioners.*  
Samuel C. Brown, *U. S. Interpreter.*  
B. Marshal, *Creek Nation Interpreter.*  
Abraham, *U. S. Interpreter for Seminoles.*  
J. P. Davis, *Captain U. S. A.*  
A. Cady, *Captain 6th Infantry.*

J. B. S. Todd, *Captain 6th  
Infantry.*  
George W. Clarke.  
Jno. Dillard.  
J. L. Alexander.  
J. H. Heard.

[To the names of Indians, except those marked with an asterisk, are subjoined their marks.]  
VOL. IX. TREAT. — 2

IN EXECUTIVE SESSION OF THE SENATE OF THE UNITED STATES,  
March 6, 1845.

Resolution of  
the Senate, ad-  
vising and con-  
senting to the  
ratification of  
the treaty with  
certain amend-  
ments.

*Resolved, (two thirds of the Senators present concurring,)* That the Senate advise and consent to the ratification of the articles of a treaty made by William Armstrong, P. M. Butler, James Logan, and Thomas L. Judge, Commissioners in behalf of the United States, of the first part, the Creek tribe of Indians of the second, and the Seminole tribe of Indians, of the third part, concluded at the Creek Agency, on the 4th day of January, eighteen hundred and forty-five, with the following

#### AMENDMENTS.

Strike out from the fourth article the following words: "in their own country, for the support of a manual labor school in the Canadian district, and of another in the Arkansas district: *Provided*, That the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed that, in the management of such schools, the wishes of the Creek council shall be consulted" —

And insert, in lieu thereof, the following words: "*under the direction of the President of the United States, for the purposes of education aforesaid.*"

Strike out from the fifth article the following words: "except those now in Florida," and add at the end of this article, the following words: "*except those now in Florida, who shall be allowed twelve months from the date of the ratification of this treaty for their removal.*"

Attest:

ASBURY DICKINS, *Secretary.*

Assent of the  
Creeks and Se-  
minoles to the  
amendments of  
the Senate, May  
28, 1845.

WHEREAS a treaty was made and concluded on the fourth day of January, 1845, between the United States, by William Armstrong, Acting Superintendent Western Territory, Pierce M. Butler, Cherokee Agent, James Logan, Creek Agent, and Thomas L. Judge, Sub-Agent for the Seminoles, and the chiefs and Head Men of the Creek and Seminole tribes of Indians assembled in council; and whereas the Senate did, by resolution of March sixth, 1845, advise and consent to the ratification of said treaty with the following amendments:

Strike out from the fourth article the following words: "in their own country for the support of a manual labor school in the Canadian district, and of another in the Arkansas district: *Provided*, That the President does not object to such application of the annuities above named granted in the treaties of 1832 and 1833. And it is also agreed that, in the management of such schools, the wishes of the Creek Council shall be consulted;" and insert, in lieu thereof, the following words: "*under the direction of the President of the United States, for the purposes of education aforesaid.*"

Strike out from the fifth article the following words: "except those now in Florida," and add, at the end of this article, the following words: "*except those now in Florida, who shall be allowed twelve months from the date of the ratification of this treaty for their removal.*"

Consent to  
Amendments.

Now we, the Chiefs and Head Men of the Creek and Seminole tribes of Indians, do hereby consent to and ratify said amendments.

In testimony whereof, we hereunto place our hands, this twenty-eighth day of May, 1845.

Roley McIntosh,	Curseta Micco,
To-marh-le Micco,	Tuskunar Fixico,
Eufaula Harjo,	Ho-lah-tah Micco,
Tuckabatche Micco,	Co-sah-nah-che Harjo,
Co-wock-koo-che Emarthlar,	Spoke-oak Micco,
Jim Boy,	Oak-chun Harjo,
O poeth-le Yo-ho-lo,	Joseph Carr,
Tuskunar Harjo,	In-thlinnis Harjo,
David Barnett,	K. Lewis,
Neah-locco Chopko,	B. Marshall.
Tustunnuggee Chopko,	

In the presence of—

J. B. Luce, *Secretary to Commissioners.*  
 B. Marshall, *Interpreter.*  
 James Logan, *Creek Agent.*  
 Thomas L. Judge, *Sub-Agent, Sem. Indians.*  
 Reuben Cook.  
 Wm. Whitfield.

*Seminoles.*

Mic-can-o-pe,	George Cloud,
Co-ah-coo-che, or Wild Cat,	Cho-co-tee,
Alligator,	Pas-co-far,
Ho-lat tah Mic-coo-che,	Yo-ho-lo Harjo,
Tus se-kiah,	Kap-pe-chum-e-coo-che,
Halleck Tustunnuggee,	E-cho Emah-thlor-chee,
Oc-ti-ar-che,	Jim Jumper.
Black Dirt,	

In the presence of—

J. B. Luce, *Secretary to Commissioners*  
 Abraham, *U. S. Interpreter.*  
 Thomas L. Judge, *Sub. Agent, Sem. Indians.*  
 Thomas Hazen.  
 Charles L. Bailey.

[To the names of Indians are added their marks ]

## CONVENTION WITH BAVARIA.

Jan. 21, 1845.

Ratifications  
exchanged at  
Berlin, Nov. 4,  
1845.Proclamation,  
Aug. 16, 1846.

*Convention for the mutual Abolition of the Droit d'Aubaine and Taxes on Emigration between the United States of America and his Majesty the King of Bavaria.*

*Vertrag über die gegenseitige Aufhebung von Heimfalls-(Fremdlings)-Recht und Auswanderungs-Steuern zwischen den Vereinigten Staaten von Nord-America und Sr. Majestät dem König von Bayern.*

Preamble.

THE United States of America and his Majesty the King of Bavaria, having agreed, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named, for this purpose, their respective plenipotentiaries, namely: the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and his Majesty the King of Bavaria, upon Count Maximilian von Lerchenfeld-Kœfering, his Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Commander of the Royal Order of the Knights of St. George, of the Order for Merit in Civil Service of the Bavarian Crown, of St. Michael, Grand Cross of the Russian Imperial Order of St. Anne of the first class, of the Royal Prussian Order of the Red Eagle of the first class, Commander Grand Cross of the Royal Swedish Order of the North Star, and Great Commander of the Royal Greek Order of the Saviour; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:—

Negotiators.

Nachdem die Vereinigten Staaten von Nord-America und Sr. Majestät der König von Bayern übereingekommen sind, zum Besten der beiderseitigen Staats Angehörigen einen Vertrag über gegenseitige Aufhebung von Heimfalls-(Fremdlings)-Recht und Auswanderungs-Steuern abzuschliessen, so sind hiezu von beiden Seiten Bevollmächtigte ernannt worden, als nämlich, von Seiten des Präsidenten der Vereinigten Staaten von Nord-America, Herr Heinrich Wheaton, nordamerikanischer ausserordentlicher Gesandter und bevollmächtigter Minister am königlich-preussischen Hofe, und von Seiten, Seiner Majestät des Königs von Bayern, allerhöchst dessen Gesandten und bevollmächtigten Minister am königlich-preussischen Hofe, Graf Maximilian von Lerchenfeld-Kœfering, Commandeur des königlichen Ritterordens vom heiligen Georg, der königlichen Civil-Verdienstorden der bayrischen Krone, und vom heiligen Michael, Grosskreuz des kaiserlich-russischen St. Anenordens 1 Classe in Diamanten, des königlich-preussischen rothen Adlerordens erster Classe in Diamanten, Commandeur Grosskreuz des königlich-schwedischen Nordsternordens, und Gross-Commenthur des königlich-griechischen Erlöser-Ordens; welche Bevollmächtigte, nach vollzogener Auswechslung ihrer, in guter und gehöriger Form befundenen Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben:—

## ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby, and shall remain, abolished between the two contracting parties, their states, citizens, and subjects, respectively.

## ARTICLE II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of détraction.

## ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their (real and\*) personal property within the states of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said (real and\*) personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

## ARTIKEL I.

Jede Art von Heimfalls-(Fremdlings)-Recht, Nachsteuer und Abzugs-Recht, oder Auswanderungs-Steuer, ist und bleibt aufgehoben zwischen beiden abschliessenden Theilen, ihren beiderseitigen Staaten und Staats-Angehörigen.

## ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von Immobilien oder Grundeigenthum, welche sich auf dem Gebiete des einen der abschliessenden Theile befinden, diese Immobilien oder Grundeigenthum nach den Gesetzen des Landes auf einen Staats-Angehörigen des andern Theils übergehen sollen, so wird diesem, wenn er durch seine Eigenschaft, als Fremder, zum Besitze derselben unfähig ist, ein Aufschub von zwei Jahren gewährt, welcher Termin nach Umständen in angemessene Weise verlängert werden kann, um dieselben zu verkaufen, und um den Ertrag davon ohne Anstand und frei von jeder Abzugssteuer zu beziehen.

## ARTIKEL III.

Den Staats-Angehörigen eines jeden der abschliessenden Theile, soll in den Staaten des andern die Freiheit zustehen, über ihre beweglichen (und unbeweglichen\*) Güter durch Testament, Schenkung, oder auf andere Weise zu verfügen, und deren Erben durch Testament, oder *ab intestato*, oder durch Schenkung hiezu berechtigt, sollen, wenn sie die Standes-Angehörige des andern der beiden abschliessenden Theile sind, ihnen in dem Besitze dieser ihrer beweglichen (und unbeweglichen\*) Güter folgen, auch in Person sowohl, als durch andere, welche an ihrer Stelle handeln, davon Besitz ergreifen, und nach Gutdünken damit schalten können, ohne andere Steuern zu bezahlen, als solche, welche die Einwohner des Landes, worin sich die genannten Güter befinden, bei gleichem Anlasse unterworfen sind.

Droit d'aubaine and taxes on emigration abolished.

Heirs to real property allowed to sell the same and withdraw the proceeds.

Citizens or subjects of each party to have power to dispose of their personal property in the states of the other, &c.

Duties to be same as paid by inhabitants.

\* The words in parentheses are, in the Original Treaty, encircled in red ink.

## ARTICLE IV.

Property of absent heirs to be taken care of.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

## ARTICLE V.

Disputes concerning inheritances to be settled by local laws.

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws, and by the judges, of the country where the property is situated.

## ARTICLE VI.

This convention not to derogate from force of laws of Bavaria to prevent emigration.

But this convention shall not derogate in any manner from the force of the laws already published, or hereafter to be published, by his Majesty the King of Bavaria, to prevent the emigration of his subjects.

## ARTICLE VII.

Convention subject to ratification, and ratifications to be exchanged in fifteen months from date.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of his Majesty the King of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner if possible.

## ARTIKEL IV.

Im Fall der Abwesenheit der Erben, wird man hinsichtlich der erwähnten, beweglichen oder unbeweglichen Güter provisorisch ganz dieselbe Sorgfalt anwenden, welche man bei gleichem Anlasse hinsichtlich der Güter der Eingebornen angewendet hätte, bis der gesetzmässige Eigenthümer oder derjenige, welcher nach Artikel II. das Recht hat, dieselben zu verkaufen, Anordnungen zu treffen, für gut finden wird, um die Erbschaft anzutreten, oder darüber zu verfügen.

## ARTIKEL V.

Wenn sich Streitigkeiten zwischen verschiedenen rechtlichen Anspruch auf die Erbschaft habenden Prätendenten erheben, so werden dieselben in letzter Instanz nach den Gesetzen und von den Richtern des Landes entschieden werden, in welchem das Object der Erbschaft sich befindet.

## ARTIKEL VI.

Durch die Bestimmungen des gegenwärtigen Vertrags sollen jedoch auf keiner Weise diejenigen Gesetze entkräftet werden, welche durch Sr. Majestät den König von Bayern bezüglich der Verhinderung der Auswanderung allerhöchst dessen Unterthanen bereits erlassen worden sind, oder in der Folge zu erlassen wären.

## ARTIKEL VII.

Gegenwärtiger Vertrag ist abgeschlossen worden, vorbehaltlich der Ratification des Präsidenten der Vereinigten Staaten von Nord-America, nach und mit dem Rathe und der Einwilligung des nordamerikanischen Senats, und vorbehaltlich der Ratification Sr. Majestät des Königs von Bayern, und es soll die Auswechslung der Ratifications-Urkunden innerhalb fünfzehn Monaten vom Tage der Unterzeichnung des gegenwärtigen Vertrags angerechnet, oder früher, wenn es möglich ist, zu Berlin statt finden.

In witness whereof, the respective plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in quadruplicata, in the city of Berlin, on the twenty-first day of January, one thousand eight hundred and forty-five, in the sixty-ninth year of the independence of the United States of America, and the nineteenth of the reign of his Majesty the King of Bavaria.

HENRY WHEATON. [L. S.]

Urkundlich dessen, [haben] die beiderseitigen Bevollmächtigten obenstehende Artikel sowohl in englischer, als deutscher Sprache unterzeichnet, und ihre Siegel begedrückt haben.

Ausgestellt in vier Exemplaren zu Berlin, den ein und zwanzigsten Januar, ein tausend acht hundert und fünf und vierzig, im neun und sechzigsten Jahr der Unabhängigkeit der Vereinigten Staaten von America, und im neunzehnten Jahr der Regierung Seiner Majestät des Königs von Bayern.

GRAF V. LERCHENFELD. [L. S.]

Signed, in German and English, Jan. 21, 1845.

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## TREATY WITH BELGIUM.

[NOTE. — The Treaty concluded with the King of the Belgians, Nov. 10, 1845, was printed in the volume containing the Treaties of the United States with Foreign Nations, published under the joint resolution of Congress, approved March 3, 1845, authorising a subscription to Little & Brown's edition of the Laws and Treaties of the United States, and which is the eighth volume of that series. It is, therefore, omitted here. It will be found on page 606 of that volume.]

Nov. 10, 1845.

## CONVENTION WITH SAXONY,

FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE AND TAXES ON EMIGRATION.

May 14, 1845.

Ratifications  
exchanged Aug.  
12, 1846.  
Proclamation,  
September 9,  
1846.  
Preamble.

THE United States of America on the one part, and his Majesty the King of Saxony on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

Negotiators.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of his Majesty the King of Prussia, and his Majesty the King of Saxony upon John de Minckwitz, his Minister of State, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary at the said Court; who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:—

## ARTICLE I.

Droit d'aubaine, &amp;c., abolished.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

## ARTICLE II.

Heirs to real property allowed to sell the same and withdraw the proceeds.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject,

DIE Vereinigten Staaten von Nord-Amerika einestheils, und Seine Majestät der König von Sachsen andertheils, von gleichem Wunsche beseelt, die Beschränkungen aufzuheben, welche in Ihren Staatsgebieten bei Erwerbung und Ueberbringung von Gütern Seiten Ihrer beiderseitigen Staatsangehörigen bestehen, sind übereingekommen zu diesem Ende in Unterhandlung zu treten.

Um diesen wünschenswerthen Zweck zu erreichen, haben der Präsident der Vereinigten Staaten von Nord Amerika, deren ausserordentlichen Gesandten und bevollmächtigten Minister am königlich-preussischen Hofe, Heinrich Wheaton, und Seine Majestät der König von Sachsen Allerhöchst, Ihren Staatsminister, General-Lieutenant, ausserordentlichen Gesandten und bevollmächtigten Minister am gedachten Hofe Johannes von Minckwitz, zu Bevollmächtigten ernannt, welche, nach erfolgter Auswechslung ihrer, in gehöriger Form befundenen Vollmachten über folgende Artikel sich vereinigt haben:—

## ARTIKEL I.

Jede Art von Heimfallsrecht, Abschoss und Auswanderungssteuer ist und bleibt aufgehoben zwischen den beiden abschliessenden Theilen, ihrer beiderseitigen Staaten und Staatsangehörigen.

## ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von unbeweglichen Gütern, die in den Gebieten des einen Theils liegen, solche unbewegliche Güter durch gesetzliche Erbfolge einem Staatsangehörigen des andern Theils, wenn er nicht wegen seiner Eigenschaft als Fremder zu deren Besitz unbefähigt wäre, zufallen, oder wenn

he shall be allowed a term of two years from the death of such person — which term may be reasonably prolonged according to circumstances — to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of *détraction* on the part of the government of the respective States.

## ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

## ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance

unbewegliches Eigenthum durch testamentarische Verfügung einem solchen Staatsangehörigen bestimmt worden seyn sollte; so soll diesem ein Zeitraum von Zwei Jahren vom Tode des Erblassers an — welche Frist jedoch nach Umständen in billiger Weise verlängert werden kann — zugestanden werden, um die gedachten unbeweglichen Güter verkaufen und den Erlöss ohne Hinderniss und frei von jeder Abzugssteuer Seiten der Regierung eines der beiden Staaten, beziehen zu können.

## ARTIKEL III.

Die Staatsangehörigen eines jeden der abschliessenden Theile, sollen in den Gebieten des Andern das Recht haben, über ihre beweglichen Güter durch Testament, Schenkung, oder auf andere Weise zu verfügen, und ihre Erben, wenn sie Staatsangehörige des andern abschliessenden Theiles sind, sollen denselben, entweder durch Testament oder *ab intestato* in dem Besitze ihrer gedachten beweglichen Güter folgen und von selbigen, sei es in Person oder durch Andere in deren Namen Handelnde, Besitz ergreifen und nach Gefallen darüber verfügen können, ohne einer andern Abgabe als derjenigen unterworfen zu seyn, welche die Einwohner des Staats, worin sich die fraglichen Güter befinden, in gleichen Fällen zu entrichten haben würden.

## ARTIKEL IV.

Im Falle der Abwesenheit der Erben, wird man für dergleichen bewegliche oder unbewegliche Güter einstweilen dieselbe Sorge tragen, welche man in einem gleichen Falle rücksichtlich der Güter eines Eingebornen getragen haben würde, bis dass der rechtmässige Eigenthümer oder derjenige, welchem das Recht zusteht, dieselben zu verkaufen dem Artikel 2 gemäss, Anordnungen, die Erbschaft anzutreten oder darüber zu verfügen, getroffen haben wird.

Citizens and subjects of each party may dispose by will, &c., of their property in the States of the other, &c.; duties to be the same as paid by inhabitants.

Property of absent heirs to be taken care of.

## ARTICLE V.

Disputes to be settled by local laws.

If any dispute should arise between the different claimants to the same inheritance, they shall be decided according to the laws and by the judges of the country where the property is situated.

## ARTICLE VI.

Stipulations of the present convention to apply to property already inherited, &c., but not yet withdrawn.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

## ARTICLE VII.

Convention subject to ratification, and ratifications to be exchanged in 18 months from date.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by his Majesty the King of Saxony, and the ratifications shall be exchanged at Berlin within the term of eighteen months from the date of the signature, or sooner if possible.

Signed in German and English, 14 May, 1845.

In faith of which, the respective plenipotentiaries have signed the above articles, both in German and English, and have there to affixed their seals.

Done in triplicata, in the city of Berlin, on the 14th of May, in the year of our Lord one thousand eight hundred and forty-five, and the sixty-ninth of the Independence of the United States of America.

HENRY WHEATON. [L. s.]

## ARTIKEL V.

Wenn sich irgend eine Streitigkeit zwischen verschiedenen dieselbe Erbschaft beansprechenden Personen erheben sollte, so soll dieselbe in Gemässheit der Gesetze und durch die Richter desjenigen Staats, worin sich die Güter befinden, entschieden werden.

## ARTIKEL VI.

Sämmtliche Bestimmungen dieses gegenwärtigen Vertrags sollen auch verbindlich seyn rücksichtlich derjenigen unbeweglichen oder beweglichen Güter, welche zur Zeit der Vollziehung dieses Vertrags bereits angefallen oder vererbt, aber aus dem Lande, in dem sie sich befinden, noch nicht bezogen worden sind.

## ARTIKEL VII.

Dieser Vertrag wird von dem Präsidenten der Vereinigten Staaten von Nord-Amerika, mit Beirath und Einwilligung Seiten des Senats sowie von Seiner Majestät dem Könige von Sachsen ratificirt, und sollen die Ratifikationen zu Berlin binnen zwölf Monaten vom Tage der Unterzeichnung angerechnet oder auch früher, sofern es thunlich ist, ausgewechselt werden.

Zur Urkund dessen haben die beiderseitigen Bevollmächtigten die vorstehenden Artikel, sowohl in deutscher als englischer Sprache, vollzogen und ihre Siegel beigedrückt.

Ausgefertigt in drei Exemplaren zu Berlin, den 14ten May des Jahres der Gnade Ein Tausend Acht hundert Fünf und Vierzig, und dem Neun und Sechzigsten der Unabhängigkeit der Vereinigten Staaten von Nord-Amerika.

MINCKWITZ. [L. s.]

## TREATY WITH THE TWO SICILIES.

THE United States of America and his Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and consolidating the commercial intercourse between them, have agreed to enter in negotiation for the conclusion of a Treaty of Commerce and Navigation, for which purpose they have appointed plenipotentiaries, that is to say :

The President of the United States of America, William H. Polk, Chargé d'Affaires of the same United States of America to the Court of his Majesty the King of the Kingdom of the Two Sicilies; and his Majesty the King of the Kingdom of the Two Sicilies, D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of Saint George, and of Francis the 1st, Minister Secretary of State of his said Majesty; D. Michael Gravina and Requesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the Chamber in waiting, and Minister Secretary of State of his said Majesty; and D. Antonio Spinelli, of Scalea, Commander of the Royal Order of Francis the 1st, Gentleman of the Chamber of his said Majesty, Member of the General Consulta, and Superintendent-General of the Archives of the Kingdom; who after having each others exchanged their full powers, found in good and due form, have concluded and signed the following articles:—

## ARTICLE I.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

GLI Stati Uniti di America, e Sua Maestà il Re del Regno delle Due Sicilie, del pari animati dal desiderio di conservare le relazioni di buona corrispondenza che anno finora felicemente esistito tra' loro rispettivi stati, e di estendere e consolidare i rapporti commerciali tra essi, sono convenuti di entrare in negoziazione per la conclusione di un Trattato di Commercio e di Navigazione, ed anno a tale effetto destinato rispettivamente de' plenipotenziari, cioè :

Il Presidente degli Stati Uniti di America, il Sig.<sup>no</sup> Guglielmo H. Polk, Incaricato di Affari degli stessi Stati Uniti di America presso la Corte di S. M. il Re del Regno delle Due Sicilie; e Sua Maestà il Re del Regno delle Due Sicilie, D. Giustino Fortunato, Cavaliere Gran Croce del Militare Reale Ordine Costantiniano, di S. Giorgio, e di quello di Francesco 1°, Ministro Segretario di Stato della M. S.; D. Michele Gravina e Requesenz, Principe di Comitini, Cavaliere Gran Croce di Francesco 1°, Gentiluomo di Camera con esercizio, e Ministro Segretario di Stato della M. S.; e D. Antonio Spinelli, dei Principi di Scalea, Commendatore del Real Ordine di Francesco 1°, Gentiluomo della M. S., Consultore della Consulta Generale, e Soprintendente Generale degli Archivi del Regno; i quali dopo di avere scambiato i loro pieni poteri, trovati in buona e dovuta forma, àn conchiuso e sottoscritto gli articoli seguenti:—

## ARTICOLO I.

Vi sarà reciproca libertà di commercio e navigazione tra gli Stati Uniti di America ed il Regno delle Due Sicilie, e niun dazio doganale, o altra imposizione, sarà caricato

Dec. 1, 1845.

Ratifications  
exchanged at Na-  
ples, June 1, 1846.  
Proclamation,  
July 24, 1846.

Negotiators.

To be a recip-  
rocal liberty of  
commerce and  
navigation.

No higher duties to be imposed on importations into either country of articles from the other than from any other country.

Favors granted by either party to other nations to be common to the other.

No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and his Majesty the King of the Kingdom of the Two Sicilies do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, and at the same time, be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

#### ARTICLE II.

Equalization of duties, &c., on imports and exports on vessels of either country.

All articles of the produce or manufacture of either country, and of their respective states, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or reexported from either country to the other, in ships of that other country, shall, when so exported or reexported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country, or in ships of the other.

#### ARTICLE III.

No duties of tonnage, harbor, lighthouses, pilotage, quarantine,

Equalization of tonnage, harbor, and lighthouse duties.

sopra qualunque merce di produzione del suolo o dell' industria di un paese, alla importazione per mare o per terra da tale paese nell' altro, diverso o più elevato del dazio o imposizione caricata sulle merci dello stesso genere di produzione, o manifattura importata da qualsivoglia altro paese.

Gli Stati Uniti di America e S. M. il Re del Regno delle Due Sicilie s' impegnano, perciò che i sudditi o cittadini di alcun altra Potenza non godranno alcun favore, privilegio o immunità, in materia di commercio o di navigazione, senza estenderlo, egualmente, e nello stesso tempo, a' sudditi o cittadini dell' altra Potenza contraente, gratuitamente, se la concessione fatta a favore di tale altro Stato sarà stata gratuita, e mediante un compensamento proporzionato, per quanto sia possibile, di valore e di effetto, da stabilirsi di comune accordo, se la concessione è stata onerosa.

#### ARTICOLO II.

Tutte le produzioni del suolo e dell' industria dell' uno e dell' altro paese, o de' loro rispettivi Stati che possono essere legalmente immesse in uno de' due paesi con legni dell' altro paese e da esso provenienti, saranno, quando verranno così immesse, sottoposte agli stessi dazi, e godranno degli stessi privilegi, o che sieno importate con bastimenti dell' uno o con bastimenti dell' altro paese: ed allo stesso modo, tutte le merci che potranno essere legalmente esportate o riesportate da uno de' due paesi nell' altro, con legni dell' altro paese, saranno, quando verranno così esportate o riesportate, sottoposte agli stessi dazi, ed avranno diritto agli stessi privilegi diffalchi, benefici, concessioni e restituzioni, o che sieno esportate da' legni di un paese o da quelli dell' altro.

#### ARTICOLO III.

Niun diritto di tonnelloaggio, di porto, di fanale o di pilotaggio,

or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

## ARTICLE IV.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their cargoes, at one or more ports in the states of either of the high contracting parties, and then to proceed to complete the said loading or unloading to [at] any other port or ports in the same states.

## ARTICLE V.

Neither of the two governments, nor any corporation or agent acting in behalf or under the authority of either government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of, or in reference to, the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

## ARTICLE VI.

The high contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall

quarantena e altri simili o corrispondenti diritti di qualsivoglia natura, e sotto qualsiasi denominazione, sarà imposto in uno de' due paesi sopra i legni dell' altro, in riguardo ai viaggi tra gli Stati Uniti di America ed il Regno delle Due Sicilie, se carichi, e per qualunque viaggio, se in zavorra, che non sarà egualmente imposto, in casi simiglianti, sopra i legni del proprio paese.

## ARTICOLO IV.

È espressamente dichiarato, che le stipulazioni del presente trattato non debbono intendersi come applicabili alla navigazione ed al traffico tra un porto ed un altro situati negli Stati di ciascuna delle alte parti contraenti, essendo tale navigazione e traffico riserbato esclusivamente a' bastimenti nazionali.

I bastimenti de' due paesi, del resto, potranno caricare o scaricare il tutto, o una parte de' loro carichi, in uno o più porti degli Stati di ciascuna delle parti contraenti, e quindi procedere per completare il rimanente del carico o del scarico, in ogni porto o porti negli stessi Stati.

## ARTICOLO V.

Niuno de' due Governi, nè alcuna corporazione o agente che operi in favore, o sotto l' autorità di ciascuno di essi nella compra di qualunque articolo, il quale, essendo produzione o manifattura di un paese, sarà importato nell' altro, darà direttamente o indirettamente alcuna preminenza o preferenza, in riguardo o in rapporto al carattere nazionale del bastimento, in cui tale articolo sarà stato importato; essendo il vero scopo ed intenzione delle alte parti contraenti, che niuna distinzione o differenza qualunque, sia fatta sotto questo rapporto.

## ARTICOLO VI.

Le alte parti contraenti s' impegnano, per riguardo a' personali privilegi, di cui godranno i cittadini degli Stati Uniti di America

Stipulations of this treaty not to apply to the coasting trade.

No preference to be given by either party to importations on account of the national character of vessels in which imported.

Liberty of residence, &c., secured.

enjoy in the dominions of his Majesty the King of the Kingdom of the Two Sicilies, and the subjects of his said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised towards the subjects or citizens of the most favored nations.

Citizens and subjects of either party may dispose of their personal property and their heirs may succeed to and take possession of the same, &c.

They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

In absence of the heirs their goods shall receive the same care as those of natives.

They shall not be obliged to pay higher taxes than paid by citizens of most favored nations.

They shall not be obliged to pay, under any pretence whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties.

Shall be exempt from

They shall be exempt from all military service, whether by land

ne' Dominî di S. M. il Re del Regno delle Due Sicilie, ed i Sudditi della M. S. ne' detti Stati Uniti di America, che avranno essi libero e non dubbio diritto di viaggiare e risiedere negli Stati delle due alte parti contraenti, rimanendo sottoposti, soltanto, alle precauzioni di polizia che vengono usate verso i sudditi o cittadini delle nazioni le più favorite.

Essi avranno diritto di occupare delle case e de' magazzini, e di disporre delle loro proprietà personali di qualunque specie e denominazione, per vendita, donazione, permuta, testamentato, o in qualunque altro modo, senza il minimo ostacolo o impedimento; ed i loro eredi, essendo sudditi o cittadini dell' altra parte contraente, succederanno a' detti loro beni personali, sia per testamentato, sia *ab intestato*; e potranno prenderne possesso, sia da se stessi o per altri agendo per essi, e di disporre a piacimento, pagando a profitto de' rispettivi Governi, quei soli diritti, a' quali gli abitanti del paese ove sono situati tali beni, sarebbero assoggettati in simili circostanze: ed in caso di assenza degli eredi o de' rappresenta[n]ti di essi, si prenderà de' detti beni la stessa cura che sarebbe presa, in simili casi, de' beni de' nativi dello stesso paese, fino a tanto che il legittimo proprietario abbia rinvenuto i mezzi per riceverli. E laddove sorgesse quistione tra molti pretendenti per l' appartenenza de' detti beni, la stessa sarà decisa definitivamente, secondo le leggi e da' giudici del paese ove si trovano i detti beni.

Non saranno essi obbligati a pagare, sotto verun pretesto, altre tasse o imposizioni, diverse o più elevate di quelle che sono pagate o che potranno essere in seguito pagate da' sudditi o cittadini delle nazioni le più favorite ne' rispettivi Stati delle alte parti contraenti.

Saranno essi esenti da qualunque servizio militare, sia per ter-

or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of, or or visit to, their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective states, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nations.

## ARTICLE VII.

The citizens and the subjects of each of the two high contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the states and dominions of the two high contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the high contracting parties.

ra, sia per mare, da' prestiti forzosi e da qualunque contribuzione straordinaria, purchè non sia generale e stabilita dalle leggi. Le loro abitazioni, i magazzini, e tutto ciò che loro appartiene per obbietto di commercio e di residenza, saranno rispettati. Non sarà fatta alcuna arbitraria perquisizione o visita nelle loro abitazioni, e neanche arbitrario esame o ispezione qualunque de' loro libri, carte o conti commerciali; potendo siffatte misure essere soltanto eseguite in forza di sentenza legale di un competente tribunale; ciascuna delle due alte parti contraenti s' impegna, perciò che i cittadini o i sudditi dell' altra residenti ne' loro rispettivi Stati, godranno della loro proprietà e sicurezza personale, in tal pieno ed ampio modo, come i loro propri cittadini e sudditi, o i sudditi o cittadini delle nazioni le più favorite.

## ARTICOLO VII.

I cittadini ed i sudditi di ciascuna delle due alte parti contraenti potranno, negli Stati dell' altra, liberamente trattare i propri affari da se stessi, o commettere tali affari alla gestione di tutte le persone, ch' essi potranno nominare loro mezzani, fattori o agenti, e non saranno i cittadini ed i sudditi delle due alte parti contraenti impediti nella scelta delle persone che potranno agire in tale qualità, ne' saranno essi richiesti di pagare alcun salario o remunerazione ad alcuna persona, che non sia da essi scelta.

Absolute libertà sarà data, in ogni caso, al compratore ed al venditore, di negoziare insieme, e di fissare il prezzo di qualunque effetto o mercanzia immessa negli Stati e ne' dominî delle due alte parti contraenti, o da essere dai medesimi esportata; salvo, in generale, gli affari, pe' quali le leggi e le usanze del paese richiederanno l' opera di agenti speciali negli Stati e dominî delle due alte parti contraenti.

military service, forced loans, &c.

Dwellings to be respected.

No arbitrary search of houses or examination of papers allowed.

Rights of property guaranteed.

Citizens and subjects of each party in the country of the other may manage their own affairs or select their own agents, &c.

Absolute freedom given to buyers and sellers to bargain together.

## ARTICLE VIII.

Each party may appoint consuls, &c., to enjoy the same privileges as those of most favored nations; but consuls engaging in commerce placed on same footing as private individuals.

Consuls, &c. authorized to require assistance of local authorities for arrest, &c., of deserters.

How demand shall be made.

How deserters shall be disposed of when arrested.

Each of the two high contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nations; but if any such consuls shall exercise commerce, they shall be submitted [subject] to the same laws and usages to which the private individuals of their nation are submitted [subject] in the same place.

The said consuls, vice-consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention, 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 the said deserters, proving, by the exhibition of the registres of the vessel, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any

## ARTICOLO VIII.

Ciascuna delle due alte parti contraenti potrà avere, ne' porti dell'altra, de consoli, vice-consoli ed agenti commerciali di loro scelta, i quali godranno degli stessi privilegi e poteri, di cui godono quelli delle nazioni le più favorite; ma nel caso che i detti consoli volessero esercitare il commercio, saranno soggetti alle stesse leggi ed usi, a' quali sono sottoposti gl'individui della loro nazione nel paese ove risiedono.

I detti consoli, vice-consoli ed agenti consolari sono autorizzati a richiedere l'assistenza delle autorità locali per la ricerca, l'arresto, la detenzione e l'imprigionamento de' disertori da navi da guerra e mercantili del loro paese. A tale effetto, essi si rivolgeranno a' tribunali, giudici ed ufficiali competenti, e domanderanno in iscritto i suddetti disertori, provando co' registri del bastimento o ruolo di equipaggio o con altri documenti ufficiali che tali individui abbiano fatto parte de' suddetti equipaggi, e a tal dimanda, così documentata, il disertore non sarà negato.

Questi disertori, allorchè arrestati, rimarranno a disposizione de' consoli, vice-consoli o agenti commerciali, e potranno esser rinchiusi nelle pubbliche carceri, a richiesta e spesa di chi ne faccia la dimanda, per essere ritenuti sino al momento che saranno restituiti al bastimento al quale appartenevano, o inviati nel loro paese su di un bastimento della stessa nazione o di qualsiasi altra; ma, però, se nello spazio di quattro mesi, a contare dal giorno dello arresto, non fossero essi rimandati, o che tutte le spese per tale imprigionamento non sieno pagate dalla parte che à dimandato tale arresto e prigione, saranno essi messi in libertà, senza che possano quindi essere arrestati di bel nuovo per la stessa ragione.

Se però il disertore avesse commesso qualche delitto, la estradi-

crime or offence, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

## ARTICLE IX.

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

## ARTICLE X.

The merchant vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the state, if the motives which led to take refuge be real and evi-

zione dello stesso sarà differita fino a tanto che il tribunale, da cui dipende, abbia emanata la sua sentenza, e che abbia questa avuto il suo effetto.

## ARTICOLO IX.

Si alcun bastimento da guerra o mercantile, farà naufragio sulle coste degli Stati di ciascuna delle alte parte contraenti, tali bastimenti o qualunque parte di essi, ed attrezzi ed appartenenze de' medesimi, ed ogni altro effetto e mercanzia che sarà salvata da essi, o il prodotto, se venduto, sarà fedelmente restituito il più presto che si potrà, ai proprietari, su la di loro richiesta, o di agenti, debitamente da loro autorizzati; e se non vi sieno tali proprietari o agenti sul luogo, allora siffatti effetti e mercanzie, o il di loro prodotto, del pari che tutte le carte ritrovate a bordo de' bastimenti naufragati, saranno consegnate al console o vice-console Americano o Siciliano, nel di cui distretto il naufragio à potuto avere luogo; e tale console o vice-console, proprietari o agenti, pagheranno solamente le spese incorse per la conservazione della proprietà, insieme con la rata di salvataggio, e le spese di quarantena, che sarebbero pagabili in simil caso di naufragio di un bastimento nazionale, e gli effetti e mercanzie salvate dal naufragio non saranno soggette a dazio, a meno che non sieno esse destinate per consumazione, beninteso che, in caso di qualunque legale reclamo su di tale naufragio, effetti e mercanzie, lo stesso sarà deferito alla decisione dei tribunali competenti del paese.

## ARTICOLO X.

Le navi mercantili di ciascuna delle due alte parti contraenti, che per fortuna di mare o altra cagione fossero costrette ad entrare in uno de' porti dell' altra, vi saranno esentate da ogni diritto di porto o di navigazione solito a pagarsi in beneficio dello Stato, se i motivi che le avranno costrette a rifug-

Vessels of either party wrecked on the coast of the other, and merchandise saved therefrom shall be restored to owners.

Goods found on board such wrecked vessels, how to be disposed of.

Legal claims on such wreck to be referred to competent tribunals of the country.

Vessels of either party forced by stress of weather into the ports of the other exempt from port charges, provided they do not engage in commerce.

Loading or unloading, in certain cases, not considered engaging in commerce.

dent, and if no operation of commerce be done by loading or unloading merchandises; [it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in view the cause which led [to] taking refuge.

#### ARTICLE XI.

Every difference of duty to cease and be abolished.

To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective states, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the first article of the present treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported in the United States of America, whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favored nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly in the United States of America, whether in vessels of the one or of the other country, shall not pay higher or

Duties on red and white wines.

girsi sieno reali ed evidenti, e purchè non facciano esse alcuna operazione di commercio caricando o scaricando delle mercanzie. Beninteso, però, che i caricamenti o discaricamenti riguardanti la sussistenza degli equipaggi o necessari alla riparazione delle navi, non saranno considerati come operazioni di commercio che diano adito al pagamento de' diritti, e purchè le dette navi non prolungino la loro permanenza nel porto, al di là del tempo necessario, avendosi riguardo alle cagioni che le avranno costrette a cercar rifugio.

#### ARTICOLO XI.

Per recare sempre più ad effetto le intenzioni delle due alte parti contraenti, convengono esse, che ogni differenza di dazio, sia del 10 p. c. sia altra stabilita negli Stati rispettivi in pregiudizio della navigazione e del commercio delle nazioni che non anno con esse trattati di navigazione e di commercio, cesserà e rimarrà abolita, consentaneamente al principio stabilito nel primo articolo del presente trattato, tanto sulle produzioni del suolo e della industria del Regno delle Due Sicilie, che da esso verranno immesse negli Stati Uniti di America con legni dell' uno e dell' altro paese, quanto sulle produzioni del suolo e dell' industria degli Stati Uniti di America, che da essi verranno parimenti immesse nel Regno delle Due Sicilie con bastimenti de' due paesi.

Dichiarano, inoltre, che non dovendo le produzioni del suolo e dell' industria dei due paesi, nella loro immissione dall' uno nell' altro, essere assoggettate a dazio maggiore di quello a cui sono sottoposti i prodotti medesimi delle nazioni le più favorite, i vini rossi e bianchi, perciò, del Regno delle Due Sicilie, di qualunque sorta, inclusi quelli di Marsala, che saranno immessi direttamente negli Stati Uniti di America, con legni dell' uno o dell' altro paese, non pagheranno dazî maggiori o più elevati de' vini rossi o bianchi

greater duties than those of the red and white wines of the most favored nations. And in like manner, the cottons of the United States of America, which may be imported directly in the Kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favored nations.

## ARTICLE XII.

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

## ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by his Majesty the King of the Kingdom of the Two Sicilies, and the ratifications shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner, if possible.

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

Done at Naples the first of December, in the year one thousand eight hundred and forty-five.

WILLIAM H. POLK. [L. S.]

delle nazioni le più favorite. E similmente, i cottoni degli Stati Uniti di America, che verranno immessi direttamente nel Regno delle Due Sicilie, con legni dell'una o dell'altra nazione, non pagheranno dazî maggiori, o più elevati de' cottoni di Egitto, del Bengala, o di quelli delle nazioni le più favorite.

## ARTICOLO XII.

Il presente trattato sarà in vigore da questo giorno, e per lo spazio di dieci anni, ed anche fino al termine di dodici mesi dopo che ciascuna delle alte parti contraenti avrà notificato all'altra la sua intenzione di porvi termine; riserbandosi ciascuna delle alte parti contraenti il diritto di dare tale conoscenza alla fine del detto termine di dieci anni, o a qualunque susseguente tempo.

## ARTICOLO XIII.

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

In fede di chè, i plenipotenziarî rispettivi lo han firmato, e vi hanno apposto il sugello delle loro armi.

Fatto in Napoli il primo di Dicembre dell'anno milleottocento quarantacinque.

GIUSTINO FORTUNATO. [L. S.]  
IL PRINCIPE DI COMITINI. [L. S.]  
ANTONIO SPINELLI. [L. S.]

Duties on cottons from the United States.

This treaty to be in force ten years, and until 12 months after either party give notice, &c.

To be ratified, and ratifications to be exchanged six months from the date of its signature.

Signed Dec. 1 1845.

## TREATY WITH THE KANSAS INDIANS.

Jan. 14, 1846. *Articles of a Treaty made and concluded at the Methodist Mission, in the Kansas country, between Thomas H. Harvey and Richard W. Cummins, Commissioners of the United States, and the Kansas Tribe of Indians.*

Consent of Senate, April 13, 1846.

Proclamation, April 15, 1846.

Land ceded to the U. States.

## ARTICLE I.

The Kansas tribe of Indians cede to the United States two millions of acres of land on the east part of their country, embracing the entire width, thirty miles, and running west for quantity.

## ARTICLE II.

Sums to be paid by the United States for the cession of lands — how disposed of.

In consideration of the foregoing cession, the United States agree to pay to the Kansas Indians two hundred and two thousand dollars, two hundred thousand of which shall be funded at five per cent., the interest of which to be paid annually for thirty years, and thereafter to be diminished and paid *pro rata*, should their numbers decrease, but not otherwise — that is: the government of the United States shall pay them the full interest for thirty years on the amount funded, and at the end of that time, should the Kansas tribe be less than at the first payment, they are only to receive *pro rata* the sums paid them at the first annuity payment. One thousand dollars of the interest thus accruing shall be applied annually to the purposes of education in their own country; one thousand dollars annually for agricultural assistance, implements, &c.; but should the Kansas Indians at any time be so far advanced in agriculture as to render the expenditure for agricultural assistance unnecessary, then the one thousand dollars above provided for that purpose shall be paid them in money with the balance of their annuity; the balance, eight thousand dollars, shall be paid them annually in their own country. The two thousand dollars not to be funded shall be expended in the following manner: first, the necessary expenses in negotiating this treaty; second, four hundred dollars shall be paid to the Missionary Society of the Methodist Episcopal Church for their improvements on the land ceded in the first article; third, six hundred dollars shall be applied to the erection of a mill in the country in which the Kansas shall settle for their use, it being in consideration of their mill on the land ceded in the first article. The balance to be placed in the hands of their agent, as soon after the ratification of this treaty as practicable, for the purpose of furnishing the said Kansas Indians with provisions for the present year.

Education.  
Agriculture.

Methodist Episcopal Church.

Provisions.

## ARTICLE III.

West line of lands ceded by this treaty to be ascertained and marked.

In order that the Kansas Indians may know the west line of the land which they have ceded by this treaty, it is agreed that the United States shall, as soon as may be convenient in the present year, cause the said line to be ascertained and marked by competent surveyors.

## ARTICLE IV.

To move from lands ceded by 1st May, 1847.

The Kansas Indians are to move from the lands ceded to the United States, by the first article of this treaty, by the first day of May, 1847.

ARTICLE V.

As doubts exist whether there is a sufficiency of timber on the land remaining to the Kansas, after taking off the land ceded in the first article of this treaty, it is agreed by the contracting parties, that after the western line of the said cession shall be ascertained, [and] the President of the United States shall be satisfied that there is not a sufficiency of timber, he shall cause to be selected and laid off for the Kansas a suitable country, near the western boundary of the land ceded by this treaty, which shall remain for their use forever. In consideration of which, the Kansas nation cede to the United States the balance of the reservation under the treaty of June 3, 1825, and not ceded in the first article of this treaty.

The President, on being satisfied that there is not a sufficiency of timber on lands remaining to the Kansas, to select and lay off a suitable country, &c.

Additional cession by the Kansas.

ARTICLE VI.

In consideration of the great distance which the Kansas Indians will be removed from the white settlements and their present agent, and their exposure to difficulties with other Indian tribes, it is agreed that the United States shall cause to reside among the Kansas Indians a sub-agent, who shall be especially charged with the direction of their farming operations, and general improvement, and to be continued as long as the President of the United States should consider it advantageous to the Kansas.

A sub-agent to reside amongst them.

ARTICLE VII.

Should the government of the United States be of opinion that the Kansas Indians are not entitled to a smith under the 4th article of the treaty of June 3, 1825, it is agreed that a smith shall be supported out of the one thousand dollars provided in the 4th article for agricultural purposes.

Provision for a smith.

In testimony whereof, Thomas H. Harvey and Richard W. Cummins, Commissioners, [and] the Chiefs and Principal Men of the Kansas tribe of Indians have, this the 14th day of January one thousand eight hundred and forty-six, set their hands and seals at the Methodist Kansas Mission.

Signed January 14, 1846.

TH. H. HARVEY, }  
 RICH. W. CUMMINS, } *Commissioners.*

Ki-hi-ga-wah-chuffe, or Hard Chief,  
 Me-cho shin-gah, or Broken Thigh,  
 Pi-is-cah-cah,  
 Ish-tal-a-sa, or Speckled Eyes,  
 Mah-gah-ha,  
 Shin-gah-ki-hi-ga,  
 Ca-ho-nah-she,  
 Wa-shon-ge ra,  
 Ne-qui-bra,  
 Ke-bucco-mah-e,

No-pa-war-ra,  
 Was-sol-ba-shinga,  
 Ke-hi-ga-wat-ti-in-ga,  
 Big-no-years,  
 Wah-pug-ja,  
 Ah-ke-is-tah,  
 Chi-ki-cah-rah,  
 Ke-hah-ga-cha-wah-go,  
 Wah-hah-hah.

James M. Simpson, *Secretary,*  
 Clement Lesserts, *Interpreter,*  
 John T. Peery,  
 John D. Clark,  
 Chs. Choteau,  
 Seth M. Hays,  
 Nelson Henrys,  
 R. M. Parrett, } *Witnesses.*

[To the names of the Indians are added their marks.]

## TREATY WITH THE COMANCHES AND OTHER TRIBES.

May 15, 1846.

Proclamation  
March 8, 1847.

*Articles of a Treaty made and concluded at Council Springs, in the County of Robinson, Texas, near the Brazos River, this 15th Day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, Commissioners on the Part of the United States, of the one Part, and the undersigned Chiefs, Counsellors, and Warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Tah-wa-carro, Wi-chita, and Wacoe Tribes of Indians, and their associate Bands, in Behalf of their said Tribes, on the other Part.*

## ARTICLE I.

Said tribes or nations to be under the sole protection of the United States.

THE undersigned chiefs, warriors, and counsellors, for themselves and their said tribes or nations, do hereby acknowledge themselves to be under the protection of the United States, and of no other power, state, or sovereignty whatever.

## ARTICLE II.

The United States to have the sole and exclusive right to regulate trade and intercourse with said tribes.

No person to reside among them as a trader who is not furnished with a license for that purpose.

Unfair dealing — how punished.

It is stipulated and agreed by the said tribes or nations, and their associate bands, that the United States shall have the sole and exclusive right of regulating trade and intercourse with them, and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade and intercourse, and to their agents and servants, but no person shall be permitted to reside among them as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent to be appointed by the President of the United States or such other person as the President shall authorize to grant such licenses, to the end that said Indians may not be imposed on in their trade; and if any licensed trader shall abuse his privilege by unfair dealing, upon complaint by the chiefs to their agents and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States; and if any person shall intrude himself as a trader without such license, upon complaint he shall be dealt with according to law.

## ARTICLE III.

This article struck out by the Senate. See post, p. 848.

The United States reserves to itself the right of working such mines as may be found within the Indian territory, and the said tribes pledge themselves to protect such persons as the President of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States.

## ARTICLE IV.

All white persons and negroes now prisoners with said Indians to be delivered up.

The said tribes and their associate bands agree to deliver, by the first day of November next, to the superintendent of Indian affairs to be appointed by the President, at such place as he may direct, due notice of which shall be given to the said tribes, all white persons and

negroes who are now prisoners among any of the said tribes or nations, for which the United States agree to make to them a fair compensation; and the United States further agree to make [that] all the prisoners taken from said tribes by Texas or the United States, shall be delivered up to the said tribes, at the same time and place, without charge. And when any member of any of said tribes or nations, and their associate bands, having in his possession an American prisoner or prisoners, white or black, shall refuse to give them up, the President of the United States shall have the privilege of sending among said tribes or nations such force as he may think necessary to take them; and the chiefs of the nations or tribes, parties to this treaty, pledge themselves to give protection and assistance to such persons as may be sent among them for this purpose.

Persons taken from said tribes by Texas to be delivered up.

Force may be used.

ARTICLE V.

The said tribes or nations shall have the right of sending delegates to the city of Washington whenever they may think their interest requires it.

This article struck out by the Senate. See post, p. 848.

ARTICLE VI.

The said tribes and their associate bands pledge themselves to give notice to the agent of the United States residing near them of any designs which they may know or suspect to [be] formed in any neighboring tribe, or by any person whatever, against the peace and interests of the United States.

The said tribes to give notice of any designs against the peace and interests of the U. States.

ARTICLE VII.

It is agreed that, if any Indian or Indians shall commit a murder or robbery on any citizen of the United States, the tribe or nation to which the offender belongs shall deliver up the person or persons so complained of, on complaint being made to their chief, to the nearest post of the United States, to the end that he or they may be tried, and, if found guilty, punished, according to the law of the State or Territory where such offence may have been committed. In like manner, if any subject or citizen of the United States shall commit murder or robbery on any Indian or Indians of the said tribes or nations, upon complaint thereof to the agent residing near them, he or they shall be arrested, tried, and punished according to the law of the State or Territory where such offence may have been committed.

Indians guilty of murder or robbery to be delivered up.

Citizens of the United States guilty of murder or robbery of Indians to be punished according to law.

ARTICLE VIII.

The practice of stealing horses has prevailed very much to the great disquiet of the citizens of the United States, and, if persisted in, cannot fail to involve both the United States and the Indians in endless strife. It is therefore agreed that it shall be put an entire stop to on both sides. Nevertheless, should bad men, in defiance of this agreement, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity, according to the laws of the State or Territory where the offence may have been committed; and all horses so stolen, either by the Indians from the citizens of the United States or by the citizens of the United States from any of the said tribes or nations, into whose possession soever they may have passed, upon due proof of rightful ownership, shall be restored; and the chiefs of said tribes or nations shall give all necessary aid and protection to citizens of the United

Horse stealing.

How punished.

All stolen horses to be restored.

States in reclaiming and recovering such stolen horses ; and the civil magistrates of the United States, respectively, shall give all necessary aid and protection to Indians in claiming and recovering such stolen horses.

#### ARTICLE IX.

Trading houses, agencies, and posts to be located on the borders.

See post, p. 848.

For the protection of said Indians and for the purpose of carrying out the stipulations of this treaty more effectually, the President shall, at his discretion, locate upon their borders trading houses, agencies, and posts. In consideration of the friendly disposition of said tribes, evidenced by the stipulations in the present treaty, the commissioners of the United States, in behalf of the said States, agree to give to the said tribes or nations goods, as presents, at this time, and agree to give presents in goods to them, to the amount of——, next fall, (a) at the Council Springs, on the Brazos, where this council is now held, or at some other point to be designated, and of which due notice shall be given to said tribes.

#### ARTICLE X.

Perpetual peace between the United States and said tribes.

The said tribes or nations and their associate bands are now, and forever agree to remain, at peace with the United States. All animosities for past offences are hereby mutually forgiven and forgotten, and the parties to this treaty pledge themselves to carry it into full execution, in good faith and sincerity.

#### ARTICLE XI.

Said tribes to remain at peace with Indians friendly to the United States.

And the said tribes and their associate bands are now, and agree to remain, friendly with such tribes as are now at peace with the United States, residing upon the waters of the Arkansas, Missouri, and Red Rivers.

#### ARTICLE XII.

Penalty for the introduction of ardent spirits or intoxicating liquors into the Indian country.

If any person or persons shall introduce ardent spirits or intoxicating liquors of any kind among said tribes or nations, such person or *person* [persons] shall be punished according to the laws of the United States, and the said tribes or nations agree to give immediate notice to the agent of the United States residing near them, and to prevent by any means in their power the violation of this article of treaty.

#### ARTICLE XIII.

Blacksmiths to be sent to reside among said tribes.

School teachers to be sent among said tribes ; and preachers of the gospel may travel and reside among them.

It is further agreed that blacksmiths shall be sent to reside among the said tribes or nations, to keep their guns and farming utensils in order, as long and in such manner as the President may think proper. It is further agreed that school teachers, at the discretion of the President, shall be sent among the said tribes or nations for the purpose of instructing them ; and the said tribes or nations agree that preachers of the gospel may travel or reside among them by permission of the President or his agents to be appointed, and that ample protection shall be afforded them in the discharge of their duties.

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(a) This blank was filled by the Senate with \$10,000, and for the words "next fall" were substituted, "at such time as the President of the United States may think proper."

## ARTICLE XIV.

The said tribes or nations, parties to this treaty, are anxious to be at peace with all other tribes or nations, and it is agreed that the President shall use his exertions, in such manner as he may think proper, to preserve friendly relations between the different tribes or nations parties to this treaty, and all other tribes of Indians under his jurisdiction.

The President to use his exertions to preserve peace between said tribes and all other Indian tribes.

Given under our hands and seals this day and date above.

Signed 15 May, 1846.

P. M. BUTLER, } U. S. Commissioners.  
M. G. LEWIS, }

*Comanches.*

Pah-ha-u-ca, (or the Amorous Man,)	Po-che-na-qua-heip, (Buffalo Hump,)
Mo-pe-chu-co-pe, (or Old Owl,)	Santa Anna,
Cush-un-a-rah-ah, (or Ravisher,)	Sa-ba-heit, (Small Wolf,)
Ka-bah-ha-moo, (or Won't Smoke,)	Quarah-ha-po-e, (Atelope Road,)
O-ka-art-su, (or Rope Cutter,)	Ka-nah-u-mah-ka, (Nearly Dead,)
Moo-ra-que-top, (or Nasty Mule,)	Ish-a-me-a-qui, (Travelling Wolf,)
Ta-bup-pua-ta, (or the Winner,)	Mo-he-ka, (Polecat,)
Kai-tia-tah, (or Little,)	A-ka-chu-a-ta, (No Horn,)
Kai-he-na-mou-rah, (Blind Man,)	Ka-he-na-bo-ne, (Blind Man,)
Ho-chu-cah, (Birdshouse,)	Ma-war-ra, (The Lost,)
Pah-moo-wah-tah, (No Tobacco,)	Ke-wid-da-wip-pa, (Tall Woman,)
Mon-ne-con-nah-heh, (Ring,)	Pa-na-che, (Mistletoe.)

*Wacoos.*

We-ar-ras, (Big Dog,)	Hed-e-cok-isk, (Double-Barrelled,)
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*Keeches.*

Sa-sed-da-qua, (Dead Man,)	Ha-wi-da-sai-kish, (Man Killer,)
A-ko-ha-rai-at, (Pursuer,)	No-cur-ra-oh-to-a-wa, (Loud Talker,)
Hens-ke-da-hick, (Long Frock,)	To-ka-rah, (Black House,)
Uks-que-ra-qua-ar-da, (House Keeper,)	Ken-di-ash-ush-sa, (Narrow Escape.)

*Tonkaways.*

Ha-set-ta, (Sitting by a River, Cam- po,	Nic-co-na-nah, (Killed an Indian on the Hill,)
Ha-shu-ka-nah, (Can't Kill Him,)	Hose-Marea, (or Aish,)
Placedon,	Be-cin-ta,
Cha-al-lah, (Strong Man,) Jose,	Shell Chief, (or Tow-a-ash,)
Ka-sa, (A Worshipper,)	Bin-chah,
Tron-ke-la, (Thunder,)	Chick-a-saw-che.

*Wichetas.*

To-sa-quas, (White Tail,)	Wich-qua-sa-is, (Contrary,)
Cho-wash-ta-ha-da, (Runner,)	His-si-da-wah, (Stubborn.)
Kow-wah, (Shirt Tail,)	

*Towa-karroes.*

Ke-chni-ko-ra-ko, (Stubborn,)	Wha-cha-ash-da, (Looker-on,)
Nes-ho-chil-lash, (Traveller,)	Wash-le-doi-ro-ka, (Don't you do so,)
Na-co-ah, (Dangerfield,)	Te-ah-kur-rah, (Lightman,)
Ka-ra-ko-ris, (Deceiver,)	Sar-rah-de-oda-sa, (Straight Looker.)
Ha-ke-di-ad-ah, (Gallant Man,)	

*Wacoos.*

A-qua-gosh, (Short Tail,) Chos-toch-ka-a-wah, (Charger,)  
 Ho-hed-orah, (Long Ways over the River,) Cha-to-wait, (Ghost.)

THOMAS J. WILSON, }  
 ISAAC H. DU VAL, } *Secretaries.*

Robt. S. Neighbors, }  
 Hugh Rose, } *Witnesses.*  
 Jno. H. Rollins, }  
 Thomas J. Smith, }  
 E. Morehouse, }

Louis Sanches, }  
 John Conner, } *Interpreters.*  
 Jim Shaw, }

[To each of the names of the Indians is affixed his mark.]

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 February, one thousand eight hundred and forty-seven, resolve as follows, viz. :—

Resolution of  
 the Senate rati-  
 fying said treaty  
 with amend-  
 ments.

*Resolved, (two thirds of the senators present concurring,)* That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos River, the 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States, of the one part, and the undersigned chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lepan, Long-wha, Keechy, Sah-wah-carro, Wichita, and Wacoë tribes of Indians, and their associate bands, in behalf of their said tribes, on the other part, with the following amendments :—

Strike out the third article of the treaty in the following words :—

## “ARTICLE III.

“The United States reserves to itself the right of working such mines as may be found within the Indian Territory; and the said tribes pledge themselves to protect such persons as the President of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States.”

Strike out the fifth article of the treaty in the following words :—

## “ARTICLE V.

“The said tribes or nations shall have the right of sending delegates to the city of Washington whenever they may think their interest requires it.”

In Article IX., line 10, after the word “of,” insert *ten thousand dollars.*

In Article IX., line 11, strike out the words “next fall,” and insert, *at such time as the President of the United States may think proper.*

CONVENTION WITH NASSAU.

*Convention for the mutual Abolition of the Droit d'Aubaine and Taxes on Emigration between the United States of America and his Royal Highness the Duke of Nassau.*

*Vertrag ueber die gegenseitige Aufhebung von Heimfalls (Fremdlings) Recht und Auswanderungs-Steuern zwischen den Vereinigten Staaten von Nord America und Senier Koeniglichen Hoheit dem Herzog von Nassau.*

May 27, 1846.  
Proclamation, January 6, 1847.  
Ratifications exchanged at Berlin, October 13, 1846.

THE United States of America and his Royal Highness the Duke of Nassau having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective plenipotentiaries, namely: the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the royal court of Prussia; and His Royal Highness the Duke of Nassau upon his Minister Resident at the royal court of Prussia, Colonel and Chamberlain, Otto Wilhelm Carl von Roeder, Comthur of the first class of the Ducal Order of Henry the Lion, etc., etc.; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:—

NACHDEM die Vereinigten Staaten von Nord America und Seiner Koenigliche Hoheit der Herzog von Nassau beschlossen haben: zum Besten der beiderseitigen Staatsangehoerigen einen Vertrag ueber gegenseitige Aufhebung von Heimfalls (Fremdlings) Recht und Auswanderungs Steuern abzuschliessen, so sind dazu von beiden Seiten Bevollmaechtigte ernannt worden, naemlich von Seiten des Praesidenten der Vereinigten Staaten von Nord America, Herr Heinrich Wheaton, Nord-americanischer ausserordentlicher Gesandter und bevollmaechtigter Minister am Koeniglich Preussischen Hofe, und von Seiten Seiner Koeniglichen Hoheit des Herzogs von Nassau Hoechst ihr Minister Resident am Koeniglich Preussischen Hofe, Oberst und Kammerherr, Otto Wilhelm Carl von Roeder, Comthur 1<sup>er</sup> Classe des Herzoglichen Ordens Heinrich des Loewen, &c., &c., welche Bevollmaechtigte, nach vollzogener Auswechselung ihrer, gegenseitig in rechtiger und gehoeriger Form befundener Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben:—

Preamble.

Negotiators.

ARTICLE I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

ARTIKEL I.

Jede Art von Heimfalls (Fremdlings) Recht, Nachsteuer und Abzugsrecht oder Auswanderung Steuer, ist und bleibt aufgehoben zwischen beiden abschliessenden Theilen, ihren beiderseitigen Staaten und Staats-Angehoerigen.

Droit d'aubaine, &c., abolished.

## ARTICLE II.

Heirs to real property allowed to sell the same and withdraw the proceeds.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same — which term may be reasonably prolonged according to circumstances — and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

## ARTICLE III.

Citizens and subjects of each party may dispose of, by will or otherwise, their personal property in the states of the other, &c. Duties to be the same as paid by inhabitants.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the states of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

## ARTICLE IV.

Property of absent heirs to be taken care of.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken, in a like case, of property belonging to the natives of the country, until the lawful owner, or the

## ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von Immobilien oder Grundeigenthum, welche sich auf dem Gebiete des einen der abschliessenden Theile befinden, diese Immobilien oder Grundeigenthum nach den Gesetzen des Landes auf einen Staatsangehörigen des anderen Theils uebergehen sollten, so wird diesem, wenn er durch seine Eigenschaft als Fremder zum Besitze derselben unfähig ist, ein Aufschub von zwei Jahren gewährt, welcher Termin nach Umstaenden in angemessener Weise verlaengert werden kann, dieselbe zu verkaufen und um den Ertrag davon ohne Anstand und frei von jeder Abzugs Steuer zu beziehen.

## ARTIKEL III.

Den Staatsangehörigen eines jeden der abschliessenden Theile, soll in den Staaten des anderen die Freiheit zustehen, ueber ihre beweglichen Gueter durch Testament, Schenkung, oder auf andere Weise zu verfügen, und deren Erben *ab intestato* oder Rechtsnachfolger durch Testament oder Schenkung, sollen wenn sie Staatsangehörigen des andern der beiden abschliessenden Theile sind, ihnen in dem Besitze ihrer beweglichen Gueter folgen, auch in Person sowohl, als durch andere, welche an ihrer Stelle handeln, davon Besitz ergreifen und nach Gutdunken damit shalten können, ohne andere Steuern zu bezahlen als solche, welchen die Einwohner des Landes, worin sich die genannten Gueter befinden, bei gleichem Anlasse unterworfen sind.

## ARTIKEL IV.

Im Falle der Abwesenheit der Erben wird man hinsichtlich der erwähnten beweglichen oder unbeweglichen Gueter provisorisch gans dieselbe Sorgfalt anwenden welche man bei gleichem Anlasse, hinsichtlich der Gueter der Ein-

person who has a right to sell the same, according to Article II. may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of his Royal Highness the Duke of Nassau, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

geboren angewendet hatte, bis der gesetzmaessige Eigenthümer, oder derjenige, welcher nach Artikel II. das Recht hat, dieselben zu verkaufen, Anordnungen zu treffen für gut finden wird: um die Erbschaft anzutreten oder darüber zu verfuegen.

ARTIKEL V.

Wenn sich Streitigkeiten zwischen verschiedenen, rechtlichen Anspruch auf die Erbschaft habenden Praetendenten erheben, so werden dieselben in letzter Instanz nach den Gesetzen und von den Richtern des Landes entschieden werden, in welchen das Object der Erbschaft sich befindet.

ARTIKEL VI.

Sämmtliche, in gegenwaertigem Verträge enthaltene Bestimmungen, sollen auch in Ansehung solcher Vermögenstheile verbindliche Kraft haben, welche zur Zeit der Unterzeichnung des gegenwaertigen Vertrages bereits angefallen, jedoch noch nicht wirklich expectorirt sind.

ARTIKEL VII.

Gegenwaertiger Vertrag ist abgeschlossen worden, vorbehaltlich der Ratification des Praesidenten der Vereinigten Staaten von Nord America, nach und mit dem Rathe und der Einwilligung des nord-americanischen Senates, und vorbehaltlich der Ratification Seiner Koeniglichen Hohheit des Herzogs von Nassau, und es soll, die Auswechselung der Ratifications-Urkunden innerhalb zweoelf Monaten, vom Tage der Unterzeichnung des gegenwaertigen Vertrages an gerechnet, oder früher, wenn es möglich ist, zu Berlin stattfinden.

In Urkund dessen haben die beiderseitigen Bevollmaechtigten obstehende Artikel, sowohl in Englischer als in Deutscher Sprache unterzeichnet, und ihre Siegel beigedrueckt.

Disputes to be settled by local laws.

Stipulations of present convention to apply to property already inherited, &c., but not yet withdrawn.

Convention subject to ratification, and ratifications to be exchanged in 12 months from date.

Signed in English and German, May 27, 1846.

## CONVENTION WITH NASSAU. MAY 27, 1846.

Done in triplicata, in the city of Berlin, on the twenty-seventh day of May, one thousand eight hundred and forty-six, in the seventieth year of the independence of the United States of America, and the seventh of the reign of his Royal Highness the Duke of Nassau.

HENRY WHEATON. [L. S.]

Ausgestellt in drei Exemplaren zu Berlin, den 27<sup>ten</sup> Mai, Ein Tausend Acht Hundert Sechs und Vierzig, im siebenzigsten Jahre der Unabhaengigkeit der Vereinigten Staaten von Nord America, und im siebenten Jahre der Regierung Seiner Koeniglichen Hoheit des Herzogs von Nassau.

OTTO WILHELM CARL  
VON ROEDER. [L. S.]

TREATY WITH THE POTTOWAUTOMIE NATION. (a)

Whereas the various bands of the Pottowautomie Indians, known as the Chippewas, Ottawas, and Pottowautomies, the Pottowautomies of the Prairie, the Pottowautomies of the Wabash, and the Pottowautomies of Indiana, have, subsequent to the year 1828, entered into separate and distinct treaties with the United States, by which they have been separated and located in different countries, and difficulties have arisen as to the proper distribution of the stipulations under various treaties, and being the same people by kindred, by feeling, and by language, and having, in former periods, lived on and owned their lands in common; and being desirous to unite in one common country, and again become one people, and receive their annuities and other benefits in common, and to abolish all minor distinctions of bands by which they have heretofore been divided, and are anxious to be known only as the POTTOWAUTOMIE NATION, thereby reinstating the national character; and whereas the United States are also anxious to restore and concentrate said tribes to a state so desirable and necessary for the happiness of their people, as well as to enable the government to arrange and manage its intercourse with them: now, therefore, the United States and the said Indians do hereby agree, that said people shall hereafter be known as a nation, to be called the POTTOWAUTOMIE NATION; and to the following

June 5 and 17,  
1846.  
Consent of Senate, July 22, 1846.  
Proclamation, July 23, 1846.  
Preamble.

*Articles of a Treaty made and concluded at the Agency on the Missouri River, near Council Bluffs, on the fifth Day of June, and at Pottawatomie Creek, near the Osage River, south and west of the State of Missouri, on the seventeenth Day of the same month, in the Year of our Lord one thousand eight hundred and forty-six, between T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, Commissioners on the Part of the United States, on the one Part, and the various Bands of the Pottowautomie, Chippewas, and Ottawa Indians, on the other part:—*

ARTICLE I.

It is solemnly agreed that the peace and friendship which so happily exist between the people of the United States and the Pottowautomie Indians shall continue forever; the said tribes of Indians giving assurance, hereby, of fidelity and friendship to the government and people of the United States; and the United States giving, at the same time, promise of all proper care and parental protection

Peace and friendship to continue forever.

ARTICLE II.

The said tribes of Indians hereby agree to sell and cede, and do hereby sell and cede, to the United States, all the lands to which they have claim of any kind whatsoever, and especially the tracts or parcels of lands ceded to them by the treaty of Chicago, and subsequent thereto, and now, in whole or in part, possessed by their people, lying and being north of the River Missouri, and embraced in the limits of the Territory of Iowa; and also all that tract of country lying and being on or near the Osage River, and west of the State of Missouri;

Pottowautomies cede certain lands to U. S.

(a) The name of this tribe is, in different treaties, spelled very differently.

These cessions not to affect title of said Indians to former grants and reservations.

it being understood that these cessions are not to affect the title of said Indians to any grants or reservations made to them by former treaties.

ARTICLE III.

Consideration to be paid by U. S. for cession.

In consideration of the foregoing cessions, or sales of land to the United States, it is agreed to pay to said tribes of Indians the sum of eight hundred and fifty thousand dollars, subject to the conditions, deductions, and liabilities, provided for in the subsequent articles of this treaty.

ARTICLE IV.

Grant by the U. S. of a tract of land to said Indians.

The United States agree to grant to the said united tribes of Indians, possession and title to a tract or parcel of land containing five hundred and seventy-six thousand acres, being thirty miles square, and being the eastern part of the lands ceded to the United States by the Kansas tribe of Indians, by treaty concluded on the 14th day of January, and ratified on the fifteenth of April of the present year, lying adjoining the Shawnees on the south, and the Delawares and Shawnees on the east, on both sides of the Kansas River, and to guarantee the full and complete possession of the same to the Pottowautomie nation, parties to this treaty, as their land and home forever; for which they are to pay the United States the sum of eighty-seven thousand dollars, to be deducted from the gross sum promised to them in the 3d article of this treaty.

Ante, p. 22.

Consideration to be paid by said Indians for grants.

ARTICLE V.

The U. S. to pay said Indians \$50,000 out of sum granted in 3d article—when and for what purpose.

The United States agree to pay said nation of Indians, at the first annuity payment after the ratification of this treaty, and after an appropriation shall have been made by Congress, the sum of fifty thousand dollars, out of the aggregate sum granted in the third article of this treaty, to enable said Indians to arrange their affairs, and pay their just debts, before leaving their present homes; to pay for their improvements; to purchase wagons, horses, and other means of transportation, and pay individuals for the loss of property necessarily sacrificed in moving to their new homes; said sum to be paid, in open council, by the proper agents of the United States, and in such just proportions to each band as the President of the United States may direct.

ARTICLE VI.

Said tribes to remove to new homes within two years from ratification of treaty.

The said tribes of Indians agree to remove to their new homes, on the Kansas River, within two years from the ratification of this treaty; and further agree to set apart the sum of twenty thousand dollars to the upper bands, (being ten dollars per head,) and ten thousand dollars to the lower bands, (being five dollars per head,) to pay the actual expenses of removing; and the sum of forty thousand dollars for all the bands, as subsistence money, for the first twelve months after their arrival at their new homes; to be paid to them so soon as their arrival at their new homes is made known to the government, and convenient arrangements can be made to pay the same between the parties to this treaty; the aforesaid sums to be also deducted from the aggregate sum granted by the United States to said tribes of Indians by the 3d article of this treaty.

Provision for expenses of removal and subsistence.

ARTICLE VII.

Balance of \$850,000 to remain with U. S., as trust fund, at interest of 5 per cent.

The balance of the said sum of eight hundred fifty thousand dollars, after deducting the cost of removal and subsistence, &c., it is agreed shall remain with the United States, *in trust* for said Indians, and an interest of five per cent. annually paid thereon, commencing at the expiration of one year after the removal of said Indians, and

continuing for thirty years, and until the nation shall be reduced below one thousand souls. If, after the expiration of thirty years, or any period thereafter, it shall be ascertained that the nation is reduced below that number, the said annuity shall thenceforth be paid *pro rata* so long as they shall exist as a separate and distinct nation, in proportion as the present number shall bear to the number then in existence.

ARTICLE VIII.

It is agreed upon by the parties to this treaty that, after the removal of the Pottowautomie Nation to the Kansas country, the annual interest of their "improvement fund" shall be paid out promptly and fully, for their benefit, at their new homes. If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottowautomie nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons or purchase of machines or implements, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid at the time of the general payments of annuities. It is also agreed that, after the expiration of two years from the ratification of this treaty, the school fund of the Pottowautomies shall be expended entirely in their own country, unless their people, in council, should, at any time, express a desire to have any part of the same expended in a different manner.

After removal of said Indians, the annual interest of their improvement fund to be paid at new homes.

The President may pay in money in lieu of employing persons or purchase of machines, &c.

After two years, school fund to be expended in their country.

ARTICLE IX.

It is agreed by the parties to this treaty that the buildings occupied as a missionary establishment, including twenty acres of land now under fence, shall be reserved for the use of the government agency; also the houses used for blacksmith house and shop shall be reserved for the use of the Pottowautomie smith; but should the property cease to be used for the aforementioned purposes, then it shall revert to the use of the Pottowautomie nation.

Buildings now occupied as missionary establishment to be reserved for the agency.

The blacksmith house and shop to be reserved for Pottowautomie smith.

ARTICLE X.

It is agreed that hereafter there shall be paid to the Pottowautomie nation, annually, the sum of three hundred dollars, in lieu of the two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated to be paid to the Pottowautomies under the third article of the treaty of September 20, 1828.

Money to be paid in lieu of tobacco, iron, and steel, stipulated in treaty of 1828.

Ind. Treat., vol. 1, p. 317.

In testimony whereof, T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, aforesaid Commissioners, and the Chiefs and Principal Men of the Pottowautomie, Ottawa, and Chippewas tribes of Indians, have set their hands, at the time and place first mentioned.

Signed June 5 and 17, 1846.

T. P. ANDREWS, }  
 TH. H. HARVEY, } *Commissioners.*  
 G. C. MATLOCK, }

- |                                      |   |
|--------------------------------------|---|
| Mi-au-mise, (the Young Miami,)       | Puck-quon, (or the Rib,)                |
| Op-te-gee-shuck, (or Half Day,)      | Sena-tche-wan, (or Swift Current,)      |
| Wa-sow-o-ko-uck, (or the Lightning,) | Shaub-poi-tuck, (the Man goes through,) |
| Kem-me-kas, (or Bead,)               | Wab-sai, (or White Skin,)               |
| Mi-quess, (or the Wampum,)           | Shaum-num-teh, (or Medicine Man,)       |
| Wab-na-ne-me, (or White Pigeon,)     | Nah-o-sah, (the Walker,)                |
| Na-no-no-uit, (or Like the Wind,)    | Keahh,                                  |
| Patt-co-shuck, junior,               | Ne-ah-we-quot, (the Four Faces,)        |
| Catte-nab-mee, (the Close Observer,) | Wa-sash-kuck, (or the Grass Turner,)    |
| Wap-que-shuck, (or White Cedar,)     | Ke-ton-ne-co, (or the Kidneys,)         |

Sah-ken-na-ne-be,  
 Etwa-gee-shuck,  
 Saass-pucks-kum, (or Green Leaf),  
 Ke-wa-ko-to, (Black Cloud Turning),  
 Meek-sa-mack, (the Wampum),  
 Chau-cose, (Little Crane),  
 Co-shae-wais, (Tree Top),  
 Patt-qui,  
 Me-shuk-to-no,  
 Ween-co,  
 Joseph Le Frambeau, *Interpreter*,  
 Pierre or Perish Le Clerk,  
 M. B. Beaubien, *Interpreter*,  
 Pes-co-unk, (Distant Thunder),  
 Naut-wish-cum,  
 Ob-nob, (or He Looks Back),  
 Pam-wa-mash-kuck,  
 Pac-qui-pa-chee,  
 Ma-shaus, (the Cutter),  
 Ci-co,

\* Francois Bourbonnai,  
 \* Chas. H. Beaubien,  
 \* Shau-on-nees  
 \* Paskal Miller,  
 \* Joseph Glaudeau,  
 \* Joseph Laughton,  
 Ca-ta-we-num, (the Black Dog),  
 Sine-pe-num,  
 Chatt-tee, (the Pelican),  
 Me-shik-ke-an,  
 Teh-cah-co, (Spotted Fawn),  
 Ca-shah-kee, (the Craw Fish),  
 Shem-me-nah,  
 Nah-kee-shuck, (In the Air),  
 Mich-e-wee-tah, (Bad Name),  
 Patte-co-to,  
 Shau-bon-ni-agh,  
 Kah-bon-cagh,  
 Wock-quet.

*Witnesses.*

R. B. Mitchell, <i>Indian sub-agent</i> ,	Edward Pore,	W. R. English,
Richard Pearson,	John H. Whitehead,	S. E. Wicks,
A. G. Wilson,	John Copeland,	Lewis Kennedy,
S. W. Smith,	T. D. S. McDonnell,	L. T. Tate.

[To the names of the Indians, except where there is an asterisk, are added their marks.]

We, the undersigned, Chiefs and Head Men, and Representatives of the Wabash, St. Joseph, and Prairie bands of the Ottawa, Chippewas, and Pottowautomie Indians, do hereby accept, ratify, and confirm the foregoing articles of a treaty, in all particulars. Done at Pottowautomie Creek, near the Osage River, west and south of the State of Missouri, this seventeenth day of June, A. D., 1846.

To-pen-e-be,	Root,	Jau-ge-mage,	Peter Moose,
We-we-say,	Niena-kto,	Sin-be-nim,	Kah-dot,
Gah-gah-amo,	Ma-je-sah,	No-clah-Koshig,	Za-k-ta,
I-o-way,	Mah-suck,	Os-me-at,	Ah-bdah-sqa,
Mah-go-quick,	Bade-je-zha,	Wah-bah-koze,	Wah-nuck-ke,
Zhah-wee,	Kah-shqua,	I-o-wa 2d,	Wah-be-een-do,
Louison,	Little American,	Wah-we-sueah,	At-yah-she,
Mash-kum-me,	Match-kay,	Mowa,	Qua-qua-tah,
Crane,	Wane-mage,	Moses H. Scott,	Nah-nim-muck-shuck,
Esk-bug-ge,	Wah-wah-suck 2d,	Kah-kee,	Antoine,
Noa-ah-kye,	Black Bird,	Andrew Jackson,	No-zha-kum,
Abraham Burnet,	Wah-wah-suck 1st,	Ke-sis,	Na-che-wa,
Ma-gis-gize,	Wab-mack, (Henry	Pame-qe-yah,	Ahn-quot,
Nas-wah-gay,	Clay),	Peme-nuek,	* Jos. N. Bourassa,
Pok-to,	T-buck-ke,	Be-to-quah,	Kka-mage,
Little Bird,	Zah-gna,	Mesha-de,	* Jude W. Bourassa,
Shim-nah,	N. D. Grover,	Wm. Hendricks,	Bossman,
Ma-kda-wah,	Big Snake,	Nma-quoise,	Joel Barrow,
Black Wolf,	En-ne-byah,	Mas-co,	

[To the names of the Indians, except where there is an asterisk, are added their marks.]

*Witnesses.*

Joseph Bertrand, Jr.,	Thomas Hurlburt,	John T. Jones,
R. W. Cummins, <i>Indian</i>	J. W. Polk,	James A. Poage,
<i>Agent</i> ,	J. Lykins,	Joseph Clymer, Jr.,
Leonidas A. Vaughan,	M. H. Scott,	W. W. Cleghorn.
Robert Simerwell,	Washn. Bossman,	

TREATY WITH HANOVER,  
OF COMMERCE AND NAVIGATION.

June 10, 1846.

THE United States of America and his Majesty the King of Hanover, equally animated with a desire of placing the privileges of their navigation on a basis of the most extended liberality, and of affording otherwise every encouragement and facility for increasing the commercial intercourse between their respective States, have resolved to settle in a definitive manner the rules which shall be observed between the one and the other, by means of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on A. Dudley Mann, their special agent to his Majesty the King of Hanover, and his Majesty the King of Hanover has furnished with the like full powers the Baron George Frederick de Falcke, of his privy council, Knight Grand-Cross of the Royal Guelphick Order; who, after exchanging their full powers, found in good and due form, have concluded and signed, subject to ratification, the following articles.

ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, 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 vessels of the kingdom of Hanover; 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 of the United States or in a Hanoverian vessel.

Die Vereinigten Staaten von America und seine Majestät der König von Hannover, von gleichem Wunsche beseelt, die Privilegien ihrer Schiff-fahrt auf die Grundlage der ausgedehntesten Liberalität zu stellen und auch sonst jede Aufmunterung und Erleichterung zu gewähren, um den Handels-Verkehr zwischen den beiderseitigen Staaten zu vermehren, haben beschlossen, die zwischen denselben zu beobachtenden Regeln durch einen Handels und Schiffahrts-Vertrag definitiv festzusetzen. Zu diesem Behufe haben seine Majestät der König von Hannover mit Vollmacht versehen: Allerhöchst ihren Geheimenrath den Freyherrn George Friedrich von Falcke, Groskreuz des königlichen Guelphen Ordens, und hat der Präsident der Vereinigten Staaten gleiche Vollmacht ertheilt: dem Special-Agenten derselben bei seiner Majestät dem Könige von Hannover, A. Dudley Mann, welche nach Auswechselung ihrer in guter und gehöriger Form befundenen Vollmachten, die nachstehenden Artikel mit dem Vorbehalte der Ratification abgeschlossen und unterzeichnet haben:

ARTIKEL I.

Die hohen contrahirenden Theile kommen überein, dass jedwede Art von Producten, Manufacturen oder Waaren irgend eines fremden Landes, welche zu jeder Zeit in den Vereinigten Staaten in deren eigenen Schiffen gesetzlich eingeführt werden darf, auch in Schiffen des Königreichs Hannover soll eingeführt werden dürfen, und dass keine höhere oder andere Abgaben von dem Tonnengehalte oder der Ladung des Schiffs, es mag die Einfuhr in einem Schiffe der Ver-

Ratifications  
exchanged March  
5, 1847.  
Proclamation  
made April 24,  
1847.

Negotiators.

Vessels of both  
parties placed on  
the same footing  
in regard to im-  
portations of for-  
eign merchandise  
and in regard to  
duties on tonnage  
and cargoes.

And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the kingdom of Hanover in its 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 vessels of the one party or the other.

The same reciprocity in regard to exports and duties, drawbacks, &c., on the same.

Whatever may 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 party or the other. Nor shall higher or other charges of any kind be imposed in the ports of the one party on vessels of the other, than are or shall be payable in the same ports by national vessels.

Port charges to be reciprocal.

No higher toll, &c., to be collected from vessels of the United States at Brunshausen or Stade than is collected on vessels of Hanover.

And further, it is agreed that no higher or other toll shall be levied or collected at Brunshausen or Stade, on the River Elbe, upon the tonnage or cargoes of vessels of the United States, than is levied and collected upon the tonnage and cargoes of vessels of the kingdom of Hanover; and the vessels of the United States shall be subjected to no charges, detention, or other inconvenience by the Hanoverian authorities, in passing the above-mentioned place, from which vessels of the kingdom of Hanover are or shall be exempt.

einigten Staaten oder in einem Hannöverschen Schiffe geschehen, gehoben werden soll. In gleicher Weise soll jedwede Art von Producten, Manufacten oder Waaren, irgend eines fremden Landes, welche zu jeder Zeit in das Königreich Hannover in dessen eigenen Schiffen gesetzlich eingeführt werden darf, auch in Schiffen der Vereinigten Staaten eingeführt werden dürfen, und sollen keine höhere oder andere Abgaben von dem Tonnengehalte oder der Ladung des Schiffs, es mag die Einfuhr in Schiffen des einen oder des anderen Theils geschehen, erhoben werden.

Alles was von dem einen Theile in dessen eigenen Schiffen nach irgend einem fremden Lande gesetzlich ausgeführt werden darf, soll in gleicher Weise auch in den Schiffen des andern Theils ausgeführt oder wiederausgeführt werden dürfen; und die nämlichen Abgaben, Vergütungen und Rückzahlungen sollen gehoben und bewilligt werden, es mag die derartige Ausfuhr oder Wieder-Ausfuhr in Schiffen des einen oder des anderen Theils geschehen; auch sollen keine höhere oder andere Abgaben irgend einer Art in den Häfen des einen Theils den Schiffen des andern Theils auferlegt werden, als welche in denselben Häfen von den einheimischen Schiffen zu entrichten sind oder sein werden.

Es wird ferner vereinbart, dass kein höherer oder anderer Zoll zu Brunshausen oder Stade an der Elbe, von dem Tonnengehalte oder den Ladungen von Schiffen der Vereinigten Staaten erhoben werden soll, als von dem Tonnengehalte und den Ladungen von Schiffen des Königreichs Hannover erhoben wird, und dass die Schiffe der Vereinigten Staaten keinen Lasten, Aufenthalt oder sonstigen Unannehmlichkeiten von den Hannoverschen Behörden bei der Vorbeifahrt an dem obgenannten Orte unterworfen werden sollen, wovon die Schiffe des Königreichs Hannover befreit sind oder werden.

## ARTICLE II.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

## ARTICLE III.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

## ARTICLE IV.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the citizens or subjects of the high contracting parties.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts, or within the dominions of the other, their respective citizens or subjects 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 happens.

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 operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees, on the part which they shall reload and carry away,

## ARTIKEL II.

Der vorhergehende Artikel ist nicht anwendbar auf den Küstenhandel und die Küstenfahrt der hohen contrahirenden Theile, welche beiderseits ihren eigenen Unterthanen oder Bürgern ausschliesslich vorbehalten werden.

Preceding article not applicable to the coasting trade

## ARTIKEL III.

Von keinem der contrahirenden Theile, noch von, in deren Namen oder unter deren Autorität handelnden Gesellschaften, Corporationen oder Agenten, soll, bei dem Ankaufe irgend eines gesetzlich eingeführten Handels-Artikels, wegen oder bezüglich der Nationalität des Schiffes, in welchem ein solcher Artikel eingeführt worden, es mag dem einen oder dem andern Theile angehören, ein Vorrecht noch Vorzug gegeben werden.

No priority or preference to be given, in the purchase of any article, on account of the national character of the vessel in which imported.

## ARTIKEL IV.

Das alte und barbarische Strandrecht soll rücksichtlich des den Unterthanen oder Bürgern der hohen contrahirenden Theile gehörenden Eigenthums gänzlich aufgehoben bleiben.

Right to wrecks of the sea abolished.

Wenn ein Schiff des einen Theils an den Küsten oder innerhalb der Besitzungen des andern Theils Schiffbruch erlitten hat, gestrandet oder sonst beschädigt ist, so sollen die respectiven Bürger oder Unterthanen, sowohl für sich als für ihre Schiffe und Sachen, den nämlichen Beistand erhalten, welcher den Einwohnern des Landes, woder Unfall sich ereignet, gebührt haben würde.

In cases of shipwreck, assistance to be rendered.

Dieselben sollen gehalten sein, die nämlichen Abgaben und Bergelöhne zu entrichten, welche die besagten Einwohner in einem gleichen Falle zu zahlen schuldig wären.

Dues of salvage to be reciprocal.

Wenn die Ausbesserungs-Arbeiten erforderlich machen, dass die Ladung ganz oder zum Theil gelöscht werden, so sollen sie von demjenigen, was sie wieder einladen und wegführen keine Zoll-

Where repairs of vessels are necessary, no charges or fees to be exacted for that part of their cargoes unloaded;

except such as are payable in the like case by national vessels.

Except fees and charges for storage

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined to receive 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.

#### ARTICLE V.

What vessels the privileges of this treaty shall extend to.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their citizens or subjects.

Crews of Hanoverian vessels, of whom to be composed.

It is further stipulated that vessels of the kingdom of Hanover may select their crews from any of the states of the Germanic confederation, provided that the master of each be a subject of the kingdom of Hanover.

#### ARTICLE VI.

No higher or other duties to be imposed on the importation of articles into either country, the growth, produce, or manufacture of the other, or of their fisheries, than are imposed on like articles the growth, &c., of any other foreign country.

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of the kingdom of Hanover, or of its fisheries, and no higher or other duties shall be imposed on the importation into the kingdom of Hanover of any articles the growth, produce, and manufacture of the United States, and of their fisheries, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country, or of its fisheries.

Abgaben, Auflagen oder Gebühren zahlen, ausser solchen, welche in gleichem Falle von den einheimischen Schiffen zu entrichten sind.

Es versteht sich jedoch, dass wenn, während das Schiff ausgebessert wird, die Ladung gelöscht und in einer Niederlage für unversteuerte Güter aufbewahrt wird, die Ladung denjenigen Abgaben und Gebühren unterliegen soll, welche den Inhabern solcher Niederlagen gesetzlich zukommen.

#### ARTIKEL V

Die durch gegenwärtigen Vertrag den respectiven Schiffen der hohen contrahirenden Theile zugesicherten Privilegien sollen sich nur auf solche Schiffe erstrecken, welche innerhalb ihrer respectiven Gebiete erbaut, oder gesetzlich als Kriegs-Beute condemnirt oder wegen Bruchs der Municipal-Gesetze des einen oder des andern der hohen contrahirenden Theile für confiscirt erklärt sind, und welche ihren Unterthanen oder Bürgern ganz gehören.

Es wird ferner stipulirt, dass Schiffe des Königreichs Hannover ihre Mannschaften aus allen Staaten des Deutschen Bundes wählen dürfen, sofern nur der Capitain eines jeden Schiff Unterthan des Königreichs Hannover ist.

#### ARTIKEL VI.

Es sollen keine höhere oder andere Abgaben auf die Einfuhr in die Vereinigten Staaten von Artikeln welche Erzeugnisse des Bodens oder des Gewerbflusses des Königreichs Hannover oder seiner Fischereien sind, und keine höhere oder andere Abgaben auf die Einfuhr in das Königreich Hannover von Artikeln, welche Erzeugnisse des Bodens und des Gewerbflusses der Vereinigten Staaten und ihrer Fischereien sind, gelegt werden, als von den gleichen Artikeln, welche Erzeugnisse des Bodens oder des Gewerbflusses irgend eines andern fremden Landes oder seiner Fischereien sind, zu entrichten sind oder sein werden.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the kingdom of Hanover, or in Hanover on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the kingdom of Hanover, or of its fisheries, or of the United States or their fisheries, from or to the ports of said kingdom, or of the said United States, which shall not equally extend to all other powers and states.

## ARTICLE VII.

The high contracting parties engage, mutually, not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation, as near as possible, if the concession was conditional.

## ARTICLE VIII.

In order to augment, by all the means at its bestowal, the commercial relations between the United States and Germany, the kingdom of Hanover hereby agrees to abolish the import duty on raw cotton, and also to abolish the existing transit duties upon leaves, stems, and strips of tobacco, in hogsheads or casks, raw cotton in bales or bags, whale oil in casks or barrels, and rice in tierces or half tierces.

Es sollen keine höhere oder andere Abgaben und Abgiften in den Vereinigten Staaten auf die Ausfuhr irgend eines Artikels nach dem Königreiche Hannover, noch in Hannover auf die Ausfuhr irgend eines Artikels nach den Vereinigten, Staaten gelegt werden, als diejenigen, welche bei der Ausfuhr der gleichen Artikel nach irgend einem andern fremden Lande zu entrichten sind oder sein werden.

Es soll auf die Einfuhr oder Ausfuhr irgend eines Artikels, welcher Erzeugniß des Bodens oder des Gewerbfleisses des Königreichs Hannover oder seiner Fischereien, oder der Vereinigten Staaten oder ihrer Fischereien ist, aus oder nach den Häfen des besagten Königreichs oder der besagten Vereinigten Staaten, kein Verbot gelegt werden, welches nicht ebenfalls auf alle anderen Mächte und Staaten sich erstreckt.

## ARTIKEL VII.

Die hohen contrahirenden Theile verpflichten sich gegenseitig, anderen Nationen in Ansehung der Schiff-fahrt und der Zoll-Abgaben keine besondere Begünstigung zu verleihen, die nicht sofort auch dem andern Theile zu gute kommet, welcher dieselbe unentgeltlich geniessen soll, wenn die Verleihung unentgeltlich erfolgt war, oder gegen Bewilligung einer möglichst gleich kommenden Vergütung, wenn die Verleihung gegen Bedingungen geschehen war.

## ARTIKEL VIII.

Um durch alle zu seiner Verfügung stehenden Mittel die Handels-Beziehungen zwischen den Vereinigten Staaten und Deutschland zu vermehren, versteht das Königreich Hannover hiemit sich dazu, die Eingang-Abgabe von roher Baumwolle abzuschaffen und auch die bestehenden Durchgangs-Abgaben von Tabacks Blättern und Stengeln in Hogsheads oder Fässern, roher Baumwolle in Bales- oder-Säcken, Wallfischthran in Fäs-

No higher duties to be imposed on the exportation of articles from either country to the other than are imposed on exportation of the same to any other foreign countries.

No prohibition of importations or exportations to or from either country which shall not extend to all other countries.

Favors granted by either party to other nations to become common.

Impost and transit duties on raw cotton, tobacco in leaves and stems, &c., oil, and rice, abolished by Hanover.

No Weser tolls to be levied on articles landed within the territories of Hanover;

And upon certain condition the government of Hanover will abolish that toll on merchandise destined for ports and places in other states;

But a sufficient tax may be levied for expense of maintaining the regulation respecting transit goods.

Such tax limited.

Each party to have the liberty of appointing consuls, &c., in the ports of the other, who shall enjoy the same privileges as those of the most favored nations.

And, further, the kingdom of Hanover obligates itself to levy no Weser tolls on the aforementioned articles, which are destined for, or landed in, ports or other places within its territory on the Weser; and it moreover agrees that if the states bordering upon said river shall consent at any time, however soon, to abolish the duties which they levy and collect upon said articles destined for ports or other places within the Hanoverian territory, the kingdom of Hanover will readily abolish the Weser tolls upon the same articles destined for ports and places in such states.

It being understood, however, that the aforesaid stipulations shall not be deemed to prohibit the levying, upon the said articles, a tax sufficient for defraying the expense of maintaining the regulation respecting transit goods. But in no case shall such tax exceed eight pfenning's Hanoverian currency, (two cents United States currency,) for one hundred pounds Hanoverian weight, (one hundred and four pounds United States weight.)

#### ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said 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.

sern oder Tonnen und Reis in tierces oder halben tierces aufzuheben.

Ferner verpflichtet sich das Königreich Hannover keine Weserzölle von den vorerwähnten Artikeln zu erheben welche nach Häfen oder andern Plätzen innerhalb seines Gebiets an der Weser bestimmt sind oder daselbst gelandet werden, und will ausserdem, wenn die am besagten Fluss gränzenden Staaten, zu irgend einer Zeit früher oder später sich dazu verstehen, die Abgaben welche sie von besagten, nach Häfen oder andern Plätzen innerhalb des Hannoverischen Gebiets bestimmten Artikeln erheben, abzuschaffen, dann das Königreich Hannover bereitwillig die Weserzölle für dieselben, nach den Häfen und Plätzen in solchen Staaten bestimmten Artikel aufzuheben.

Es versteht sich jedoch, dass die vorbesagten Stipulationen nicht so anzusehen sein sollen, als verboten sie, von den besagten Artikeln eine Abgift zu erheben, welche hinreicht zu Bestreitung der Unkosten wegen Aufrechthaltung der Anordnungen in Betreff von Transit-Gütern. In keinem Falle soll jedoch die derartige Abschrift den Betrag von Acht Pfenningen Hannöversches Geld (zwei Cents in dem Gelde der Vereinigten Staaten) für einhundert Pfund Hannöversches Gewicht (einhundert und vier Pfund Gewicht der Vereinigten Staaten) übersteigen.

#### ARTIKEL IX.

Die hohen contrahirenden Theile gestehen einander die Befugnisse zu, jeder in den Häfen des andern, selbst bestellte Consuln, Vice Consuln, Handels-Agenten und Vice Handels Agenten zu unterhalten, welche die nämlichen Privilegien und Befugnisse, wie diejenigen der begünstigtesten Nationen geniessen sollen; wenn jedoch der eine oder der andere der genannten Consuln Handel treiben will, so sollen dieselben den nämlichen Gesetzen und Gebräuchen unterworfen sein, welchen Privat per-

The consuls, vice-consuls, commercial and vice-commercial agents, shall have the right, as such, to sit as judges, and arbitrators, in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents should require their assistance to cause their decisions to be carried into effect or supported.

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.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents, are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents or vice-commercial agents, and may be con-

sonen ihrer Nation in demselben Orte unterliegen.

Die Consuln, Vice Consuln, Handels und Vice-Handels Agenten sollen das Recht haben, als solche bei Streitigkeiten, welche zwischen den Capitains und Mannschaften der Schiffe der Nationen, deren Interessen sie wahrzunehmen beauftragt sind, entstehen mögen, als Richter und Schiedsmänner zu handeln, ohne Dazwischenkunft der Orts-Behörden, wenn nicht etwa das Benehmen der Mannschaften oder des Capitains die Ordnung oder Ruhe des Landes stört, oder die besagten Consuln, Vice-Consuln, Handels-Agenten, oder Vice-Handels Agenten deren Beistand zu Vollziehung oder Aufrechthaltung ihrer Entscheidungen in Anspruch nehmen.

Es versteht sich jedoch, dass diese Art von Urtheil oder schiedsrichterlicher Entscheidung die streitenden Theile nicht des ihnen zustehenden Rechts berauben soll, bei ihrer Zurückkunft an die richterliche Behörde ihres eigenen Landes sich zu wenden.

Die besagten Consuln, Vice-Consuln, Handels-Agenten und Vice-Handels-Agenten sind befugt, den Beistand der Orts-Behörden zu Aufsuchung, Festnehmung und Gefangensetzung der Deserteurs von den Kriegs und Handels-Schiffen ihres Landes in Anspruch zu nehmen.

Zu diesem Behuf haben sie sich an die competenten Gerichte, Richter und Beamten zu wenden und die besagten Deserteurs schriftlich zu reclamiren, indem sie durch Beibringung der Schiffsregister, Musterrollen der Mannschaften oder anderer amtlicher Urkunden darthun, dass jene Individuen zu den Mannschaften gehörten, und wenn diese Reclamation also begründet ist, so soll die Auslieferung nicht versagt werden.

Wenn dergleichen Deserteurs festgenommen sind, so sollen sie zur Verfügung der besagten Consuln, Vice-Consuln, Handels-Agenten oder Vice Handels-

Consuls, &c., to have the right to sit as judges and arbitrators in differences that may arise between masters and crews of vessels of the nation represented by them.

But contending parties shall not thereby be deprived of the right to resort to the judicial authority of their own country.

Consuls, &c., may require the assistance of local authorities for arrest of deserters.

How the demand shall be made.

How deserters shall be disposed of when arrested.

fined 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 from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter 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 X.

Citizens and subjects of either party to be permitted to reside in all parts of the territories of the other, &c.

The citizens and subjects of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purposes of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws, they shall be at liberty to manage for themselves their own business, and be treated in all respects as citizens or subjects of the country in which they reside.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each 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, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside; it being, nevertheless, understood that they shall remain subject to the said laws and regulations; also, in respect to sales by wholesale or retail.

Agenten gestellt werden, und können sie, auf Requisition und Kosten Derer, welche sie reclamiren, in den öffentlichen Gefängnissen festgehalten werden, um auf die Schiffe, zu welchen sie gehören, oder auf andere desselben Landes, gesandt zu werden. Wenn sie aber binnen drei Monaten vom Tage ihrer Festnehmung an nicht zurückgeschickt sind, so sollen sie in Freiheit gesetzt und wegen desselben Grundes nicht wieder verhaftet werden. Wenn jedoch befunden werden sollte, dass der Deserteur irgend ein Verbrechen oder Vergehen begangen hätte, so kann dessen Auslieferung ausgesetzt werden, bis das Gericht, vor welchem seine Sache anhängig ist, das Urtheil gesprochen haben, und dieses Urtheil zur Vollstreckung gebracht sein wird.

#### ARTIKEL X.

Den Unterthanen und Bürgern der hohen contrahirenden Theile soll erlaubt sein, in allen Theilen der besagten Gebiete sich aufzuhalten und zu wohnen, um ihren Geschäften nachzugehen und auch Häuser und Speicher behuf ihres Handels zu miethen und innezuhaben, vorausgesetzt, dass sie den allgemeinen und besonderen Gesetzen in Betreff des Rechts zu Wohnen und zu Handeln sich unterwerfen.

So lange sie den bestehenden Gesetzen und Verordnungen nachkommen, sollen sie die Freiheit haben ihre Geschäfte in allen der Botmässigkeit eines jeden Theils unterworfenen Gebieten, sowohl in Ansehung der Consignation und des Verkaufs ihrer Waaren en gros oder en detail, als hinsichtlich der Beladung, Ausladung und Absendung ihrer Schiffe selbst wahrzunehmen oder aber nach Belieben Agenten und Makler zu gebrauchen, indem sie in allen diesen Fällen, wie die Bürger oder Unterthanen des Landes, in welchen sie wohnen, zu behandeln sein sollen, wobei es sich jedoch versteht, dass sie den besagten Gesetzen und Verordnungen auch

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents, as they may judge proper.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*.

They may take possession thereof either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situate shall be subject to pay in like cases.

In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of the property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situate.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or

in Ansehung von Verkäufen en gros oder en detail unterworfen bleiben sollen.

Sie sollen in ihren Prozesssachen freien Zutritt zu den Gerichten in gleichem Masse, wie den eingebornen Bürgern oder Unterthanen nach den Gesetzen und Gebräuchen des Landes zusteht, haben, und zu diesem Zweck für die Vertheidigung ihrer Rechte Advokaten, Procuratoren und andere Agenten nach Gutbefinden gebrauchen dürfen.

Die Bürger oder Unterthanen jedes Theils sollen die Befugniss haben, über ihr persönliches Eigenthum innerhalb der Gerichtsbarkeit des Andern, durch Verkauf, Schenkung, Testament oder sonst zu verfügen.

Wenn ihre Erben Bürger oder Unterthanen des andern contrahirenden Theils sind, so sollen diese in ihr Vermögen durch Testament oder ab intestato nachfolgen.

Sie können davon selbst oder durch für sie handelnde Andere, nach ihrem Willen, Besitz nehmen und darüber verfügen, indem sie nur diejenige Abgift entrichten, welche die Einwohner des Landes, in welchem das besagte Vermögen befindlich ist, in gleichen Fällen zu bezahlen verbunden sein werden.

Im Falle der Abwesenheit der Erben soll für das besagte Vermögen bis dahin, dass der gesetzliche Eigenthümer Maasregeln zu Empfangnahme desselben treffen kann, die nämliche Sorge getroffen werden, welche für das Vermögen eines Eingebornen in gleichem Falle getragen werden würde.

Wenn zwischen verschiedenen Prätendenten Streit darüber entstehen sollte, wem von ihnen das besagte Vermögen gehöre, so soll selbiger nach den Gesetzen und durch die Richter des Landes, worin selbiges sich befindet, definitiv entschieden werden.

Wo, bei dem Ableben einer innerhalb der Gebiete des einen Theils Grundeigenthum besitzenden Person, dieses Grundeigenthum, nach den Gesetzen des

They shall have free access to the tribunals of justice, &c.

They may dispose of their personal property ;

Their personal representatives, heirs, and devisees, may succeed to the same ;

And may take possession and dispose of it, paying such duty only as the inhabitants of the country where such property is situate.

Property of absent heirs to be taken care of.

Questions of ownership to be decided according to the laws of the country wherein the property is situate.

Heirs of real estate allowed a reasonable time to dispose of the same and withdraw the proceeds.

subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective States.

Capitals and effects of those desiring to change their residence to be exempt from duties of detraction or emigration.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicile, shall likewise be exempt from all duties of detraction or emigration on the part of their respective governments.

#### ARTICLE XI.

This treaty to continue in force for 12 years from date, and further until the end of 12 months after the government of either party shall have given notice to the other of its intention of terminating the same; but upon the condition that if the King of Hanover should, during the said 12 years, determine to augment the duty on tobacco, one year's notice shall be given to the government of the United States; and at the end of that year the government of the United States shall have the right to abrogate and annul this treaty by giving six months' notice, or to continue it, at its option, &c.

The present treaty shall continue in force for the term of twelve years from the date hereof, and further until the end of twelve months after the government of Hanover on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same; but upon the condition hereby expressly stipulated and agreed, that if the kingdom of Hanover shall determine, during the said term of twelve years, to augment the existing import duty upon leaves, strips, or stems of tobacco, imported in hogsheads or casks, a duty which at this time does not exceed one thaler and one gutengroschen per one hundred pounds Hanoverian currency and weight, (seventy cents per one hundred pounds United States currency and weight,) the government of Hanover shall give a notice of one year to the government of the United States before proceeding to do so; and at the expiration of that year, or any time subsequently, the government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the government of Hanover, or to continue it (at its

Landes, auf einen Bürger oder Unterthan des andern Theils übergehen würde, wenn derselbe nicht als Fremder unfähig wäre es zu besitzen, so soll einem solchen Bürger oder Unterthan eine angemessene Frist nachgelassen werden, um dasselbe zu verkaufen und den Erlös ohne Beschwerde und frei von allem Abzug von Seiten der Regierung der respectiven Staaten, aus dem Lande zu ziehen.

Die Capitalien und Fonds, welche die Bürger oder Unterthanen der respectiven Theile, bei Veränderung ihres Aufenthalts, von ihrem Wohnorte fortzubringen wünschen, sollen ebenfalls von allen Abzugs-Abgaben von Seiten ihrer respectiven Regierungen frei sein.

#### ARTIKEL XI.

Der gegenwärtige Vertrag soll auf die Zeit von zwölf Jahren, vom Tage desselben an, in kraft bleiben und ferner bis zum Ablaufe von zwölf Monaten nach dem die Hannoversche Regierung einer Seits oder die Regierung der Vereinigten Staaten anderer Seits, ihre Absicht zu erkennen gegeben hat, denselben zu Ende gehen zu lassen; jedoch mit der hierdurch ausdrücklich stipulirten und vereinbarten Bedingung, dass, wenn das Königreich Hannover während der besagten Zeit von zwölf Jahren sich entschlossen sollte, die bestehende Einfuhr Abgabe auf in Hogsheads oder Fässern eingebrachte Tabacksblätter, Streifen oder Stengel, welche Abgabe gegenwärtig einen Thaler und einen Gutengroschen von einhundert Pfund Hannoversches Geld und Gewicht (siebenzig Cents von hundert Pfund Geld und Gewicht der Vereinigten Staaten) nicht übersteigt, zu erhöhen, die Hannoversche Regierung ein Jahr vor der Ausführung dieser Maasregel der Regierung der Vereinigten Staaten davon Nachricht geben und am Ende dieses Jahrs oder alle Zeit nachher die Regierung der Vereinigten Staaten volle Gewalt und Befugniß haben soll, den

option) in full force until the operation thereof shall have been arrested in the manner first specified in the present article.

## ARTICLE XII.

The United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such state or states shall confer similar favors upon the said United States to those conferred by the kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations.

## ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by his Majesty the King of Hanover; and the ratifications thereof shall be exchanged at the city of Hanover, within the space of ten months from this date, or sooner, if possible, when the treaty of commerce and navigation concluded between the high contracting parties at Berlin, on the 20th day of May, 1840, shall become null and void to all intents and purposes.

In faith whereof, we, the plenipotentiaries of the high contracting parties, have signed the present treaty, and have thereto affixed our seals.

gegenwärtigen Vertrag durch vorgängige sechsmonatliche Kündigung bei der Hannoverschen Regierung aufzuheben, oder, nach ihrer Wahl, den Vertrag in voller Kraft fortbestehen zu lassen, bis die Wirksamkeit desselben in der im gegenwärtigen Artikel zuerst angegebener Weise seine Endschafft erreicht hat.

## ARTIKEL XII.

Die Vereinigten Staaten erklären sich bereit, die in den Bestimmungen des gegenwärtigen Vertrags enthaltenen Vortheile und Privilegien auf einen oder mehrere der übrigen Staaten des deutschen Bundes auszudehnen, welche wünschen möchten, denselben mittelst einer amtlichen Auswechslung von Declarationen beizutreten, vorausgesetzt, dass der oder die solche Staaten ähnliche Vergünstigungen, wie sie von dem Königreiche Hannover ertheilt sind, den Vereinigten Staaten ertheilen und den nämlichen Bedingungen, Stipulationen und Verpflichtungen nachkommen und sich unterziehen.

## ARTIKEL XIII.

Der gegenwärtige Vertrag wird von seiner Majestät dem Könige von Hannover und von dem Präsidenten der Vereinigten Staaten von Amerika nach und mit Beirath und Zustimmung ihres Senats, genehmigt und ratificirt werden; und die Ratificationen sollen in der Stadt Hannover innerhalb des Zeitraums von zehn Monaten vom heutigen Tage an oder wo möglich früher, ausgewechselt werden, und soll dann der zwischen den hohen contrahirenden Theilen am 20sten Mai 1840 zu Berlin abgeschlossene Handels- und Schiffahrts Vertrag in allen seinen Absichten und Zwecken null und nichtig werden.

Zu Urkund dessen haben wir, die Bevollmächtigten der hohen contrahirenden Theile, den gegenwärtigen Vertrag unterzeichnet und untersiegelt.

The advantages and privileges of this treaty may be extended to other States of the Germanic Confederation, provided they shall confer similar favors upon the United States to those conferred by the kingdom of Hanover, &c.

This treaty to be subject to ratification, and ratifications to be exchanged within 10 months from date of signature.

When ratified, the treaty between the United States and Hanover of 20th May, 1840, to be null and void.

Signed 10th June, 1846.

Done in quadruplicate, at the city of Hanover, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty-six; and in the seventieth year of the independence of the United States of America.

Geschehen, in vierfacher Ausfertigung, in der Stadt Hannover am zehnten Junius des Jahrs unsers Herrn eintausend achthundert sechs und vierzig, im siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten von Amerika.

[L. s.] A. DUDLEY MANN.

[L. s.] GEORGE FREDERICK BARON DE FALCKE.

DECLARATION OF ACCESSION OF HIS ROYAL HIGHNESS THE GRAND DUKE OF OLDENBURG, UNDER THE TWELFTH ARTICLE OF THE FOREGOING TREATY.

March 10, 1847.

Preamble.

WHEREAS, a treaty of navigation and commerce, between the United States of America and his Majesty the King of Hanover, was concluded at Hanover on the 10th day of June last, by the plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both governments:

And whereas, by the terms of the twelfth article of the same, "the United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations:"

And whereas, the government of his Royal Highness the Grand Duke of Oldenburg has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, so far as the same are or may be applicable to the two countries, and to become a party thereto; that is to say, to all the said stipulations and provisions, excepting only those relating to the Stade, and the Weser tolls, in which the government of Oldenburg has no interest, and over which it has no control:

Now, therefore, the undersigned, Baron W. E. de Beaulieu Marconnay, of the privy council of his Royal Highness, and at the head of the Department of Foreign Affairs, on the part of Oldenburg, and A. D. Mann, special agent, on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed, in duplicate, and have exchanged, this declaration of the accession (hereby agreed to on the part of the United States) of his Royal Highness the Grand Duke of Oldenburg, for the Duchy of Oldenburg, to the treaty aforesaid, the effect of which accession and agreement is hereby declared to be to establish the said treaty between the high parties to this declaration, as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, excepting as above excepted, had been recited word for word in a separate treaty, concluded and ratified between them, in the ordinary form.

In witness whereof, the above-named plenipotentiaries have hereto affixed their names and seals. Done at Oldenburg, this tenth day of March, 1847.

Declaration of accession of the Grand Duchy of Oldenburg to the treaty with Hanover.

Signed March 10, 1847.

W. E. BEAULIEU MARCONNAY. [L. s.]  
A. DUDLEY MANN. [L. s.]

## TREATY WITH GREAT BRITAIN,

## IN REGARD TO LIMITS WESTWARD OF THE ROCKY MOUNTAINS.

THE United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement — that is to say: the President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on her part, appointed the Right Honourable Richard Pakenham, a member of her Majesty's Most Honourable Privy Council, and her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles: —

June 15, 1846.

Ratifications exchanged at London, July 17, 1846.

Proclamation, Aug. 5, 1846.

Preamble.

Negotiators.

## ARTICLE I.

From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean: *Provided, however,* That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

Boundary line between the U. S. and British possessions west of Rocky Mountains.

Navigation of the channel between Vancouver's Island and the continent, and of Fuca's Straits, to be free and open to both parties.

## ARTICLE II.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall, in like manner, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

Navigation of part of Columbia River to be free and open to Hudson's Bay Co. and British subjects trading with them, &amp;c.

Not to be construed to prevent the U. S. from making regulations for navigation of said river.

## ARTICLE III.

Possessory rights of the Hudson's Bay Company and all British subjects to be respected.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

## ARTICLE IV.

Farms, &c., belonging to Puget's Sound Agricultural Co. to be confirmed to them; but, under certain circumstances, may be transferred to the U.S. at a proper valuation.

The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties.

## ARTICLE V.

Treaty to be ratified, and ratifications exchanged, within six months from date

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

JAMES BUCHANAN. [L. s.]  
RICHARD PAKENHAM. [L. s.]

## TREATY WITH THE CHEROKEES.

*Articles of a Treaty made and concluded at Washington, in the District of Columbia, between the United States of America, by three Commissioners, Edmund Burke, William Armstrong, and Albion K. Parris; and John Ross, principal Chief of the Cherokee Nation, David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement V. McNair, Stephen Foreman, John Drew, and Richard Field, Delegates duly appointed by the regularly constituted Authorities of the Cherokee Nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a Delegation appointed by, and representing, that Portion of the Cherokee Tribe of Indians known and recognized as the "Treaty Party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, Delegates appointed by, and representing, that Portion of the Cherokee Tribe of Indians known and recognized as "Western Cherokees," or "Old Settlers."*

Aug. 6, 1846.  
Consent of  
Senate, Aug. 8,  
1846.  
Proclamation,  
Aug. 17, 1846.

WHEREAS serious difficulties have, for a considerable time past, existed between the different portions of the people constituting and recognized as the Cherokee nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them: and whereas certain claims exist on the part of the Cherokee nation, and portions of the Cherokee people, against the United States; therefore, with a view to the final and amicable settlement of the difficulties and claims before mentioned, it is mutually agreed by the several parties to this convention as follows, viz:—

Preamble.

## ARTICLE I.

That the lands now occupied by the Cherokee nation shall be secured to the whole Cherokee people for their common use and benefit; and a patent shall be issued for the same, including the eight hundred thousand acres purchased, together with the outlet west, promised by the United States, in conformity with the provisions relating thereto, contained in the third article of the treaty of 1835, and in the third section of the act of Congress, approved May twenty-eighth, 1830, which authorizes the President of the United States, in making exchanges of lands with the Indian tribes, "to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same."

Lands occupied  
by Cherokee nation  
to be secured  
to whole people,  
and a patent to  
be issued.

1830, ch. 148.

Reversion to be  
in the U. S.

## ARTICLE II.

All difficulties and differences heretofore existing between the several parties of the Cherokee nation are hereby settled and adjusted, and shall, as far as possible, be forgotten and forever buried in oblivion. All party distinctions shall cease, except so far as they may be

All difficulties  
and disputes ad-  
justed, and a  
general amnesty  
declared.

necessary to carry out this convention or treaty. A general amnesty is hereby declared. All offences and crimes committed by a citizen or citizens of the Cherokee nation, against the nation, or against an individual or individuals, are hereby pardoned. All Cherokees who are now out of the nation, are invited and earnestly requested to return to their homes, where they may live in peace, assured that they shall not be prosecuted for any offence heretofore committed against the Cherokee nation, or any individual thereof. And this pardon and amnesty shall extend to all who may now be out of the nation and who shall return thereto on or before 1st day of December next. The several parties agree to unite in enforcing the laws against all future offenders. Laws shall be passed for equal protection, and for the security of life, liberty, and property; and full authority shall be given by law, to all or any portion of the Cherokee people, peaceably to assemble and petition their own government, or the government of the United States, for the redress of grievances, and to discuss their rights. All armed police, light horse, and other military organization, shall be abolished, and the laws enforced by the civil authority alone.

Laws to be passed for equal protection, and for the security of life, liberty, and property.

No one to be punished for any crime, except on conviction by a jury.

Fugitives from justice.

No one shall be punished for any crime or misdemeanor, except on conviction by a jury of his country, and the sentence of a court duly authorized by law to take cognizance of the offence. And it is further agreed, all fugitives from justice, except those included in the general amnesty herein stipulated, seeking refuge in the territory of the United States, shall be delivered up by the authorities of the United States to the Cherokee nation for trial and punishment.

### ARTICLE III.

Certain claims paid out of the \$5,000,000 fund to be reimbursed by the U. S. Ind. Treat., vol. 1, p. 485.

Whereas certain claims have been allowed by the several boards of commissioners heretofore appointed under the treaty of 1835, for rents, under the name of improvements and spoliations, and for property of which the Indians were dispossessed, provided for under the 16th article of the treaty of 1835; and whereas the said claims have been paid out of the \$5,000,000 fund; and whereas said claims were not justly chargeable to that fund, but were to be paid by the United States, the said United States agree to reimburse the said fund the amount thus charged to said fund, and the same shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty; and whereas a further amount has been allowed for reservations under the provisions of the 13th article of the treaty of 1835, by said commissioners, and has been paid out of the said fund, and which said sums were properly chargeable to, and should have been paid by, the United States, the said United States further agree to reimburse the amounts thus paid for reservations to said fund; and whereas the expenses of making the treaty of New Echota were also paid out of said fund, when they should have been borne by the United States, the United States agree to reimburse the same, and also to reimburse all other sums paid to any agent of the government, and improperly charged to said fund; and the same also shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty.

### ARTICLE IV.

Provision for the equitable interest of the Western Cherokees in lands

And whereas it has been decided by the board of commissioners recently appointed by the President of the United States to examine and adjust the claims and difficulties existing against and between the Cherokee people and the United States, as well as between the Cher-

okees themselves, that under the provisions of the treaty of 1828, as well as in conformity with the general policy of the United States in relation to the Indian tribes, and the Cherokee nation in particular, that that portion of the Cherokee people known as the "Old Settlers," or "Western Cherokees," had no exclusive title to the territory ceded in that treaty, but that the same was intended for the use of, and to be the home for, the whole nation, including as well that portion then east as that portion then west of the Mississippi; and whereas the said board of commissioners further decided that, inasmuch as the territory before mentioned became the common property of the whole Cherokee nation by the operation of the treaty of 1828, the Cherokees then west of the Mississippi, by the equitable operation of the same treaty, acquired a common interest in the lands occupied by the Cherokees east of the Mississippi River, as well as in those occupied by themselves west of that river, which interest should have been provided for in the treaty of 1835, but which was not, except in so far as they, as a constituent portion of the nation, retained, in proportion to their numbers, a common interest in the country west of the Mississippi, and in the general funds of the nation; and therefore they have an equitable claim upon the United States for the value of that interest, whatever it may be. Now, in order to ascertain the value of that interest, it is agreed that the following principle shall be adopted, viz.: all the investments and expenditures which are properly chargeable upon the sums granted in the treaty of 1835, amounting in the whole to five millions six hundred thousand dollars, (which investments and expenditures are particularly enumerated in the 15th article of the treaty of 1835,) to be first deducted from said aggregate sum, thus ascertaining the residuum or amount which would, under such marshalling of accounts, be left for *per capita* distribution among the Cherokees emigrating under the treaty of 1835, excluding all extravagant and improper expenditures, and then allow to the Old Settlers (or Western Cherokees) a sum equal to one third part of said residuum, to be distributed *per capita* to each individual of said party of "Old Settlers," or "Western Cherokees." It is further agreed that, so far as the Western Cherokees are concerned, in estimating the expense of removal and subsistence of an Eastern Cherokee, to be charged to the aggregate fund of five million six hundred thousand dollars above mentioned, the sums for removal and subsistence stipulated in the 8th article of the treaty of 1835, as commutation money in those cases in which the parties entitled to it removed themselves, shall be adopted. And as it affects the settlement with the Western Cherokees, there shall be no deduction from the fund before mentioned in consideration of any payments which may hereafter be made out of said fund; and it is hereby further understood and agreed, that the principle above defined shall embrace all those Cherokees west of the Mississippi, who emigrated prior to the treaty of 1835.

In the consideration of the foregoing stipulation on the part of the United States, the "Western Cherokees," or "Old Settlers," hereby release and quit claim to the United States all right, title, interest, or claim, they may have to a common property in the Cherokee lands east of the Mississippi River, and to exclusive ownership to the lands ceded to them by the treaty of 1833 west of the Mississippi, including the outlet west, consenting and agreeing that the said lands, together with the eight hundred thousand acres ceded to the Cherokees by the treaty of 1835, shall be and remain the common property of the whole Cherokee people, themselves included.

ceded by the treaty of 1828.

How the value of said interest shall be ascertained.  
Ind. Treat., vol. 1, p. 478.

Release by the Western Cherokees to the U. S.  
Ind. Treat., vol. 1, p. 415.

## ARTICLE V.

The *per capita* allowance for Western Cherokees to be held in trust by U. S., &c.

It is mutually agreed that the *per capita* allowance to be given to the "Western Cherokees," or "Old Settlers," upon the principle above stated, shall be held in trust by the government of the United States, and paid out to each individual belonging to that party or head of family, or his legal representatives, *first deducting therefrom the sum of fifty thousand dollars, to be paid to the delegation of that portion of the Cherokee people who are parties to the treaty, to defray the expenses of prosecuting their claims against the government of the United States, including the late Captain John Rogers.* (a) And it is further agreed, that the *per capita* allowance to be paid as aforesaid shall not be assignable, but shall be paid directly to the persons entitled to it, or to his heirs or legal representatives, by the agent of the United States, authorized to make such payments.

Not assignable.

Committee of five from party of "Old Settlers."

And it is further agreed that a committee of five persons shall be appointed by the President of the United States, from the party of "Old Settlers," whose duty it shall be, in conjunction with an agent of the United States, to ascertain what persons are entitled to the *per capita* allowance provided for in this and the preceding article.

## ARTICLE VI.

Indemnity for "Treaty Party." Ind. Treat., vol. 1, p. 478.

Provision for heirs of Major Ridge, John Ridge, and Elias Boudinot.

And whereas many of that portion of the Cherokee people known and designated as the "Treaty Party," have suffered losses and incurred expenses in consequence of the treaty of 1835, therefore, to indemnify the Treaty Party, the United States agree to pay to the said Treaty Party the sum of one hundred and fifteen thousand dollars, of which the sum of five thousand dollars shall be paid by the United States to the heirs or legal representative of Major Ridge, the sum of five thousand dollars to the heirs or legal representatives of John Ridge, and the sum of five thousand dollars to the heirs or legal representatives of Elias Boudinot, and the balance, being the sum of one hundred thousand dollars, which shall be paid by the United States, in such amounts and to such persons as may be certified by a committee to be appointed by the Treaty Party, and which committee shall consist of not exceeding five persons, and approved by an agent of the United States, to be entitled to receive the same for losses and damages sustained by them, or by those of whom they are the heirs or legal representatives: *Provided*, That, out of the said balance of one hundred thousand dollars, the present delegation of the Treaty Party may receive the sum of twenty-five thousand dollars, to be by them applied to the payment of claims and other expenses. And it is further provided that, if the said sum of one hundred thousand dollars should not be sufficient to pay all the claims allowed for losses and damages, that then the same shall be paid to the said claimants *pro rata*, and which payments shall be in full of all claims and losses of the said Treaty Party.

Proviso.

Value of salines to be ascertained and paid to individuals dispossessed of them.

The value of all salines which were the private property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent, and a commissioner to be appointed by the Cherokee authorities; and, should they be unable to agree, they shall select an umpire, whose decision shall be final; and the several amounts found due

## ARTICLE VII.

(a) These words in Italics were struck out by the Senate. See post, p. 36.

shall be paid by the Cherokee nation, or the salines returned to their respective owners.

## ARTICLE VIII.

The United States agree to pay to the Cherokee nation the sum of two thousand dollars for a printing-press, materials, and other property destroyed at that time; the sum of five thousand dollars to be equally divided among all those whose arms were taken from them previous to their removal west by order of an officer of the United States; and the further sum of twenty thousand dollars, in lieu of all claims of the Cherokee nation, as a nation, prior to the treaty of 1835, except all lands reserved, by treaties heretofore made, for school funds.

Payment for a printing-press, arms &c.

Ind. Treat., vol. 1, p. 478.

## ARTICLE IX.

The United States agree to make a fair and just settlement of all moneys due to the Cherokees, and subject to the *per capita* division under the treaty of 29th December, 1835, which said settlement shall exhibit all money properly expended under said treaty, and shall embrace all sums paid for improvements, ferries, spoliations, removal, and subsistence, and commutation therefor, debts and claims upon the Cherokee nation of Indians, for the additional quantity of land ceded to said nation; and the several sums provided in the several articles of the treaty, to be invested as the general funds of the nation; and also all sums which may be hereafter properly allowed and paid under the provisions of the treaty of 1835. The aggregate of which said several sums shall be deducted from the sum of six millions six hundred and forty-seven thousand and sixty-seven dollars, and the balance thus found to be due shall be paid over, *per capita*, in equal amounts, to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835, and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto.

A fair and just settlement of all moneys due the Cherokees under treaty of 1835 to be made.

Ind. Treat., vol. 1, p. 478.

## ARTICLE X.

It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi River had, or may have, under the treaty of 1835 and the supplement thereto.

Rights under treaty of Aug. 1, 1835, not affected. Ind. Treat., vol. 1, p. 478.

## ARTICLE XI.

Whereas the Cherokee delegations contend that the amount expended for the one year's subsistence, after their arrival in the west, of the Eastern Cherokees, is not properly chargeable to the treaty fund: It is hereby agreed that that question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds, and if by the Cherokees, then to say, whether the subsistence shall be charged at a greater rate than thirty-three,  $\frac{33}{100}$  dollars per head; and also the question, whether the Cherokee nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum.

Certain questions to be submitted to the Senate of U. S.

## ARTICLE XII. (a)

This article  
struck out by  
Senate.

Ind. Treat., vol.  
1, p. 478.

The Western Cherokees, called "Old Settlers," in assenting to the general provisions of this treaty, in behalf of their people, have expressed their fixed opinion that, in making a settlement with them upon the basis herein established, the expenses incurred for the removal and subsistence of Cherokees, after the twenty-third day of May, 1838, should not be charged upon the five millions of dollars allowed to the Cherokees for their lands under the treaty of 1835, or on the fund provided by the third article of the supplement thereto; and that no part of the spoliations, subsistence, or removal, provided for by the several articles of said treaty and the supplement thereto, should be charged against them in their settlement for their interest in the Cherokee country east and west of the Mississippi River. And the delegation of "Old Settlers," or "Western Cherokees," propose that the question shall be submitted with this treaty to the decision of the Senate of the United States, of what portion, if any, of the expenditures made for removal, subsistence, and spoliations, under the treaty of 1835, is properly and legally chargeable to the five million fund. And they will abide by the decision of the Senate.

## ARTICLE XIII.

This treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

Signed Aug. 6,  
1846.

In testimony whereof, the said Edmund Burke, William Armstrong, and Albion K. Parris, Commissioners as aforesaid, and the several delegations aforesaid, and the Cherokee nation and people, have hereunto set their hands and seals, at Washington aforesaid, this sixth day of August, in the year of our Lord one thousand eight hundred and forty-six.

EDMUND BURKE.  
WM. ARMSTRONG.  
ALBION K. PARRIS.

*Delegation of the Government Party.*

Jno. Ross,	Stephen Foreman,
W. S. Coody,	John Drew,
R. Taylor,	Richard Fields.
C. V. McNair,	

*Delegation of the Treaty Party.*

Geo. W. Adair,	Joseph M. Lynch,
J. A. Bell,	John Huss,
S. Watie,	Brice Martin,
	(By J. M. Lynch, his attorney.)

*Delegation of the Old Settlers.*

Jno. Brown,	Richard Drew,
Wm. Dutch,	Ellis F. Phillips.
John L. McCoy,	

[To each of the names of the Indians a seal is affixed.]

In presence of—

Joseph Bryan, of Alabama.  
Geo. W. Paschal.  
John P. Wolf, (Secretary of Board.)  
W. S. Adair.  
Jno. F. Wheeler.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
August 8, 1846.

*Resolved, (two thirds of the Senators present concurring,)* That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Washington, in the District of Columbia, the sixth day of August, in the year of our Lord one thousand eight hundred and forty-six, between the United States of America, by three Commissioners, Edmund Burke, William Armstrong, and Albion K. Parris, and John Ross, principal Chief of the Cherokee Nation, David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement F. McNair, Stephen Foreman, John Drew, and Richard Field, Delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; Geo. W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by and representing that portion of the Cherokee tribe of Indians known and recognized as the "Treaty Party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, Delegates appointed by and representing that portion of the Cherokee tribe of Indians known and recognized as "Western Cherokees," or "Old Settlers," with the following

Amended by  
Senate, 1846.

#### AMENDMENTS.

Strike out of the fifth article the following words: "First deducting therefrom the sum of fifty thousand dollars, to be paid to the delegation of that portion of the Cherokee people who are parties to the treaty, to defray the expenses of prosecuting their claims against the government of the United States, including the late Captain John Rogers."

Amendments

Strike out the twelfth article of the treaty.

Attest:

ASBURY DICKENS, *Secretary.*

We, John Ross, principal Chief of the Cherokee nation, David Vann, Wm. S. Coody, Richard Taylor, T. H. Walker, Clement F. McNair, Stephen Foreman, John Drew, and Richard Field, Delegates duly appointed by the regularly constituted authorities of the Cherokee nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by and representing that portion of the Cherokee tribe of Indians known and recognized as the "Treaty Party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, Delegates appointed by and representing that portion of the Cherokee tribe of Indians known and recognized as "Western Cherokees," or "Old Settlers," do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States, on the eighth day of August, one thousand eight hundred and forty-six, to the treaty concluded by us with Edmund Burke, William Armstrong, and Albion K. Parris, Commissioners acting for and on behalf of the United States, on the sixth day of August, one thousand eight hundred and forty-six, the same having been submitted and fully explained to us by the Secretary of War and Commissioner of Indian Affairs, on the part of the United States.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Washington, District of Columbia, the thirtieth day of August, one thousand eight hundred and forty-six.

Jno. Ross,	Stephen Foreman,	Stand Watie,	Jno. Brown,
David Vann,	(By John Ross.)	J. M. Lynch,	Wm. Dutch,
W. S. Coodey,	John Drew,	Jno. Huss,	John L. McCoy,
R. Taylor,	Richard Fields,	Brice Martin,	Richard Drew,
T. Walker,	Geo. W. Adair,	(By J. M. Lynch.)	Ellis F. Phillips
C. V. McNair,	John A. Bell,		

[To each of the names of the Indians a seal is affixed.]

Witnesses present,

Spencer Jarnagin, U. S. S.  
H. Miller,

N. Quackenbush,  
W. Medill.

## TREATY WITH THE WINNEBAGO INDIANS.

October 13, 1846.

Proclamation,  
February 4, 1847.Treaty with the  
Winnebagoes  
concluded Octo-  
ber 13, 1846.

*Articles of a Treaty made and concluded at the City of Washington, on the thirteenth Day of October, in the Year one thousand eight hundred and forty-six, between the United States, of the one Part, by their Commissioners, Albion K. Parris, John J. Abert, and T. P. Andrews, and the Winnebago Tribe of Indians, of the other Part, by a full Delegation of said Tribe specially appointed by the Chiefs, Head Men, and Warriors thereof.*

## ARTICLE I.

Peace and  
friendship to pre-  
vail.

It is solemnly agreed, that the peace and friendship which exist between the people of the United States and the Winnebago Indians shall be perpetual; the said tribe of Indians giving assurance, hereby, of fidelity and friendship to the government and people of the United States, and the United States giving to them, at the same time, promise of all proper care and parental protection.

## ARTICLE II.

Lands ceded  
to the United  
States.

The said tribe of Indians hereby agree to cede and sell, and do hereby cede and sell, to the United States, all right, title, interest, claim, and privilege, to all lands, wherever situated, now or heretofore occupied or claimed by said Indians, within the States and Territories of the United States, and especially to the country now occupied, inhabited, or in any way used by them, called the "Neutral Ground," which tract of country was assigned to said Indians by the second article of the treaty of Fort Armstrong, concluded on the fifteenth day of September, 1832, and ratified on the thirteenth day of February following.

Ind. Treat.  
Vol. I. p. 371.

## ARTICLE III.

In considera-  
tion of the above  
cession, the Uni-  
ted States agree  
to purchase and  
give to said tribe,  
as their home, a  
tract of country  
north of the St.  
Peter's and west  
of the Mississip-  
pi Rivers.

In consideration of the foregoing purchase from, or cession by, the said Indians, the United States hereby agree to purchase and give to the said Indians, as their home, to be held as all Indians' lands are held, a tract of country north of St. Peter's and west of the Mississippi Rivers, of not less than eight hundred thousand acres, which shall be suitable to their habits, wants, and wishes: *Provided*, Such land can be obtained on just and reasonable terms.

## ARTICLE IV.

The United  
States agree to  
pay to said In-  
dians \$150,000  
for the land, and  
\$40,000 for re-  
lease of hunting  
privileges on the  
lands adjacent to  
their present  
home.

The United States agree to pay to said tribe of Indians the sum of one hundred and fifty thousand dollars for the land, and the sum of forty thousand dollars for release of hunting privileges, on the lands adjacent to their present home, making the sum of one hundred and ninety thousand dollars, being in further consideration of the cession or sale made to the United States by the second article of this treaty; to be paid as follows: Forty thousand dollars to enable them to comply with their present just engagements, and to cover the expenses of exploring and selecting (by their own people, or by an agent of their own appointment) their new home; twenty thousand dollars in consideration of their removing themselves, and twenty thousand dollars in consideration of their subsisting themselves the first year after their removal; ten thousand dollars to be expended for breaking up and

How to be ap-  
plied.

fencing lands, under the direction of the President of the United States, at their new home; ten thousand dollars to be set apart and applied, under the direction of the President, to the creation and carrying on of one or more manual labor schools for the benefit of said tribe of Indians; and five thousand dollars for building a saw and grist mill. The balance of said sum of one hundred and ninety thousand dollars, viz., eighty-five thousand dollars, to remain *in trust* with the United States, and five per cent. interest thereon to be paid annually to said tribe or applied for their benefit, as the President of the United States may from time to time direct, for the period of thirty years, which shall be in full payment of the said balance: *Provided*, That no part of the said consideration moneys shall be paid until after the arrival of said tribe of Indians at their new home, and appropriations shall have been made by Congress; and that the sums for meeting their present engagements, for removal and subsistence, and for exploring their new home, shall be paid to the chiefs in open council, in such manner as they in said council shall request.

Balance of \$85,000 to remain in trust with the United States, at five per cent. interest.  
Proviso.

ARTICLE V.

It is further agreed by the parties to this treaty, that the said tribe of Indians shall remove to their new home within one year after the ratification of this treaty, and their new home shall have been procured for them, and they duly notified of the same.

Said Indians to remove to their new home in one year from ratification of this treaty.

ARTICLE VI.

It is further agreed by the parties to this treaty, that the President may, at his discretion, (should he at any time be of opinion that the interest of the Indians would be thereby promoted,) direct that any portion of the money, not exceeding ten thousand dollars per annum, now paid in goods, as provided for by the last clause of the fourth article of the treaty of the first of November, 1837, be applied to the purchase of additional provisions, or to other purposes.

President may, at his discretion, direct a portion of the money now paid in goods to be applied to the purchase of provisions.

In testimony whereof, the Commissioners, Albion K. Parris, John J. Abert, and T. P. Andrews, and the undersigned Chiefs, Head Men, and Delegates, of the Winnebago Tribe of Indians, have hereunto subscribed their names and affixed their seals, at the City of Washington, this thirteenth day of October, one thousand eight hundred and forty-six.

Signed October 13, 1846.

ALBION K. PARRIS, }  
JOHN J. ABERT, } *Commissioners.*  
T. P. ANDREWS, }

Hoong-ho-no-kaw,  
Is-jaw-go-bo-kaw,  
Co-no-ha-ta-kaw,  
Naw-hoo-skaw-kaw,  
Shoong-skaw-kaw,  
Kooz-a-ray-kaw,  
Waw-ma-noo-ka-kaw,  
Ha-naw-hoong-per-kaw,  
Wo-gie-qua-kaw,  
Waw-kon-chaw-she-shick-kaw,  
Chas-chun-kaw,  
Naw-hey-kee-kaw,  
Ah-hoo-zheb-kaw,

Waw-roo-jaw-hee-kaw,  
Baptist-Lasalica,  
Waw-kon-chaw-per kaw,  
Kaw-how-ah-kaw,  
Hakh-ee-nee-kaw,  
Waw-kon-chaw-ho-no-kaw,  
Maw-hee-ko-shay-naw-zhee-kaw,  
Maw-nee-ho-no-nic,  
Maw-ho-kee-wee-kaw,  
Sho-go-nee-kaw,  
Watch-ha-ta-kaw,  
by Henry M. Rice, his delegate.

*Witnesses —*

John C. Mully, *Secretary to Board of Commissioners.*

J. E. Fletcher, *Sub-Agent.*

S. B. Lowry,	} <i>Interpreters.</i>
Peter Mananaige,	
Antoine Grignon,	
Simeon Lecure,	

H. L. Dousman,  
 Richard Chute,  
 John Haney,  
 George Cahn,  
 James Maher.

[To each of the names of the Indians are affixed a seal and mark.]

## TREATY WITH NEW GRANADA.

*A general Treaty of Peace, Amity, Navigation, and Commerce between the United States of America and the Republic of New Granada.*

*Tratado jeneral de Paz, Amistad, Navegacion, i Comercio entre la República de la Nueva Granada i los Estados Unidos de America.*

THE United States of North America, and the republic of New Granada, in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty, or general convention of peace and friendship, commerce and navigation.

For this desirable object, the President of the United States of America has conferred full powers on Benjamin A. Bidlack, a citizen of the said States, and their chargé d'affaires in Bogota; and the President of the republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino, Secretary of State and Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles:—

## ARTICLE I.

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

## ARTICLE II.

The United States of America and the republic of New Granada, desiring to live in peace and

LA república de la Nueva Granada en la America del Sur, i los Estados Unidos del Norte America, deseando hacer firme i duradera la amistad i buena intelijencia que felizmente existen entre ambas naciones, han resuelto fijar de una manera clara, distinta, i positiva, las reglas que en lo futuro han de observarse religiosamente entre una i otra, por medio de un tratado ó convencion jeneral de paz i amistad, comercio i navegacion.

Para este apetecible objeto el Presidente de la república de la Nueva Granada ha conferido plenos poderes á Manuel Maria Mallarino, Secretario de Estado del Despacho de Relaciones Exteriores, i el Presidente de los Estados Unidos de America ha conferido semejantes e iguales poderes a Benjamin A. Bidlack, ciudadano de dichos Estados i su Encargado de Negocios en Bogotá; los cuales, despues de haber canjeado sus dichos plenos poderes en debida forma, han convenido en los articulos siguientes:—

## ARTICULO I.

Habrà una paz perfecta, firme e inviolable, i amistad sincera entre la república de la Nueva Granada i los Estados Unidos de America en toda la estension de sus posesiones i territorios, i entre sus ciudadanos respectivamente, sin distincion de personas ni lugares.

## ARTICULO II.

La república de la Nueva Granada i los Estados Unidos de America, deseando vivir en paz i

Dec. 12, 1846.

Proclamation  
made June 12,  
1848.  
Preamble.

Negotiators.

There shall be  
a perfect, firm,  
and inviolable  
peace and friend-  
ship between the  
two republics.

No favors to be  
granted by either  
party to other na-  
tions which shall

not become common to the other.

harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

#### ARTICLE III.

Mutual benefits in trade and residence to be equally enjoyed.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise; and that they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Except as to the coasting trade.

#### ARTICLE IV.

Equalization of duties on vessels and their cargoes.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the republic of New Granada; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of

armonia con todas las naciones de la tierra por medio de una politica franca e igualmente amistosa con todas, se obligan mutuamente á no otorgar favores particulares á otras naciones con respecto á comercio i navegacion que no se hagan inmediatamente estensivos á la otra parte, quien gozará de los mismos libremente, si la concesion fuere hecha libremente, ú otorgando la misma compensacion, si la concesion fuere condicional.

#### ARTICULO III.

Las dos altas partes contratantes deseando tambien establecer el comercio i la navegacion de sus respectivos paises sobre la base liberal de igualdad i reciprocidad perfectas, convienen mutuamente en que los ciudadanos de cada una de ellas puedan frecuentar todas las costas i territorios de la otra, i residir i traficar en ellos con toda especie de producciones, manufacturas, i mercaderias; i que gozarán de todos los derechos, privilegios i exenciones, en navegacion i comercio, que los ciudadanos naturales gozen o gozaren, sometendose á las leyes, decretos i usos establecidos alli, á que estan sujetos los ciudadanos naturales. Pero debe entenderse, que este articulo no incluye el comercio de cabotaje de cada uno de los dos paises, cuyo arreglo se reservan las partes respectivamente, conforme á sus leyes particulares.

#### ARTICULO IV.

Igualmente convienen una i otra en que cualquiera especie de producciones, manufacturas ó mercaderias extranjeras que puedan ser en cualquier tiempo legalmente importadas en la república de la Nueva Granada en sus propios buques, puedan ser tambien importadas en buques de los Estados Unidos; i que no se impondrán ó cobrarán otros ó mas altos derechos sobre las toneladas del buque, ó por su cargamento, sea que la importacion se haga en buques del uno ú del otro pais: i de la misma ma-

produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country in its own vessels to any foreign country, may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the republic of New Granada.

## ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the republic of New Granada, and no higher or other duties shall be imposed on the importation into the republic of New Granada of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the republic of New Granada, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the republic of New Granada, to or from the territories of the Uni-

nera, cualquiera especie de producciones, manufacturas ó mercaderias extranjeras que puedan ser en cualquier tiempo legalmente importadas en los Estados Unidos en sus propios buques, puedan ser tambien importadas en los buques de la república de la Nueva Granada; i que no se impondrán otros ó mas altos derechos sobre las toneladas del buque ó por su cargamento, sea que la importacion se haga en buques del uno ú del otro pais.

Conviene ademas, en que todo lo que pueda ser legalmente exportado ó reexportado de uno de los dos paises en sus propios buques para un pais extranjero, pueda de la misma manera ser exportado ó reexportado en los buques del otro: i serán concedidos i cobrados iguales premios, derechos, i descuentos, sea que tal exportacion ó reexportacion se haga en los buques de la república de la Nueva Granada, ó en los de los Estados Unidos.

## ARTICULO V.

No se impondrán otros ó mas altos derechos sobre la importacion en la república de la Nueva Granada de cualesquiera articulos del producto natural ó manufacturado de los Estados Unidos, i no se impondrán otros ó mas altos derechos sobre la importacion en los Estados Unidos de cualesquiera articulos del producto natural ó manufacturado de la república de la Nueva Granada, que los que se exijan ó exijieren por iguales articulos del producto natural ó manufacturado de cualquiera otro pais extranjero; ni se impondrán otros ó mas altos derechos ó gravámenes en ninguno de los dos paises sobre la exportacion de cualesquiera articulos para la república de la Nueva Granada ó para los Estados Unidos respectivamente, que los que deban exijirse por la exportacion de iguales articulos para cualquiera otro pais extranjero; ni se establecerá prohibicion alguna respecto á la importacion ú exportacion de cualesquiera articulos del producto natural ó manufacturado de los terri-

Vessels of both nations to be on the same footing as to drawbacks, &c.

Importations and exportations to be on a reciprocal footing.

No partial prohibitions to be established.

ted States, or to or from the territories of the republic of New Granada, which shall not equally extend to all other nations.

#### ARTICLE VI.

The stipulations in the preceding articles applicable to vessels of either party arriving in the ports of the other, whether they proceed from the ports of their own country or from foreign ports.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said republic of New Granada and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

#### ARTICLE VII.

Citizens of either party to be free to manage their own business in the country of the other, &c.; and

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

to be treated as citizens of the country in which they reside.

torios de la república de la Nueva Granada para los de los Estados Unidos, ó de los territorios de los Estados Unidos para los de la república de la Nueva Granada, que no sea igualmente estensiva á las otras naciones.

#### ARTICULO VI.

A fin de remover la posibilidad de cualquiera mala inteligencia con respecto á los tres articulos anteriores, se declara aqui: que las estipulaciones contenidas en ellos son aplicables en toda su estension á los buques de la Nueva Granada i sus cargamentos que arriben á los puertos de los Estados Unidos, i reciprocamente á los buques de los Estados Unidos i sus cargamentos que arriben á los puertos de la Nueva Granada; sea que procedan de los puertos del pais á que ellos pertenezcan respectivamente, ó de los de cualquiera otro pais extranjero; i que en ningun caso se impondrá ó cobrarará derecho alguno diferencial en los puertos de los dos paises sobre los dichos buques ó sus cargamentos, ya sean estos del producto ó manufactura nacional ó del producto ó manufactura extranjera.

#### ARTICULO VII.

Se conviene ademas, que será enteramente libre á los comerciantes, capitanes de buques, i otros ciudadanos de ambos paises manejar á su voluntad sus negocios por si mismos, ó por medio de sus agentes, en todos los puertos i lugares sujetos á la jurisdiccion del uno ú del otro, tanto con respecto á las consignaciones i ventas por mayor ó menor de sus efectos i mercaderias, como con respecto á la carga, descarga i despacho de sus buques ú otros negocios, debiendo en todos estos casos ser tratados como ciudadanos del pais en que residan, ó considerados al menos bajo igual pie que los subditos ó ciudadanos de la nacion mas favorecida.

## ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

## ARTICLE IX.

Whenever the citizens 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, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind, or the payment of port fees, or any charges other than pilotage, except such vessels continue in port longer than forty-eight hours, counting from the time they cast anchor in port.

## ARTICLE X.

All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys or agents, of their respective governments.

## ARTICULO VIII.

Los ciudadanos de una i otra de las partes contratantes no podrán ser embargados ó detenidos con sus embarcaciones, tripulaciones, mercaderias i efectos comerciales de supertenencia, para ninguna espedicion militar, ni para usos publicos ó particulares, cualesquiera que sean, sin conceder á los interesados una justa i suficiente indemnizacion.

No embargo or detention of vessels and cargoes without indemnification.

## ARTICULO IX.

Siempre que los ciudadanos de alguna de las partes contratantes se vieren precisados á buscar refugio ú asilo en los rios, bahias, puertos ó dominios de la otra, con sus buques, sean mercantes ó de guerra, públicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, ó falta de aguada ó provisiones, serán recibidos i tratados con humanidad, dispensandoles todo favor i proteccion para reparar sus buques, acopiar viveres, i ponerse en situacion de continuar su viaje, sin obstaculo ni molestia de ningun jenero, ni pago de derechos de puerto ó de cualesquiera otras cargas que los emolumentos del practico, á no ser que los tales buques continuen en el puerto mas de cuarenta i ocho horas contadas desde el momento en que anclaren.

Vessels of either party seeking refuge in the ports of the other to be protected, &c.

## ARTICULO X.

Todos los buques, mercaderias, i efectos pertenecientes á los ciudadanos de la una de las partes contratantes, que acaso fueren apresados por piratas, bien sea dentro de los limites de su jurisdiccion ó en alta mar, i fueren lleados ó hallados en los rios, raldas, bahias, puertos ó dominios de la otra, seran entregados á sus dueños, probando estos en la forma propia i debida sus derechos ante los tribunales competentes: bien entendido que el reclame he de hacerse dentro del termino de un año, por las mismas partes ó por sus procuradores, ó por los agentes de sus respectivos gobiernos.

Vessels, &c., captured by pirates, to be delivered up to the owners.

## ARTICLE XI.

Assistance to be given in cases of shipwreck, &c.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

## ARTICLE XII.

Citizens of either party may dispose of their personal goods or real estate within the jurisdiction of the other.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

## ARTICLE XIII.

Protection to persons and property.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or cit-

## ARTICULO XI.

Cuando algun buque perteneciente á los ciudadanos de cualquiera de las partes contratantes naufrague, encalle, ó sufra alguna averia en las costas, ó dentro de los dominios de la otra, se le dará todó ayuda i proteccion; del propio modo que es uso i costumbre con los buques de la nacion en donde suceda la averia; permitiendose descargar el dicho buque si fuere necesario, de sus mercaderias i efectos, sin exigir por esto ningun derecho, impuesto ó contribucion de ninguna especie, á no ser que se destinen á la venta ó consumo en el pais en cuyo puerto se hubieren desembarcado.

## ARTICULO XII.

Los ciudadanos de cada una de las partes contratantes tendrán facultad para disponer de sus bienes muebles é inmuebles dentro de la jurisdiccion de la otra, por venta, donacion, testamento ó de otro modo; i sus representantes, siendo ciudadanos de la otra parte, sucederán á sus dichos bienes muebles é inmuebles, sea por testamento ó *ab intestato*, i podrán tomar posesion de ellos, por si personalmente, o por medio de otros que procedan en su nombre, i disponer de los mismos á su arbitrio, pagando solo aquellas cargas que en iguales casos estuvieren obligados á pagar los habitantes del pais en donde esten los referidos bienes.

## ARTICULO XIII.

Ambas partes contratantes se comprometen i obligan en toda forma á dispensar reciprocamente su proteccion especial á las personas i propiedades de los ciudadanos de cada una de ellas, de todas profesiones, transeuntes ó habitantes en los territorios sujetos á la jurisdiccion de una i otra, dejandoles abiertos i libres los tribunales de justicia para sus recursos judiciales, en los mismos terminos usados i acostumbrados para los

izens of the country; for which purpose, they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

## ARTICLE XIV.

The citizens of the United States residing in the territories of the republic of New Granada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed on the proper exercise of their religion in private houses, or on the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States, who may die in the territories of the republic of New Granada, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise, nor upon any account.

In like manner, the citizens of New Granada shall enjoy, within the government and territories of the United States, a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or on the chapels and places of worship ap-

naturales ó ciudadanos del pais; para lo cual podrán jestionar en persona, ó emplear en la jestion ó defensa de sus derechos á los abogados, procuradores, escribanos agentes ú apoderados que juzguen convenientes para todos sus litijios; i dichos ciudadanos ó agentes tendrán la libre facultad de estar presentes en las decisiones i sentencias de los tribunales, en todos los casos que les conciernan, como igualmente al tomarse todas las declaraciones i pruebas, que se ofrezcan en los dichos litijios.

## ARTICULO XIV.

Los ciudadanos de la república de Nueva Granada residentes en territorio de los Estados Unidos, gozarán una perfecta é ilimitada libertad de consciencia, sin ser molestados, inquietados ni perturbados por su creencia relijiosa. No serán molestados, inquietados ni perturbados en el ejercicio de su relijion, en casas privadas ó en las capillas ó lugares de adoracion designados al efecto, con el decoro debido a la divinidad, i respeto á las leyes, usos i costumbres del pais. Tambien tendrán libertad para enterrar los ciudadanos de Nueva Granada que mueran en territorio de los Estados Unidos, en los lugares convenientes i adecuados, designados i establecidos por ellos con acuerdo de las autoridades locales, ó en los lugares de sepultura que elijan los amigos de los muertos; i los funerales i sepulcros no serán trastornados de modo alguno ni por ningun motivo.

Liberty of conscience and the rites of burial secured.

De la misma manera, los ciudadanos de los Estados Unidos gozarán en territorio de la república de Nueva Granada perfecta é ilimitada libertad de consciencia, i ejercerán su relijion pública ó privadamente en sus mismas habitaciones, ó en las capillas ó lugares de adoracion designados al efecto,

pointed for that purpose, agreeably to the laws, usages, and customs of the United States.

## ARTICLE XV.

Both parties at liberty to trade with those at enmity with either.

It shall be lawful for the citizens of the United States of America and of the republic of New Granada, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either, (contraband goods being always excepted.) It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers

Free ships to make free goods, contraband excepted.

All persons on board, except those in the actual service of the enemy, to be free.

Flag covering the property to be applied to those powers only who

de conformidad con las leyes, usos i costumbres de la república de Nueva Granada.

## ARTICULO XV.

Será lícito á los ciudadanos de la república de la Nueva Granada, i de los Estados Unidos de America, navegar con sus buques con toda seguridad i libertad, de cualquier puerto á las plazas i lugares de los que son ó fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin hacerse distincion de quienes son los dueños de las mercaderias que llevan á su bordo. Será igualmente lícito á los referidos ciudadanos, navegar con sus buques i mercaderias mencionadas, i traficar con la misma libertad i seguridad, de los lugares, puertos i ensenadas de los enemigos de ambas partes ó de alguna de ellas, sin oposicion ó molestia de ninguna especie, no solo directamente de los lugares enemigos arriba mencionados a los lugares neutros, sino tambien de un lugar perteneciente á un enemigo a otro enemigo, ya sea que esten bajo la jurisdiccion de una sola potencia, ó bajo la de diversas. I qued aqui estipulado, que los buques libres hacen libres tambien a las mercaderias, i que se ha de considerar libre i exento todo lo que se hallare á bordo de los buques pertenecientes á los ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ó parte de ella pertenezca á enemigos de una ú otra, exceptuados siempre los artículos de contrabando. Se conviene tambien del mismo modo, en que la misma libertad sea estensiva á las personas que se encuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser estraidas de los dichos buques libres, á menos que sean oficiales ó soldados en actual servicio de los enemigos: á condicion no obstante, como espresamente se conviene, que las estipulaciones, contenidas en el presente articulo, por las que se

only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

declara que el pabellon cubre la propiedad, se entenderán aplicables solamente á aquellas potencias que reconozcan este principio: pero si alguna de las dos partes contratantes estuviere en guerra con una tercera, i la otra permaneciere neutral, la bandera de la neutral cubrirá la propiedad de los enemigos, cuyos gobiernos reconozcan este principio, i no de otros.

acknowledge the principle.

## ARTICLE XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

## ARTICULO XVI.

Se conviene igualmente, que en el caso de que la bandera neutral de una de las partes contratantes proteja las propiedades de los enemigos de la otra, en virtud de lo estipulado arriba, deberá siempre entenderse que las propiedades neutrales encontradas á bordo de tales buques enemigos, han de tenerse i considerarse como propiedades enemigas, i como tales estarán sujetas á detencion i confiscacion, esceptuando aquellas propiedades que hubiesen sido puestas á bordo de tales buques antes de la declaratoria de la guerra, i aun despues, si hubiesen sido embarcadas en dichos buques sin tener noticia de ella; pero las partes contratantes convienen en que, pasados dos meses despues de la declaratoria de la guerra, sus respectivos ciudadanos no podrán alegar que la ignoraban. Por el contrario, si la bandera neutral no protejiere las propiedades enemigas, entonces serán libres los efectos i mercaderias de la parte neutral embarcadas en buques enemigos.

Enemy's property, to be protected by a neutral flag, must be shipped within two months after declaration of war, &c.

## ARTICLE XVII.

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

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, hal-

## ARTICULO XVII.

Esta libertad de navegacion i comercio se estenderá á todo jenero de mercaderias, esceptuando unicamente aquellas que se distinguen con el nombre de *contrabando*; i bajo este nombre de *contrabando* ú efectos prohibidos, se comprenderán, —

1.º Cañones, morteros, obuces, pedreros, trabucos, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lansas, chuzos, alabardas, i

This liberty of navigation and commerce to extend to all kinds of merchandise, contraband excepted.

Contraband specified.

berts, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

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

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

4th. And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

#### ARTICLE XVIII.

Goods not contraband.

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

Definition of blockade.

#### ARTICLE XIX.

Contraband only liable to confiscation.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of con-

Vessels delivering up contraband not to be detained.

granadas, bombas, polvora, mechas, balas, con todas las demas cosas correspondientes al uso de estas armas.

2º. Escudos, casquetes, corazas, cotas de malla, fornituras i vestidos hechos en forma i á usanza militar.

3º. Bandoleras i caballos con sus arneses.

4º. I jeneralmente toda especie de armas e instrumentos de hierro, acero, bronce, cobre, i otras materias cualesquiera manufacturadas, preparadas i formadas espresamente para hacer la guerra por mar ó por tierra.

5º. Los viveres que se introducen á una plaza sitiada ó bloqueada.

#### ARTICULO XVIII.

Todas las demas mercaderias i efectos no comprendidos en los articulos de contrabando esplicitamente enumerados i clasificados en el articulo anterior, serán tenidos i reputados como libres i de licito i lejítimo comercio, de modo que prodrán ser conducidos i transportados de la manera mas franca, por los ciudadanos de ambas partes contratantes, aun á los lugares pertenecientes á enemigo, esceptuando solo aquellas plazas que se hallen actualmente sitiadas ó bloqueadas; i para evitar en el particular toda duda, se declaran sitiadas ó bloqueadas solamente aquellas plazas que en la actualidad estuvieren atacadas por una fuerza de un belijerante capaz de impedir la entrada del neutral.

#### ARTICULO XIX.

Los articulos de contrabando antes enumerados i clasificados, que se hallen en un buque destinado á puerto enemigo, estarán sujetos á detencion i confiscacion, dejando libre el resto del cargamento i el buque, para que los dueños puedan disponer de ellos como lo tengan por conveniente. Ningun buque de cualquiera de las dos naciones será detenido en alta mar por tener á su bordo ar-

traband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

## ARTICLE XX.

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

## ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other

ticulos de contrabando, siempre que el maestro, capitán ó sobrecargo de dicho buque quiera entregar los artículos de contrabando al apresador, á menos que la cantidad de dichos artículos sea tan grande i de tanto volumen que no puedan ser recibidos á bordo del buque apresador sin graves inconvenientes; pero en este, i en todos los demas casos de justa detencion, el buque detenido será enviado al puerto mas inmediato, comodo, i seguro, para que alli se siga el juicio i se dicte sentencia conforme á las leyes.

## ARTICULO XX.

I por quanto frecuentemente sucede que los buques navegan para un puerto ó lugar perteneciente á un enemigo, sin saber que se halle sitiado, bloqueado ó embestido, se conviene en que á todo buque, en tales circunstancias, se le pueda hacer retroceder de dicho puerto ó lugar; pero no será detenido ni confiscada parte alguna de su cargamento, no siendo contrabando; á menos que, despues de la intimacion de semejante bloqueo ó embestimiento por el comandante de las fuerzas bloqueadoras, intentare otra vez entrar; pero le será permitido ir á cualquiera otro puerto ó lugar á donde lo tuviere por conveniente. Ni á buque alguno que hubiere entrado en un puerto ántes de que estuviere sitiado, bloqueado ú embestido, se le impedirá salir de el con su cargamento; ni siendo hallado alli despues de la rendicion i entrega del lugar, estarán sujetos a confiscacion el tal buque o su cargamento, sino que serán restituidos á sus dueños.

In case of blockade, vessels to be turned away, but not detained, &c.

Vessels entering before blockade may quit unmolested, &c.

## ARTICULO XXI.

Con el objeto de prevenir todo jenero de desorden en la visita i reconocimiento de los buques i cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque nacional de guerra se encontrare con un neutral de la

During a visit at sea, armed vessels to remain out of cannon shot.

Examination, how to be made.

contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

## ARTICLE XXII.

In case of war, sea letters, certificates of cargo, &c., to be furnished, showing to whom the property belongs.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same; which certificates shall be made out by the officers of the place whence the

otra parte contratante, el primero permanecerá, fuera del tiro de cañon, salvo en caso de mala mar, i podrá enviar subote, con dos ó tres hombres solamente, para verificar el dicho reconocimiento de los papeles concernientes á la propiedad i carga del buque, sin ocasionarle la menor estorsion, violencia ó mal trato; sobre lo cual serán responsables con sus personas i bienes los comandantes del dicho buque armado. Para este fin los comandantes de buques, armados por cuenta de particulares, estarán obligados antes de recibir sus patentes, á dar fianza suficiente para responder de los perjuicios que puedan causar. I se ha convenido espresamente que en ningun caso se exijira de la parte neutral, que vaya á bordo del buque reconocedor con el fin de exhibir sus papeles, ó para cualquiera otro objeto.

## ARTICULO XXII.

Para evitar toda clase de vejamin i abuso en el escrutino de los papeles relativos á la propiedad de los buques pertenecientes á los ciudadanos de las dos partes contratantes, estas han convenido i convienen, que en caso de que una de ellas estuviere en guerra, los buques i bajeles pertenecientes á los ciudadanos de la otra deberán proveerse con patentes de navegacion ó pasaportes en que se espresen el nombre, propiedad i capacidad del buque como tambien el nombre i el lugar de la residencia del maestre ó comandante, á fin de que se vea que el buque pertenece real i verdaderamente á los ciudadanos de una de las partes: i han convenido igualmente, que estando cargados los espresados buques, ademas de las patentes de navegacion ó pasaportes, irán tambien provistos de certificados, que contengan los pormenores del cargamento, i el lugar de donde se hizo á la vela el buque, para que asi pueda saberse si hai á su bordo algunos efectos prohibidos ó de contrabando, cuyos certificados serán espeditos en la

ship sailed, in the accustomed form; without which requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

## ARTICLE XXIII.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

## ARTICLE XXIV.

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

## ARTICLE XXV.

For the purpose of lessening the evils of war, the two high contracting parties further agree, that in case a war should unfortunately

forma acostumbrada por los empleados del lugar de la procedencia del buque, sin cuyos requisitos el dicho buque podrá ser detenido para que se le juzgue por el tribunal competente, i podrá ser declarado buena presa, á menos que se pruebe que el defecto proviene de algun accidente, i se satisfaga ó subsane con testimonios del todo equivalentes.

## ARTICULO XXIII.

Se ha convenido ademas que las estipulaciones anteriores relativas al reconocimiento i visita de los buques, se aplicarán unicamente á los que naveguen sin convoi, i que cuando los dichos buques estuvieren bajo de convoi, será suficiente la declaracion verbal del comandante de este, bajo su palabra de honor, de que los buques que se hallan bajo su proteccion pertenecen á la nacion cuya bandera llevan; i cuando se dirijan á un puerto enemigo, que los dichos buques no tienen á su bordo articulos de contrabando.

Visiting regulations to apply only to vessels without convoy.

## ARTICULO XXIV.

Se ha convenido ademas, que en todos los casos que ocurran, solo los tribunales establecidos para causas de presas en el país á que las presas sean conducidas, tomarán conocimiento de ellas. I siempre que tales tribunales de una de las partes pronunciaren sentencia contra algun buque, ó efectos ó propiedad reclamada por los ciudadanos de la otra, la sentencia ó decreto hará mención de las razones ó motivos en que aquella se hubiere fundado, i se franqueará sin retardo alguno al comandante é ajente de dicho buque, si lo solicitare, un testimonio autentico de la sentencia ó decreto, ó de todo el proceso, satisfaciendo por el los derechos legales.

Prize causes to be tried in the established courts only.

Decree of condemnation to set forth the reasons thereof.

## ARTICULO XXV.

Con el fin de disminuir los males de la guerra, las dos altas partes contratantes convienen ademas: que en caso de suscitarse desgra-

In case of war, hostilities to be only carried on by persons duly commissioned.

take place between them, hostilities shall only be carried on by persons duly commissioned by the government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

#### ARTICLE XXVI.

Citizens of neither party to engage in the service of an enemy of the other.

Whenever one of the contracting parties shall be engaged in war with another state, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

#### ARTICLE XXVII.

In case of war, merchants allowed time to arrange their business and transport their effects, &c.

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

#### ARTICLE XXVIII.

No confiscations in case of war.

Neither the debts due from individuals of the one nation to the in-

ciadamente una guerra entre ellas, solo se llevarán á efecto las hostilidades por aquellas personas debidamente autorizadas por el gobierno, i por las que esten bajo sus ordenes, esceptuados los casos de repeler un ataque, ó invasion, i en la defensa de la propiedad.

#### ARTICULO XXVI.

Siempre que una de las partes contratantes estuviere empñeada en guerra con otro estado, ningun ciudadano de la otra parte contratante aceptará comision ó patente de corso para el objeto de ausiliar, ó cooperar hostilmente con el dicho enemigo contra la mencionada parte que este en guerra, bajo la pena de ser tratado como pirata.

#### ARTICULO XXVII.

Si por alguna fatalidad, que no puede esperarse, i que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra, han convenido i convienen desde ahora para entonces, que se concederé el termino de seis meses a los comerciantes residentes en las costas i en los puertos de entrambas, i el termino de un año á los que habitan en el interior, para arreglar sus negocios i transportar sus efectos á donde quieran, dandoles el salvoconducto necesario que les sirva de suficiente proteccion hasta que lleguen al puerto designado. Los ciudadanos dedicados á cualesquiera otras ocupaciones, que se hallaren establecidos en los territorios ó dominios de la Nueva Granada ó de los Estados Unidos, serán respetados i mantenidos en el pleno goze de su libertad personal i de sus propiedades, á menos que su particular conducta les haga merecer esta proteccion que las partes contratantes se comprometen á prestarles por consideraciones de humanidad.

#### ARTICULO XXVIII.

Ni las deudas contraidas por los individuos de la nacion en

dividuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

## ARTICLE XXIX.

Both the contracting parties, being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

## ARTICLE XXX.

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

## ARTICLE XXXI.

In order that the consuls and vice consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which

favor de los individuos de la otra, ni las acciones ó cantidades que puedan tener en los fondos públicos, ó en los bancos públicos ó particulares, serán jamas confiscadas ó secuestradas en ningun caso de guerra ó desavenencia nacional.

## ARTICULO XXIX.

Deseando ambas partes contratantes evitar toda desigualdad en lo relativo á sus comunicaciones públicas i su correspondencia oficial, han convenido i convienen en conceder á sus enviados, ministros i agentes públicos los mismos favores, inmunidades i exenciones que gozan ó gozaren los de las naciones mas favorecidas; bien entendido que cualesquiera favores, inmunidades ó privilegios que la Nueva Granada ó los Estados Unidos tengan por conveniente otorgar á los enviados, ministros, i agentes diplomaticos de otras potencias, se harán por el mismo hecho estensivos á los de una i otra de las partes contratantes.

Ministers and other public agents to enjoy the same favors as those of the most favored nations.

## ARTICULO XXX.

Para hacer mas efectiva la proteccion que la Nueva Granada i los Estados Unidos de America dispensarán en adelante á la navegacion i comercio de los ciudadanos de una i otra, convienen en recibir i admitir consules i vice consules en todos los puertos abiertos al comercio extranjero, quienes gozarán en ellos de todos los derechos, prerogativas é inmunidades de los consules i vice consules de la nacion mas favorecida, quedando no obstante en libertad cada una de las partes contratantes para esceptuar aquellos puertos i lugares en que la admision i residencia de tales consules pueda no parecer conveniente.

Consuls and vice consuls to be admitted into ports open to foreign commerce.

## ARTICULO XXXI.

Para que los consules i vice consules de las dos partes contratantes puedan gozar de los derechos, prerogativas é inmunidades

Consuls to exhibit their commissions and obtain exequaturs before they shall

be considered as such.

belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the government to which they are accredited; and, having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

#### ARTICLE XXXII.

Consuls, &c., exempt from public service and from taxes, &c.

It is likewise agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all public service; and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Their archives and papers inviolable.

#### ARTICLE XXXIII.

Consuls may require the assistance of public authorities in securing deserters.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessels, or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when

Mode of proceeding.

Deserters, how to be disposed of.

que les corresponden por su caracter público, antes de entrar en el ejercicio de sus funciones, presentarán su comision ó patente en la forma debida al gobierno respecto del cual estan acreditados; i habiendo obtenido su *exequatur*, serán reputados i considerados como tales por todas las autoridades, majistrados i habitantes del distrito consular en que residan.

#### ARTICULO XXXII.

Se ha convenido igualmente, que los consules, sus secretarios, oficiales, i personas agregadas al servicio de los consulados (no siendo estas personas ciudadanos del pais en donde el consul reside) estarán exentas de todo servicio público, i tambien de toda especie de pechos, impuestos i contribuciones, esceptuando aquellas que esten obligados á pagar por razon de comercio ú propiedad, i á las cuales estan sujetos los ciudadanos i habitantes naturales i extranjeros en el pais en que residen, quedando en todo lo demas sometidos á las leyes de los respectivos estados. Los archivos i papeles de los consulados serán respectados inviolablemente, i bajo ningun pretexto los ocupará majistrado alguno, ni tendrá en ellos ninguna intervencion.

#### ARTICULO XXXIII.

Los dichos consules tendrán facultad para requerir el auxilio de las autoridades locales para la prision, detencion i custodia de los desertores de buques, publicos i particulares, de su respectivo pais; i con este objeto se dirijirán á los tribunales, jueces i empleados competentes, i reclamarán por escrito los dichos desertores probando con la presentacion de los rejistros de los buques, del rol de la tripulacion i de otros documentos publicos, que aquellos hombres hacian parte de las dichas tripulaciones: i á virtud de esta demanda, asi probada (esceptuando no obstante el caso en que se probare por otros testimonios lo contrario)

arrested, shall be put at the disposal of the said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

## ARTICLE XXXIV.

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

## ARTICLE XXXV.

The United States of America and the republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:—

Ist. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated *Isthmus of Panama*, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges, and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels, and merchandise; and that this equality of favors shall be made to extend to

no se rehusará la entrega. Aprehendidos dichos desertores, serán puestos á disposicion de los mencionados consules, i podran ser depositados en las carceles públicas á solicitud i á espensas de los que los reclamen para ser enviados á los buques á que correspondian, ó á otros de la misma nacion. Pero si no fueren remitidos dentro de dos meses, contados desde el dia de su arresto, serán puestos en libertad, i no volverán á ser presos por la misma causa.

## ARTICULO XXXIV.

Con el objeto de proteger mas eficazmente su comercio i navegacion, las dos partes contratantes convienen aqui en formar, luego que las circunstancias lo permitan, una convencion consular que declare mas especialmente las atribuciones é inmunidades de los consules i vice consules de las partes respectivas.

A consular convention to be formed.

## ARTICULO XXXV.

La república de la Nueva Granada i los Estados Unidos de America, deseando hacer tan duraderas cuanto sea posible las relaciones que han de establecerse entre las dos partes en virtud del presente tratado, han declarado solemnemente i convienen en los puntos siguientes:—

1º. Para mejor intelijencia de los articulos precedentes, han estipulado i estipulan las altas partes contratantes: que los ciudadanos, buques, i mercancías de los Estados Unidos disfrutaran en los puertos de la Nueva Granada, incluso los de la parte del territorio Granadino jeneralmente denominado *Istmo de Panama*, desde su arranque en el extremo del sud hasta la frontera de Costa Rica, todas las franquicias, privilegios é inmunidades, en lo relativo á comercio i navegacion, de que ahora gozen i en lo sucesivo gozaren los ciudadanos Granadinos, sus buques i mercancías; i que esta igualdad de favores se hará estensiva á los pasajeros, correspondencia i mer-

Citizens of the United States, their vessels and merchandise, placed on the same footing as those of New Granada in the ports of Panama.

Right of transit across the Isthmus of Panama guaranteed to citizens of the United States, and no other or higher tolls to be exacted from them than from citizens of New Granada.

the passengers, correspondence, and merchandise of the United States, in their transit across the said territory, from one sea to the other. The government of New Granada guaranties to the government of the United States that the right of way or transit across the *Isthmus of Panama* upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any lawful produce, manufactures, or merchandise, belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind, to which native citizens are not subjected for thus passing the said isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the 4th, 5th, and 6th articles of this treaty, the United States guaranty, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be inter-

Guaranty of the perfect neutrality of the Isthmus of Panama by the United States.

cancias de los Estados Unidos que transiten al traves de dicho territorio de un mar á otro. El gobierno de la Nueva Granada garantiza al gobierno de los Estados Unidos, que el derecho de via ó transito al traves del *Istmo de Panama*, por cualesquiera medios de comunicacion que ahora existan ó en lo sucesivo puedan abrirse, estará franco i espedito para los ciudadanos i el gobierno de los Estados Unidos, i para el trasporte de cualesquiera articulos de productos, manufacturas ó mercancías de licito comercio, pertenecientes á ciudadanos de los Estados Unidos: que no se impondrán ni cobrarán á los ciudadanos de los Estados Unidos, ni á sus mercancías de licito comercio, otras cargas á peajes, á su paso por cualquier óamino ó canal que pueda hacerse por el gobierno de la Nueva Granada, ó con su autoridad, sino los que en semejantes circunstancias se impongan ó cobren á los ciudadanos Granadinos: que cualesquiera de estos productos, manufacturas ó mercancías pertenecientes á ciudadanos de los Estados Unidos, que pasen en cualquier direccion de un mar al otro, con el objeto de esportarse á cualquier otro pais extranjero, no estarán sujetas á derecho alguno de importacion: i si lo hubieren pagado deberá reembolzarse al verificarse la esportacion; i que los ciudadanos de los Estados Unidos, al pasar asi por el dicho istmo, no estarán sujetos á otros derechos, peajes, ó impuestos, de cualquier clase, sino aquellos á que estuvieren sujetos los ciudadanos naturales. Para seguridad del goze tranquilo i constante de estas ventajas, i en especial compensacion de ellas i de los favores adquiridos segun los articulos 4°, 5°, i 6° de este tratado, los Estados Unidos garantizan positiva i eficazmente á la Nueva Granada, por la presente estipulacion, la perfecta neutralidad del ya mencionado istmo, con la mira de que en ningun tiempo, existiendo este tratado, sea interrumpido ni embarazado el libre transito de uno á otro mar; i por

rupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guaranty, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2d. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the 13th of October, 1824, shall cease to have effect, notwithstanding what was disposed in the first point of its 31st article.

3d. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

5th. If unfortunately any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same

conseguinte garantizan de la misma manera los derechos de soberania i propiedad que la Nueva Granada tiene i posee sobre dicho territorio.

2°. El presente tratado permanecerá en plena fuerza i vigor por el termino de veinte años, contados desde el dia del canje de las ratificaciones; i desde el mismo dia cesará de tener efecto el tratado concluido entre Colombia i los Estados Unidos el 3 de Octubre de 1824, no obstante lo dispuesto en el primer punto de su artículo 31.

3°. Sin embargo de lo antedicho, si doce meses antes de espirar el termino de veinte años estipulados arriba, ninguna de las partes contratantes notificare á la otra su intencion de reformar alguno ó todos los articulos de este tratado, continuará siendo obligatorio dicho tratado para ambas partes mas allá de los citados veinte años, hasta doce meses despues de que una de las partes notifique su intencion de proceder á la reforma.

4°. Si alguno ú algunos de los ciudadanos de una ú otra parte infrinjieren alguno de los articulos contenidos en el presente tratado, dichos ciudadanos serán por ello personalmente responsables, i no se interrumpirá en su consecuencia la armonia i buena correspondencia entre las dos naciones, comprometiendose cada una á no proteger de modo alguno al ofensor, ni á sancionar semejante violacion.

5°. Si desgraciadamente algunos de los articulos contenidos en el presente tratado fuesen en alguna otra manera violados ó infrinjidos, se estipula espresamente que ninguna de las dos partes contratantes ordenará ó autorizara actos algunos de represaria, ni declarará la guerra contra la otra por queja de injurias ó perjuicios hasta que la parte que se considere ofendida haya previamente presentado á la otra una esposicion de dichos perjuicios ó injurias, apoyada con pruebas competentes, exi-

This treaty to remain in force 20 years from date of exchange of ratifications, on which day treaty with Colombia to cease, Oct. 3. 1824, vol. VII. p. 306.

If no notice should be given, this treaty to continue as binding beyond the 20 years, until 12 months after notice shall be given.

Citizens personally responsible for infringing any articles of this treaty.

Reprisals not to be authorized nor war declared until justice has been demanded and refused.

shall have been denied, in violation of the laws and of international right.

Any advantages enjoyed by either party to be considered as a compensation of the obligations contracted.

6th. Any special or remarkable advantage that one or the other power may enjoy from the foregoing stipulations, are, and ought to be, always understood in virtue and as in compensation of the obligations they have just contracted, and which have been specified in the first number of this article.

#### ARTICLE XXXVI.

This treaty to be ratified, and the ratifications to be exchanged, within 18 months.

The present treaty of peace, amity, commerce, and navigation shall be approved and 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 republic of New Granada, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner if possible.

Signed 12th December, 1846.

In faith whereof, we, the plenipotentiaries of the United States of America, and of the republic of New Granada, have signed and sealed these presents in the city of Bogota, on the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

[L. S.] B. A. BIDLACK.  
[L. S.] M. M. MALLARINO.

#### ADDITIONAL ARTICLE.

Additional article, defining national ships.

The republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective governments with a patent issued according to its laws.

Additional article to have the same force as if inserted in the treaty.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

jiendo justicia i satisfaccion, i esto haya sido negado con violacion de las leyes i del derecho internacional.

6°. Cualquiera ventaja especial i senalada que la una ó la otra potencia reporte de las estipulaciones anteriores, es i debe entenderse siempre en virtud i como compensacion de las obligaciones que acaban de contraer i quedan especificadas en el numero primero de este articulo.

#### ARTICULO XXXVI.

El presente tratado de paz, amistad, comercio i navegacion, será aprobado i ratificado por el Presidente de la república de la Nueva Granada con acuerdo i consentimiento del Congreso de la misma; i por el Presidente de los Estados Unidos de America con acuerdo i consentimiento del Senado de los mismos: i las ratificaciones serán canjeadas en la ciudad de Washington dentro de diez i ocho meses contados desde el dia de la firma, ó antes si fuere posible.

En fé de lo cual, nosotros, los plenipotenciarios de la república de la Nueva Granada i de los Estados Unidos de America, hemos firmado i sellado las presentes en la ciudad de Bogotá el dia doce de Diciembre, en el año de Nuestro Señor mil ochocientos cuarenta i seis.

[L. S.] M. M. MALLARINO.  
[L. S.] B. A. BIDLACK.

#### ARTICULO ADICIONAL.

Las repúblicas de la Nueva Granada y de los Estados Unidos tendrán y admitirán como buques nacionales de una ú otra, todos aquellos que esten provistos de una patente del respectivo gobierno expedida conforme á las leyes del pais.

El presente articulo adicional tendrá la misma fuerza y validez que si se hubiera insertado, palabra por palabra, en el tratado firmado hoy, sera ratificado, y las ratificaciones serán canjeadas en el mismo tiempo.

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

Done in the city of Bogota, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-six.

B. A. BIDLACK. [L. S.]  
M. M. MALLARINO. [L. S.]

En testimonio de lo cual, los respectivos plenipotenciarios lo han firmado y sellado con sus sellos.

Dado en la ciudad de Bogota, el dia doce de Diciembre en el año de Nuestro Señor mil ochocientos cuarenta y seis.

M. M. MALLARINO. [L. S.]  
B. A. BIDLACK. [L. S.]

Signed 12th  
December, 1846.

May 18, 1847.

## CONVENTION WITH THE SWISS CONFEDERATION

FOR THE MUTUAL ABOLITION OF THE DROIT D'AUBAINE  
AND TAXES ON EMIGRATION.Ratifications  
exchanged at  
Washington, May  
3, 1848.Proclamation  
made, May 4,  
1848.

Preamble.

Negotiators.

THE President of the United States of America and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend, by an amicable convention, the relations happily existing between the two countries, have, to this effect, appointed, as their plenipotentiaries, to wit: the President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss confederation, A. C. Cazenove, Swiss consul at Alexandria; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

## ARTICLE I.

Power to dis-  
pose of personal  
property.Heirs, &c., may  
inherit and take  
possession;and may dispose  
of the same on  
payment of cer-  
tain duties.Property of ab-  
sent heirs to be  
taken care of.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, either by testament, donation, or *ab intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken, in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for

Le Président des Etats Unis de l'Amérique, et le Directoire Fédéral de la Confédération Suisse, animés du désir d'assurer et d'étendre, par une convention amiable, les relations heureusement existantes entre les deux pays, ont nommé à cet effet pour leurs plénipotentiaires, savoir: le Président des Etats Unis d'Amérique, James Buchanan, Secrétaire d'Etat des Etats Unis; et le Directoire Fédéral de la confédération Suisse, A. C. Cazenove, consul Suisse à Alexandrie; lesquels après l'échange de leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants, et les ont signés:

## ARTICLE I.

Les citoyens de chacune des hautes parties contractantes auront la faculté de disposer de leurs biens personnels, dans la juridiction de l'autre, soit par testament, donation, ou de toute autre manière; et leurs héritiers, étant citoyens de l'autre partie, hériteront de leurs dits biens personnels, que ce soit, par testament, ou *ab intestato*, et ils pourront en prendre possession, eux-mêmes, ou par le moyen de leurs agens, et en disposer comme ils l'entendront, n'ayant à payer aux gouvernemens respectifs d'autres droits, que ceux auxquels sont soumis en pareil cas les habitans même du pays dans lequel les dits biens se trouvent; dans le cas de l'absence de l'héritier ou des héritiers, il y serait pris par l'autorité, à l'égard des dits biens, le même soin que celui qui pourrait être pris, dans le même cas, pour la conservation des biens d'un natif du même pays, et cela jusqu'à ce que le propriétaire légal ait pu prendre les mesures conve-

possessing himself of the same ; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

ARTICLE II.

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

ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof ; and further, until the end of twelve months after the government of the United States on the one part, or that of the Swiss confederation on the other, shall have given notice of its intention of terminating the same.

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

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

Done at Washington, this eighteenth day of May, A. D. 1847, and of the Independence of the United States the seventy-first.

JAMES BUCHANAN, [L. S.]  
ANT. CHS. CAZENOVE. [L. S.]  
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nables pour les recueillir ; et dans le cas où il s'éleverait une question parmi les prétendants à une succession de savoir à qui les biens doivent appartenir, cette question sera décidée après les lois et par les juges du pays dans lequel les biens se trouvent.

In cases of dispute, how to be decided.

ARTICLE II.

Si, par la mort d'une personne possédant des propriétés foncières sur le territoire de l'une des hautes parties contractantes, ces propriétés venaient, en vertu des lois du pays, ou d'une disposition testamentaire, à échoir à un citoyen de l'autre partie, qui, à cause de sa qualité d'étranger ne serait pas admis à la possession en nature de ces propriétés, il serait accordé à celui-ci un terme, de pas moins de trois ans, pour vendre ces propriétés, et en retirer et exporter le produit sans difficulté, et sans payer au gouvernement aucun autre droit de mutation que celui qui, dans un cas analogue, serait dû par un habitant du pays dans lequel les propriétés foncières sont situées.

Alien heirs allowed time to dispose of real estate.

ARTICLE III.

La présente convention sera en vigueur pendant douze ans, à dater de ce jour ; et au-delà de ce terme jusqu'à l'expiration de douze mois après que le gouvernement des Etats Unis, d'une part, ou celui de la confédération Suisse, de l'autre, aura annoncé à l'autre son intention de le terminer.

Duration of this convention.

Cette convention sera ratifiée, et les ratifications en seront échangées à Washington, dans le terme de douze mois, après sa date, ou plutôt si faire se peut.

Convention subject to ratification, and ratifications to be exchanged within 12 months.

En foi de quoi, les plenipotentiaries respectifs ont signé la présente convention, et y ont opposé leurs cachets.

Fait à Washington le dixhuitième jour du mois de Mai, de l'an de Grace 1847, et de l'Independance des Etats Unis le 71<sup>me</sup>.

Signed 18th May, 1847

JAMES BUCHANAN, [L. S.]  
ANT. CHS. CAZENOVE, [L. S.]

TREATY WITH THE CHIPPEWAS

OF THE MISSISSIPPI AND LAKE SUPERIOR.

Aug. 2, 1847.

Consent of Senate, (with amendments,) April 3, 1848.

Proclamation made, April 7, 1848.

*Articles of a Treaty made and concluded at the Fond du Lac of Lake Superior, on the second Day of August, in the Year one thousand eight hundred and forty-seven, between the United States by their Commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their Chiefs and Headmen.*

ARTICLE I.

Peace and friendship to be perpetual.

It is agreed that the peace and friendship which exists between the people of the United States and the Chippewa Indians shall be perpetual.

ARTICLE II.

Cession of land by the Chippewas of the Mississippi and Lake Superior to the United States.

The Chippewa Indians of the Mississippi and Lake Superior cede and sell to the United States all the land within the following boundaries, viz.: Beginning at the junction of the Crow Wing and Mississippi Rivers, thence up the Crow Wing River to the junction of that river with the Long Prairie River, thence up the Long Prairie River to the boundary line between the Sioux and Chippewa Indians, thence southerly along the said boundary line to a lake at the head of Long Prairie River, thence in a direct line to the sources of the Watab River, thence down the Watab to the Mississippi River, thence up the Mississippi to the place of beginning; and also all the interest and claim which the Indians, parties to this treaty, have in a tract of land lying upon and north of Long Prairie River, and called One-day's Hunt; but, as the boundary line between the Indians, parties to this treaty, and the Chippewa Indians, commonly called "Pillagers," is indefinite, it is agreed that before the United States use or occupy the said tract of land north of Long Prairie River, the boundary line between the said tract and the Pillager lands shall be defined and settled to the satisfaction of the Pillagers.

Boundary between the Indians, parties to this treaty, and the "Pillager band," to be settled to the satisfaction of the latter.

ARTICLE III.\*

In consideration of the foregoing cession the United States to pay to the Chippewas \$17,000;

And further to pay to the chiefs of the Mississippi Indians the sum of \$1000 for 46 years.

How to be expended.

In consideration of the foregoing cession, the United States agree to pay to the chiefs of the Chippewas of Lake Superior seventeen thousand dollars in specie, and to the chiefs of the Chippewas of the Mississippi seventeen thousand dollars in specie; the above sums to be paid at such place or places as the President shall direct, and to be paid within six months after this treaty shall be ratified by the President and Senate of the United States; and the United States further agree to pay to the chiefs of the Mississippi Indians the sum of one thousand dollars annually for forty-six years; but it is agreed that whenever the Chippewas of the Mississippi shall agree as to the schools to be established, and the places at which they shall be located, the number of blacksmiths and laborers to be employed for them, and shall request the United States to expend, from year to year, the annual payments remaining unpaid, in the support of schools, blacksmiths, and laborers, the same shall be expended by the United

\* For an amendment to this Article, see note at the end of this treaty, p. 907.

States for such purposes; and that Chippewas of full or mixed blood shall be employed as teachers, blacksmiths, and laborers, when such persons can be employed who are competent to perform the duties required of them under this and all former treaties.

## ARTICLE IV.

It is stipulated that the half or mixed bloods of the Chippewas residing with them shall be considered Chippewa Indians, and shall, as such, be allowed to participate in all annuities which shall hereafter be paid to the Chippewas of the Mississippi and Lake Superior, due them by this treaty, and by the treaties heretofore made and ratified.

Half or mixed bloods of the Chippewas to be considered as Chippewas.

## ARTICLE V.\*

The United States agree to establish an agency on or near the Mississippi River, at a point convenient for the Chippewas of the Mississippi, immediately after the ratification of this treaty, or as soon thereafter as may be, to be located at such point as the President shall direct, and the amount of annuities to which the Chippewas of the Mississippi are entitled under this and all former treaties shall be paid to them at the said agency, and the amount of their just proportion of annuities resulting from former treaties shall be determined by the President.

An agency to be established.

Annuities to be paid at said agency.

## ARTICLE VI.

This treaty shall be obligatory upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners as aforesaid, and the chiefs, headmen and warriors of the Chippewas of the Mississippi and Lake Superior, have hereunto set their hands, at the Fond du Lac of Lake Superior, this second day of August, in the year one thousand eight hundred and forty-seven.

Signed 2d August, 1847.

ISAAC A. VERPLANK.  
HENRY M. RICE.

Kai-ah-want-eda, 2d chief,	his x mark, Crow-wing.
Waub-o-jceg, 1st chief,	his x mark, Gull Lake.
Uttom-auh, 1st warrior,	his x mark, Crow-wing.
Shen-goob, 1st warrior,	his x mark, Crow-wing.
Que-wish-an-sish, 1st warrior,	his x mark, Gull Lake.
Maj-c-gah-bon, 2d warrior,	his x mark, Crow-wing.
Kag-gag-c-we guon, warrior,	his x mark, Crow-wing.
Mab uk-um-ig, warrior,	his x mark, Crow-wing.
Nag aun eg-a bon, 2d chief,	his x mark, Sandy Lake.
Wan jc-ke-shig-uk, chief,	his x mark, Sandy Lake.
Kow-az-rum-ig-ish-kung, warrior,	his x mark, Sandy Lake.
Ke-che-wask keenk, 1st chief,	his x mark, Lapointe.
Gab im ub-be, chief,	his x mark, St. Croix Lake.
Kee che-waub-ish-ash, 1st chief,	his x mark, Pelican Lakes.
Nig-gig, 2d chief,	his x mark, Pelican Lakes.
Ud-c-kum-ag, 2d chief,	his x mark, Lac flambeau.
Ta-che-go-onk, 3d chief,	his x mark, Lapointe.
Muk-no-a-wuk-und, warrior,	his x mark, Lapointe.
O-sho-gaz, warrior,	his x mark, St. Croix.
A-dow-c-re-shig, warrior,	his x mark, Lapointe.
Keesh-ri-tow-ng, 1st warrior,	his x mark, Lapointe.

\* This article was struck out by the Senate. See note at the end of this treaty, p. 907.

I-aub-ans, chief,	his x mark, Rice Lake.
Tug-wany-am-az, 2d chief,	his x mark, Lapointe.
O-rum-de-kun, chief,	his x mark, Ontonagin.
Keesh-re-tow-no, 2d chief,	his x mark, Ontonagin.
Maj-c-wo-we-clung, 2d chief,	his x mark, Puckaguno.
Ke-che-wa-mibco-osk, 1st chief,	his x mark, Puckaguno.
Mong-o-sit, 3d chief,	his x mark, Fond-du-lac.
Mug-un-ub, 2d chief,	his x mark, Fond-du-lac.
An-im-as-ung, 1st warrior,	his x mark, Fond-du-lac.
Waub-ish-ashe, 1st chief,	his x mark, Chippeway River.
Make-cen-gun, 2d chief,	his x mark, Chippeway River.
Kee-wan-see, chief,	his x mark, Lac Contereille.
Ten-as-see, chief,	his x mark, Puk-wa-wun.
Nag-an-is, 2d chief,	his x mark, Lac Contereille.
Ke-chi-in-in-e, 1st warrior,	his x mark, Puk-wa-wun.
Ke-che-now-uj-c-nim, chief,	his x mark, Turtle Portage.
Bus-e-guin-jis, warrior,	his x mark, Lac flambeau.
Shin-goob, 1st chief,	his x mark, Fond-du-lac.
Shay-u-ash-cens, 1st chief,	his x mark, Grand Portage.
Ud-ik-ons, 2d chief,	his x mark, Grand Portage.
Me-zye, 4th chief,	his x mark, Lapointe.
David King, 1st chief,	his x mark, Ance.
Ma-tak-o-se-ga, 1st warrior,	his x mark, Ance.
Assurcens, 2d warrior,	his x mark, Ance.
Peter Marksman, chief.	
Alexander Corbin, chief.	
William W. W. Warren, 1st chief.	
Jno. Pta. Rellenger,	his x mark.
Charles Charlo,	his x mark.
Chief, Battiste Gauthier,	his x mark.

*Half-breeds — Lapointe Band.*

Chief, Vincent Roy,	his x mark.
Warrior, John Btse. Cadotte,	his x mark.
Second Chief, Lemo Sayer,	his x mark.
Warrior, Jhn. Btse. Roy,	his x mark.
Michel Bas-he-na,	his x mark.
Lueson Godin,	his x mark.
John Sayer,	his x mark.
Chief, Lueson Corbin,	his x mark.

*Witnesses —*

Wm. W. Warren, interpreter.  
 Chas. H. Oakes, Lapointe.  
 Roswell Hart, Rochester, New York.  
 Henry Evans, Batavia, New York.  
 A. Morrison.  
 S. Hovers.  
 Mamoci M. Samuel.  
 Henry Blatchford, interpreter.  
 William A. Aitken.  
 Julius Ombrian.

The following signatures are those of chiefs and headmen parties to this treaty:

Ke-nesh-te-no, chief, Trout Lake,	his x mark.
Mah-shah, 1st warrior,	his x mark, Lac flambeau.
I-oush-ou-c-ke-shik, chief,	his x mark, Red Cedar Lake.
Mah-ko-dah, 1st warrior.	his x mark, Mille Lac.

Pe-tud, 1st chief,	his x mark, Mille Lac.
Aunch-e-be-nas, 2d warrior,	his x mark, Mille Lac.
Mish-in-nack-in-ugo, warrior,	his x mark, Red Cedar Lake.
Gah-nin-dum-a-win-so, 1st chief,	his x mark, Sandy Lake.
Mis-quod-ase, warrior,	his x mark, “
Na-tum-e-gaw-bow, 2d chief,	his x mark, “
I-ah-be-dua-we-dung, warrior,	his x mark, “
Bi-a-jig, 1st chief,	his x mark, Pukaguno.
Joseph Montre, 1st chief,	Mississippi half-breeds.

*Witnesses —*

Wm. W. Warren, }  
 Peter Marksman, } Interpreters.  
 Smith Hovers.

The signature of No-din, or The Wind, written by his request on the 3d day of August, 1847, and with the consent of the commissioners —

No-din, or The Wind, his x mark.

In presence of William A. Aitkin, R. B. Carlton.

I approve of this treaty, and consent to the same, August 3d, 1847. Fond-du-lac.

Po-go-ne-gi-shik, or Hole-in-the-day, his x mark.

*Witness —*

William Aitkin,  
 D. T. Sloan.

## NOTE.

*In executive session Senate of the United States, April 3, 1848.*

*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at the Fond-du-lac of Lake Superior, on the second day of August, in the year 1847, between the United States, by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen, with the following amendments: Strike out of article 3 the words “the chiefs of” wherever they occur in said article. Insert in article 3, after the words “place or places,” where they first occur, the following words: *and in such manner*.

Amendments  
 of the Senate.

Strike out the 5th article of the treaty, in the following words: “Article 5. The United States agree to establish an agency on or near the Mississippi River, at a point convenient for the Chippewas of the Mississippi, immediately after the ratification of this treaty, or as soon thereafter as may be, to be located at such point as the President shall direct; and the amount of annuities to which the Chippewas of the Mississippi are entitled under this and all former treaties shall be paid to them at the said agency; and the amount of their just proportion of annuities resulting from former treaties shall be determined by the President.”

Aug. 21, 1847.

Proclamation made, April 7, 1848.

TREATY WITH THE PILLAGER BAND OF CHIPPEWA INDIANS.

Articles of a Treaty made and concluded at Leech Lake on the twenty-first Day of August, in the Year one thousand eight hundred and forty-seven, between the United States, by their Commissioners, Isaac A. Verplank and Henry M. Rice, and the Pillager Band of Chippewa Indians, by their Chiefs, Headmen, and Warriors.

ARTICLE I.

Peace and friendship to be perpetual.

It is agreed that the peace and friendship which exists between the United States and the Indians, parties to this treaty, shall be perpetual.

ARTICLE II.

Cession of lands to the United States.

The Pillager band of Chippewa Indians hereby sell and cede to the United States all the country within the following boundaries, viz.: Beginning at the south end of Otter Tail Lake; thence southerly on the boundary line between the Sioux and Chippewa Indians to Long Prairie River; thence up said river to Crow Wing River; thence up Crow Wing River to Leaf River; thence up Leaf River to the head of said river; and from thence in a direct line to the place of beginning.

ARTICLE III.

Country ceded to be held as Indian land until otherwise ordered.

It is stipulated that the country hereby ceded shall be held by the United States as Indian land, until otherwise ordered by the President.

ARTICLE IV.

Annuity in goods for 5 years, in consideration of the foregoing cession.

In consideration of the foregoing cession, the United States agree to furnish to the Pillager band of Chippewa Indians annually, for five years, the following articles: Fifty three-point Mackinaw blankets, three hundred two and a half point Mackinaw blankets, fifty one and a half point Mackinaw blankets, three hundred and forty yards of gray list cloth, four hundred and fifty yards of white list scarlet cloth, eighteen hundred yards of strong dark prints, assorted colors, one hundred and fifty pounds three-thread gray gilling twine, seventy-five pounds turtle twine, fifty bunches sturgeon twine, twenty-five pounds of linen thread, two hundred combs, five thousand assorted needles, one hundred and fifty medal looking-glasses, ten pounds of vermilion, thirty nests (fourteen each) heavy tin kettles, five hundred pounds of tobacco, and five barrels of salt. And the United States further agree, that at the first payment made under this treaty, the Indians, parties to this treaty, shall receive as a present two hundred warranted beaver traps and seventy-five north-west guns.

ARTICLE V.

Treaty to be obligatory when ratified by the President of the United States.

This treaty shall be obligatory upon the parties thereto when ratified by the President and Senate of the United States. In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners, as aforesaid, and the chiefs, headmen, and warriors of the Pillager band of Chippewa Indians, have hereunto set their hands at Leech

Lake, this twenty-first day of August, one thousand eight hundred and forty-seven. Signed 21st August, 1847.

ISAAC A. VERPLANK.  
HENRY M. RICE.

GEORGE BONJA, *Interpreter.*

Aish-ke-bo-ge-Koshe, or Flat Mouth, 1st chief,	his x mark.
Ca-pe-ma-be, or Elder Brother's Son, 2d chief,	his x mark.
Nia-je-ga-boi, or La Trappe, head warrior,	his x mark.
Ca-gouse, or Small Porcupine, headman,	his x mark.
Pe-ji-ke, or the Buffalo, 2d warrior,	his x mark.
Ca-ken-ji-wi-nine, or Charcoal, 3d warrior,	his x mark.
Na-bi-ne-ashe, or the Bird that flies on one side,	
2d headman,	his x mark.
Ne-ba-coim, or Night Thunder, warrior,	his x mark.
Chang-a-so-ning, or Nine Fingers, 3d headman,	his x mark.

Witness — GEORGE BONJA, *Interpreter*

A. MORRISON,  
A. R. McLEOD,  
J. W. LYNDE.

DECLARATION OF ACCESSION OF THE GRAND DUCHY OF  
MECKLENBURG-SCHWERIN TO THE TREATY WITH HAN-  
OVER OF 10<sup>TH</sup> JUNE, 1846.

## DECLARATION.

Dec. 9, 1847.

Proclamation  
made Aug. 2,  
1848.

Assent of the  
Senate, April 3,  
1848.

Declaration of  
accession of the  
government of  
the Grand Duchy  
of Mecklenburg-  
Schwerin to the  
treaty between  
the United States  
and Hanover of  
June 10, 1846,  
*infra*, p. 857.

WHEREAS a treaty of commerce and navigation between the United States of America and his Majesty the King of Hanover was concluded at Hanover on the 10th day of June, one thousand eight hundred and forty-six, by the plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both governments :

And whereas, by the terms of the twelfth article of the same, the United States agree to extend all the advantages and privileges contained in the stipulations of the said treaty to one or more of the other States of the Germanic confederation which may wish to accede to them by means of an official exchange of declarations, provided that such State or States shall confer similar favors upon the United States to those conferred by the kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations :

And whereas the government of his Royal Highness the Grand Duke of Mecklenburg-Schwerin has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, as far as the same are or may be applicable to the two countries, and to become a party thereto, and has expressed its readiness to confer similar favors upon the United States as an equivalent in all respects to those conferred by the kingdom of Hanover :

And whereas the government of the Grand Duchy of Mecklenburg-Schwerin, in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent

## ERKLÄRUNG.

Da ein Handels und Schifffahrts, Vertrag, zwischen den Vereinigten Staaten Amerikas, und seiner Majestät dem Könige Von Hannover, am zehnten Juni achtzehn hundert und sechs und viersig, zu Hannover, durch die Bevollmächtigten der contrahirenden Theile abgeschlossen, und später von Seiten beider Regierungen gehörig ratificirt, ist :

Und da, nach den Bestimmungen des zwölften Artikels desselben die Vereinigten Staaten sich bereit erklären, alle in den Bestimmungen des gedachten Vertrags enthaltenen Vortheile und Privilegien, auf einen oder mehrere der anderen Staaten, des Deutschen Bundes auszudehnen welche denselben beitreten mittelst einer amtlichen Auswechslung von Erklärungen, vorausgesetzt, dass der oder die Staaten dieser Art, ähnliche Vergünstigungen, wie sie vom Königreiche Hannover, ertheilt sind, den Vereinigten Staaten ertheilen, und den nähmlichen Bedingungen, Stipulationen, und Verpflichtungen nachkommen, und sich unterziehen :

Und da die Regierung Seiner Königlichen Hoheit, des Grossherzogs Von Mecklenburg-Schwerin, den Wunsch ausgedrückt hat, dem genannten Verträge, und allen in denselben enthaltenen Stipulationen, und Bedingungen, soweit dieselben, auf die beiden Länder anwendbar sind oder sein mögen, beizutreten, und Theilhaber jenes Vertrags zu werden, und da sie ihre Bereitwilligkeit zu erkennen gegeben hat, ähnliche Begünstigungen den Vereinigten Staaten zuzugestehen, welche den Vom Königreiche Hannover gemachten völlig gleichstehen :

Da ferner, die Regierung des Grossherzogthums Mecklenburg-Schwerin, aus Vorsorge, um die Möglichkeit eines spätern Missverständnisses, über die Natur und

of the favors differing essentially from those of Hanover, which it consents to bestow upon the United States, as well as for its own faithful observance of all the provisions of the said treaty, wishes the stipulations, conditions, and obligations imposed upon it, as also those which rest upon the United States, as explicitly stated, word for word, in the English and German languages, as contained in the following articles :

## ARTICLE I.

The high contracting parties agree that whatever kind of produce, manufacture, 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 Grand Duchy of Mecklenburg-Schwerin, 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 of the United States, or in a vessel of Mecklenburg-Schwerin.

And in like manner, whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into the Grand Duchy of Mecklenburg-Schwerin, in its 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 vessels of the one party or the other.

Whatever may 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 ves-

die Ausdehnung, der wesentlich, von denen Hannovers abweichenden Vergünstigungen zu vermeiden, welche dieselbe den Vereinigten Staaten zu gewähren gesonnen ist, dass sowohl die Stipulationen, Bedingungen, und Verpflichtungen, welche ihm auferlegt sind, um selbst die Bestimmungen des genannten Vertrags getreu erfüllen zu können, als auch diejenigen, welche auf den Vereinigten Staaten ruhen, besonders festgestellt werden, und Wort für Wort in Englischer und in Deutscher Sprache, in den folgenden Artikeln angegeben werden :

## ARTIKEL I.

Die hohen contrahirenden Theile kommen überein, dass jedwede Art von Producten, Manufacturen oder Waaren irgend eines fremden Landes, welche zu jeder Zeit in den Vereinigten Staaten in deren eigenen Schiffen gesetzlich eingeführt werden darf, auch in Schiffen des Grossherzogthums Mecklenburg-Schwerin soll eingeführt werden dürfen, und dass keine höhere oder andere Abgaben von dem Tonnengehalte oder der Ladung des Schiffs, es mag die Einfuhr in einem Schiffe der Vereinigten Staaten oder in einem Mecklenburg-Schwerinschen geschehen, erhoben werden soll.

In gleicher Weise soll jedwede Art von Producten, Manufacten oder Waaren, irgend eines fremden Landes, welche zu jeder Zeit in das Grossherzogthum Mecklenburg-Schwerin in dessen eigenen Schiffen gesetzlich eingeführt werden darf, auch in Schiffen der Vereinigten Staaten eingeführt werden dürfen, und sollen keine höhere oder andere Abgaben von dem Tonnengehalte oder der Ladung des Schiffs, es mag die Einfuhr in Schiffen des einen oder des anderen Theils geschehen, erhoben werden.

Alles was von dem einen Theile in dessen eigenen Schiffen nach irgend einem fremden Lande gesetzlich ausgeführt werden darf, soll in gleicher Weise auch in den

Vessels of both parties placed on the same footing in regard to importations of foreign merchandise and in regard to duties on tonnage and cargoes

The same reciprocity to prevail in regard to exports, and duties, drawbacks, &c., on the same.

sels 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 party or the other.

Port charges to be reciprocal.

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 II.

Preceding article not applicable to the coasting trade.

The preceding article is not applicable to the coasting trade and navigation of the high contracting parties, which are respectively reserved by each exclusively to its own subjects or citizens.

#### ARTICLE III.

No priority or preference to be given in the purchase of any article on account of the national character of the vessel in which it is imported.

No priority or preference shall be given by either of the contracting parties, nor by any company, corporation, or agent acting on their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the national character of the vessel, whether it be of the one party or of the other, in which such article was imported.

#### ARTICLE IV.

Right to wrecks of the sea abolished.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the high contracting parties.

In cases of shipwreck, assistance to be rendered.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and

Schiffen des andern Theils ausgeführt oder wiederausgeführt werden dürfen; und die nämlichen Abgaben, Vergütungen und Rückzahlungen sollen gehoben und bewilligt werden, es mag die derartige Ausfuhr oder Wieder-Ausfuhr in Schiffen des einen oder des andern Theils geschehen; auch sollen keine höhere oder andere Abgaben irgend einer Art in den Häfen des einen Theils den Schiffen des andern Theils auferlegt werden, als welche in denselben Häfen von den einheimischen Schiffen zu entrichten sind oder sein werden.

#### ARTIKEL II.

Der vorhergehende Artikel ist nicht anwendbar auf den Küstenhandel und die Küstenfahrt der hohen contrahirenden Theile, welche beiderseits ihren eigenen Unterthanen oder Bürgern ausschliesslich vorbehalten werden.

#### ARTIKEL III.

Von keinem der contrahirenden Theile, noch von, in deren Namen oder unter deren Autorität handelnden Gesellschaften, Corporationen oder Agenten, soll bei dem Ankaufe irgend eines gesetzlich eingeführten Handels-Artikels, wegen oder bezüglich der Nationalität des Schiffes, in welchem ein solcher Artikel eingeführt worden, es mag dem einen oder dem andern Theile angehören, ein Vorrecht noch Vorzug gegeben werden.

#### ARTIKEL IV.

Das alte und barbarische Strandrecht soll rücksichtlich des den Unterthanen oder Bürgern der hohen contrahirenden Theile gehörenden Eigenthums gänzlich aufgehoben bleiben.

Wenn ein Schiff des einen Theils an den Küsten oder innerhalb der Besitzungen des andern Theils Schiffbruch erlitten hat, gestrandet oder sonst beschädigt ist, so sollen die respectiven Bürger oder Unterthanen, sowohl für sich als für ihre

effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

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 operations of repair shall require that the whole or any part of the cargo be unloaded, they shall pay no duties of custom, charges, or fees, on the part which they shall reload and carry away, except such as are payable in the like case by national vessels.

It is nevertheless understood that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposit destined to receive 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 warehouse.

#### ARTICLE V.

The privileges secured by the present treaty to the respective vessels of the high contracting parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be forfeited for a breach of the municipal laws of either of the high contracting parties, and belonging wholly to their subjects or citizens.

It is further stipulated that vessels of the Grand Duchy of Mecklenburg-Schwerin may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Grand Duchy of Mecklenburg-Schwerin.

#### ARTICLE VI.

No higher or other duties shall be imposed on the importation

Schiffe und Sachen, den nämlichen Beistand erhalten, welcher den Einwohnern des Landes, wo der Unfall sich ereignet, gebührt haben würde.

Dieselben sollen gehalten sein, die nämlichen Abgaben und Bergelöhne zu entrichten, welche die besagten Einwohner in einem gleichen, Falle zu zahlen schuldig waren.

Wenn die Ausbesserungs-Arbeiten erforderlich machen, dass die Ladung ganz oder zum Theil gelöscht werden, so sollen sie von demjenigen, was sie wieder einladen und wegführen, keine Zöll Abgaben, Auflagen oder Gebühren zahlen, ausser solchen, welche in gleichem Falle von den einheimischen Schiffen zu entrichten sind.

Es versteht sich jedoch, dass wenn, während das Schiff ausgebessert wird, die Ladung gelöscht und in einer Niederlage für unversteuerte Güter aufbewahrt wird, die Ladung denjenigen Abgaben und Gebühren unterliegen soll welche den Inhabern solcher Niederlagen gesetzlich zukommen.

#### ARTIKEL V.

Die durch gegenwärtigen Vertrag den respectiven Schiffen der hohen contrahirenden Theile zugesicherten Privilegien sollen sich nur auf solche Schiffe erstrecken, welche innerhalb ihrer respectiven Gebiete erbaut, oder gesetzlich als Kriegs-Beute condemnirt oder wegen Bruchs der Municipal Gesetze des einen oder des andern der hohen contrahirenden Theile für confiscirt erklärt sind, und welche ihren Unterthanen oder Bürgern ganz gehören.

Es wird ferner stipulirt, dass Schiffe des Grossherzogthums Mecklenburg-Schwerin ihre Mannschaften aus allen Staaten des Deutschen Bundes wählen dürfen, sofern nur der Capitain eines jeden Schiffes Unterthan des Herzogthums Mecklenburg-Schwerin ist.

#### ARTIKEL VI.

Es sollen keine höhere oder andere Abgaben auf die Einfuhr in

Charges of salvage to be reciprocal.

Where repairs of vessels are necessary, no charges or fees to be exacted for that part of their cargoes unloaded.

Except charges for storage.

What vessels the privileges of this treaty extend to.

Crews of the vessels of Mecklenburg-Schwerin.

No higher or other duties to be imposed on the

importation of articles into either the country the growth, produce, manufacture, &c., of the other, than are imposed on the like articles the growth, &c., of any other foreign country.

into the United States of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Grand Duchy of Mecklenburg-Schwerin of any articles the growth, produce, and manufacture of the United States and of their fisheries, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country or of its fisheries.

Export duties to be reciprocal.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Grand Duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibitions to be imposed on importations or exportations of either party by the other, which shall not extend to all other nations.

No prohibition shall be imposed on the importation or exportation of any articles the growth, produce, or manufacture of the Grand Duchy of Mecklenburg-Schwerin, or of its fisheries, or of the United States or their fisheries, from or to the ports of said Grand Duchy, or of the said United States, which shall not equally extend to all other powers and states.

#### ARTICLE VII.

Favors granted by either party to other nations to be common to both.

The high contracting parties engage mutually not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing a

die Vereinigten Staaten von Artikeln, welche Erzeugnisse des Bodens oder des Gewerbflusses des Grossherzogthums Mecklenburg-Schwerin oder seiner Fischereien sind, und keine höhere oder andere Abgaben auf die Einfuhr in das Grossherzogthum Mecklenburg-Schwerin von Artikeln, welche Erzeugnisse des Bodens und des Gewerbflusses der Vereinigten Staaten und ihrer Fischereien sind, gelegt werden, als von den gleichen Artikeln, welche Erzeugnisse des Bodens oder des Gewerbflusses irgend eines andern fremden Landes oder seiner Fischereien sind, zu entrichten sind oder sein werden.

Es sollen keine höhere oder andere Abgaben und Abgiften in den Vereinigten Staaten auf die Ausfuhr irgend eines Artikels nach dem Grossherzogthum Mecklenburg-Schwerin, noch in Mecklenburg-Schwerin auf die Ausfuhr irgend eines Artikels nach den Vereinigten Staaten gelegt werden, als diejenigen, welche bei der Ausfuhr der gleichen Artikel nach irgend einem andern fremden Lande zu entrichten sind oder sein werden.

Es soll auf die Einfuhr oder Ausfuhr irgend eines Artikels, welcher Erzeugniß des Bodens oder des Gewerbflusses des Grossherzogthums Mecklenburg-Schwerin oder seiner Fischereien, oder der Vereinigten Staaten oder ihrer Fischereien ist, aus oder nach den Häfens des besagten Grossherzogthums, oder der besagten Vereinigten Staaten, kein Verbot gelegt werden, welches nicht ebenfalls auf alle anderen Mächte und Staaten sich erstreckt.

#### ARTIKEL VII.

Die hohen contrahirenden Theile verpflichten sich gegenseitig, anderen Nationen in Ansehung der Schifffahrt und der Zollabgaben keine besondere Begünstigung zu verleihen, die nicht sofort auch dem anderen Theile zu gute kommt, welcher dieselbe unentgeltlich geniessen soll, wenn

compensation as near as possible, if the concession was conditional.

## ARTICLE VIII.

In order to augment by all the means at its bestowal the commercial relations between the United States and Germany, the Grand Duchy of Mecklenburg-Schwerin agrees, subject to the reservation in article eleventh, to abolish the import duty on raw cotton and paddy, or rice in the husk, the produce of the United States; to levy no higher import duty upon leaves, stems, or strips of tobacco, imported in hogsheads or casks, than one thaler and two schillings for one hundred pounds Hamburg weight, (equal to seventy cents United States currency and weight;) to lay no higher import duty upon rice imported in tierces or half tierces than twenty-five schillings for one hundred pounds Hamburg weight, (equal to thirty-seven and a half cents United States currency and weight;) to lay no higher duty upon whale oil, imported in casks or barrels, than twelve and a half schillings per hundred pounds Hamburg weight, (equal to eighteen and three quarters cents United States currency and weight.)

The Grand Duchy of Mecklenburg-Schwerin further agrees to levy no higher transit duty on the aforementioned articles in their movement on the Berlin-Hamburg railroad than two schillings per hundred pounds Hamburg weight, (equal to three cents United States currency and weight,) and to levy no transit duty on the above-mentioned articles when conveyed through the ports of the country.

die Verleihung unentgeltlich erfolgt war, oder gegen Bewilligung einer möglichst gleich kommenden Vergütung, wenn die Verleihung gegen Bedingung eschehen war.

## ARTIKEL VIII.

Um durch alle zu seiner Verfügung stehenden Mittel, die Handels-Beziehungen, zwischen den Vereinigten Staaten, und Deutschland zu vermehren, versteht das Grossherzogthum Mecklenburg-Schwerin unter dem Vorbehalte, im Artikel eilf, sich dazu, die Eingangsabgabe auf rohe Baumwolle und Paddy (ungeschälten Reis) Producte der Vereinigten Staaten, aufzuheben den Eingangszoll auf Tabaks-Blätter, Stängel oder Streifen, wenn sie in hogsheads, oder Fässern, eingeführt werden nicht höher zu stellen, als zu Einem Thaler und zwei Schillingen, für hundert Pfund Hamburgisches Gewicht (gleich Siebenzig cents, nach dem Gelde, und Gewicht der Vereinigten Staaten) Keinen höhern Eingangszoll auf Reis, wenn er in ganzen oder halben Tonnen (tierces) eingeführt wird, zu legen als fünf und zwanzig Schillinge für hundert Pfund, Hamburgisches Gewicht (gleich sieben und dreissig und ein halb Cents, nach dem Gelde und Gewicht der Vereinigten Staaten,) den Zoll auf Wallfischthran, welcher in Fässern oder Tonnen eingeführt wird, nicht höher als zu zwölf und ein halb Schillinge, für hundert Pfund, Hamburgische Gewicht (gleich achtzehn und drei viertel cents, nach dem Gelde und Gewicht der Vereinigten Staaten) zu stellen.

Dass Grossherzogthum Mecklenburg Schwerin erklärt sich ferner bereit, von den vorher erwähnten Gegenständen, bei deren Transport auf der Berlin Hamburger Eisenbahn, keinen höhern Durchgangszoll zu erheben, als zwei Schillinge per hundert Pfund Hamburgisches Gewicht, (gleich drei cents nach dem Gelde, und Gewicht der Vereinigten Staaten) und keinen Durchgangszoll auf

Duty on raw cotton, and rice in the husk, abolished by Mecklenburg-Schwerin, but subject to the reservation in the 11th article.

Import duty on leaves, stems, &c., of tobacco, rice in tierces, and on whale oil, limited.

Transit duty on the same limited.

A duty, however, sufficient for control, may be levied.

It is understood, however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty free or those on transit one schilling per hundred pounds Hamburg weight, (equal to one cent and a half United States currency and weight.)

#### ARTICLE IX.

Each party to have the liberty of appointing consuls, vice-consuls, &c., to reside in the ports of the other, &c., who shall enjoy the same privileges as those of the most favored nations.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said 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.

Said consuls, &c., to have the right to sit as judges or arbitrators in such differences as may arise between the masters and crews of vessels of the country represented by them.

The consuls, vice-consuls, commercial and vice-commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance to cause their decisions to be carried into effect or supported.

Contending parties not to be pro-

It is, however, understood that

die obengenannten Gegenstände, zu legen, wegen sie über die Landeshäfen durchgefahren werden.

Es versteht sich jedoch, dass nichts von dem hierin Gesagten, hindern soll eine die Controlekosten deckende Abgabe zu erheben, welche beiden zwei von dem Eingangszoll befreien, oder den frei transitirenden Gegenständen auf keinen Fall, einen Schilling für hundert Pfund, Hamburgisches Gewicht (gleich andert-halb Cents nach dem Geld und Gewicht der Vereinigten Staaten) überschreiten soll.

#### ARTIKEL IX.

Die hohen contrahirenden Theile gestehen einander die Befug-niss zu, jeder in den Häfen des andern, selbst bestellte Consuln, Vice-Consuln, Handels-Agenten und Vice-Handels-Agenten zu unterhalten, welche die nämlichen Privilegien und Befugnisse, wie diejenigen der begünstigtsten Nationen geniessen sollen; wenn jedoch der eine oder der andere der genannten Consuln Handel treiben will, so sollen dieselben den nämlichen Gesetzen und Gebräuchen unterworfen sein, welchen Privatpersonen ihrer Nation in demselben Orte unterliegen.

Die Consuln, Vice-Consuln, Handels und Vice-Handels Agenten sollen das Recht haben, als solche bei Streitigkeiten, welche zwischen den Capitains und Mannschaften der Schiffe der Nationen, deren Interessen sie wahrzunehmen beauftragt sind, entstehen mögen, als Richter und Schiedsmänner zu handeln, ohne Dazwischenkunft der Ortsbehörden, wenn nicht etwa das Benehmen der Mannschaften oder des Capitains die Ordnung oder Ruhe des Landes stört oder die besagten Consuln, Vice-Consuln, Handels-Agenten, oder Vice Handels-Agenten deren Beistand zu Vollziehung oder Aufrechthaltung ihrer Entscheidungen in Anspruch nehmen.

Es versteht sich jedoch, dass

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.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents, or vice-commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter 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.

diese Art von Urtheil oder schiedsrichterlicher Entscheidung die streitenden Theile nicht des ihnen zustehenden Rechts berauben soll, bei ihrer Zurückkunft an die richterliche Behörde ihres eigenen Landes sich zu wenden.

Die besagten Consuln, Vice-Consuln, Handels-Agenten und Vice-Handels-Agenten sind befugt, den Beistand der Ortsbehörden zu Aufsuchung, Festnehmung und Gefangensetzung der Deserteurs von den Kriegs und Handels-Schiffen ihres Landes in Anspruch zu nehmen. Zu diesem Behuf haben sie sich an die competenten Gerichte, Richter und Beamten zu wenden und die besagten Deserteurs schriftlich zu reclamiren, indem sie durch Beibringung der Schiffs-register, Muster rollen der Mannschaften oder anderer amtlicher Urkunden darthun, dass jene Individuen zu den Mannschaften gehörten, und wenn diese Reclamation also begründet ist, so soll die Auslieferung nicht versagt werden.

Wenn dergleichen Deserteurs festgenommen sind, so sollen sie zur Verfügung der besagten Consuln, Vice-Consuln, Handels-Agenten oder Vice-Handels-Agenten gestellt werden, und können sie, auf Requisition und Kosten derer, welche sie reclamiren, in den öffentlichen Gefängnissen festgehalten werden, um auf die Schiffe, zu welchen sie gehören, oder auf andere desselben Landes, gesandt zu werden. Wenn sie aber binnen drei Monaten vom Tage ihrer Festnehmung an nicht zurückgeschickt sind, so sollen sie in Freiheit gesetzt und wegen desselben Grundes nicht wieder verhaftet werden. Wenn jedoch befunden werden sollte, dass der Deserteur irgend ein Verbrechen oder Vergehen begangen hätte, so kann dessen Auslieferung ausgesetzt werden, bis das Gericht, vor welchem seine Sache anhängig ist, das Urtheil gesprochen haben, und dieses Urtheil zur Vollstreckung gebracht sein wird.

hibited from resorting to the judicial authority of their own country.

Said consuls, &c., may require the assistance of the local authorities for the arrest of deserters.

How demand shall be made.

How deserters shall be disposed of when arrested.

## ARTICLE X.

The subjects and citizens of either party to have liberty to reside in all parts of the territories of the other, and attend to their own affairs, &c.

The subjects and citizens of the high contracting parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories, in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purpose of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws, they shall be at liberty to manage for themselves their own business, &c., and be treated in all respects as citizens of the country in which they reside

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage, themselves, their own business in all the territories subject to the jurisdiction of each 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, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defence of their rights such advocates, attorneys, and other agents as they may judge proper.

Shall have power to dispose of their personal property; and their heirs may succeed to and dispose of the same, paying no other duties than those paid by inhabitants.

The citizens or subjects of each party shall have power to dispose of their personal property within the jurisdiction of the other by sale, donation, testament, or otherwise.

Their personal representatives, being citizens or subjects of the

## ARTIKEL X.

Den Unterthanen und Bürgern der hohen contrahirenden Theile soll erlaubt sein, in allen Theilen der besagten Gebiete sich aufzuhalten und zu wohnen, um ihren Geschäften nachzugehen und auch Häuser und Speicher behuf ihres Handels zu miethen und inezuhaben, vorausgesetzt, dass sie den allgemeinen und besonderen Gesetzen in Betreff des Rechts zu wohnen und zu handeln sich unterwerfen.

So lange sie den bestehenden Gesetzen und Verordnungen nachkommen, sollen sie die Freiheit haben ihre Geschäfte in allen der Botmässigkeit eines jeden Theils unterworfenen Gebieten, sowohl in Ansehung der Consignation und des Verkaufs ihrer Waaren en gros oder en detail, als hinsichtlich der Beladung, Ausladung und Absendung ihrer Schiffe selbst wahrzunehmen oder aber nach Belieben Agenten und Makler zu gebrauchen, indem sie in allen diesen Fällen, wie die Bürger oder Unterthanen des Landes, in welchen sie wohnen, zu behandeln sein sollen, wobei es sich jedoch versteht, dass sie den besagten Gesetzen und Verordnungen auch in Ansehung von Verkäufen en gros oder en detail unterworfen bleiben sollen.

Sie sollen in ihren Prozesssachen freien Zutritt zu den Gerichten in gleichem Masse, wie den eingebornen Bürgern oder Unterthanen nach den Gesetzen und Gebräuchen des Landes zusteht, haben, und zu diesem Zweck für die Vertheidigung ihrer Rechte Advokaten, Prorucatoren und andere Agenten nach Gutbefinden gebrauchen dürfen.

Die Bürger oder Unterthanen jedes Theils sollen die Befugniss haben, über ihr persönliches Eigenthum innerhalb der Gerichtsbarkeit des andern, durch Verkauf, Schenkung, Testament oder sonst zu verfügen.

Wenn ihre Erben Bürger oder Unterthanen des andern contrahi-

other contracting party, shall succeed to their said personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases. In case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of a property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided by the laws and judges of the country wherein it is situated.

Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective States.

The capitals and effects which the citizens or subjects of the respective parties, in changing their residence, shall be desirous of removing from the place of their domicil, shall likewise be exempt from all duties of detraction or emigration on the part of their respective governments.

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renden Theils sind, so sollen diese in ihr Vermögen durch Testament oder ab intestato nachfolgen.

Sie können davon selbst oder durch für sie handelnde Andere, nach ihrem Willen, Besitz nehmen und darüber verfügen, indem sie nur diejenige Abgift entrichten, welche die Einwohner des Landes, in welchem das besagte Vermögen befindlich ist, in gleichen Fällen zu bezahlen verbunden sein werden.

Im Fall der Abwesenheit der Erben soll für das besagte Vermögen bis dahin, dass der gesetzliche Eigenthümer Massregeln zu Empfangnahme desselben treffen kann, die nämliche Sorge getroffen werden, welche für das Vermögen eines Eingebornen in gleichem Falle getragen werden würde.

Wenn zwischen verschiedenen Prätendenten Streit darüber entstehen sollte, wem von ihnen das besagte Vermögen gehöre, so soll selbiger nach den Gesetzen und durch die Richter des Landes, worin selbiges sich befindet, definitive entscheiden werden.

Wo, bei dem Ableben einer innerhalb der Gebiete des einen Theils Grundeigenthum besitzenden Person, dieses Grundeigenthum, nach den Gesetzen des Landes, auf einem Bürger oder Unterthan des andern Theils übergehen würde, wenn derselbe nicht als Fremder unfähig wäre es zu besitzen, so soll einem solchen Bürger oder Unterthan eine angemessene Frist nachgelassen werden, um dasselbe zu verkaufen und den Erlös ohne Beschwerde und frei von allem Abzug von Seiten der Regierung der respectiven Staaten, aus dem Lande zu ziehen.

Die Capitalien und Fonds, welche die Bürger oder Unterthanen der respectiven Theile, bei Veränderung ihres Aufenthalts, von ihrem Wohnorte fortzubringen wünschen, sollen ebenfalls von allen Abzugs-Abgaben von Seiten ihrer respectiven Regierungen frei sein.

Property of absent heirs to be taken care of.

Questions of ownership to be decided according to the laws of the country where the property is situate.

Heirs of real estate allowed a reasonable time to sell the same and withdraw the proceeds.

## ARTICLE XI.

This treaty to continue in force till 10th June, 1858, and further until 12 months after notice shall have been given by one of the parties to the other of its intention to abrogate it; but upon the condition that if the Grand Duchy of Mecklenburg-Schwerin shall during said term levy a duty on rice in the husk, or augment the duties on tobacco, whale oil, &c., it shall give one year's notice to the United States, and thereupon the United States shall have the right to abrogate this treaty upon giving 6 months' notice &c. &c.

The present treaty shall continue in force until the tenth of June, one thousand eight hundred and fifty-eight, and further until the end of twelve months after the government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that if the Grand Duchy of Mecklenburg-Schwerin shall deem it expedient, or find it compulsory, during the said term, to levy a duty on paddy, or rice in the husk, or augment the duties upon leaves, strips, or stems of tobacco, on whale oil and rice, mentioned in Article VIII. (eight) of the present treaty, the government of Mecklenburg-Schwerin shall give notice of one year to the government of the United States before proceeding to do so; and, at the expiration of that year, or any time subsequently, the government of the United States shall have full power and right to abrogate the present treaty, by giving a previous notice of six months to the government of Mecklenburg-Schwerin, or to continue it (at its option) in full force, until the operation thereof shall have been arrested in the manner first specified in the present article.

Signed December 9, 1847.

Now, therefore, the undersigned, L. de Lutzow, president of the privy council and first minister of his Royal Highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, special agent on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and have exchanged this declaration. The effect of this agreement is hereby declared to be to estab-

## ARTIKEL XI.

Der gegenwärtige Vertrag, soll, bis zum zehnten Juni, achtzehn hundert und sechs und fünfzig, in Kraft bleiben, und ferner, bis zum Ablauf von zwölf Monaten, nachdem die Mecklenburg-Schwerinsche Regierung einerseits, oder die Regierung der Vereinigten Staaten anderer Seits, ihre Absicht zu erkennen gegeben hat, denselben zu Ende gehen zu lassen; jedoch, mit der hiedurch ausdrücklich stipulirten Bedingung, dass, wenn das Grossherzogthum Mecklenburg-Schwerin während des gedachten Zeitraums, es seinem Interesse für angemessen erachten, oder dazu veranlasst sein sollte, einen Zoll auf Paddy (ungeschälten Reis) zu legen, oder die in Artikel 8, des gegenwärtigen Vertrags, gedachten Zölle auf Tabaksblätter, Stängel, oder Streifen, auf Wallfischthran, und Reis zu erhöhen, die Grossherzoglich Mecklenburg Schwerinsche Regierung, ein Jahr vor der Ausführung dieser Maassregel der Regierung der Vereinigten Staaten, Anzeige davon geben, und nach Ablauf dieses Jahres, oder zu jeder spätern Zeit, die Regierung der Vereinigten Staaten volle Gewalt und Befugnis haben soll, den gegenwärtigen Vertrag durch vorgängige sechsmonatliche Kündigung bei der Mecklenburg Schwerinschen Regierung aufzuheben, oder (nach ihrer Wahl) ihn in voller Kraft fortbestehen zu lassen, bis die Wirksamkeit desselben, in der im gegenwärtigen Artikel, zuerst angegebenen Weise seine Endschaft erreicht hat.

So haben demnach, die Unterzeichneten L. Von Lutzow, Geheim Raths President und Erster Minister Seiner Königlichen Hoheit, Von Seiten Mecklenburg-Schwerins, und A. Dudley Mann, Special Agent Seitens der Vereinigten Staaten, versehen mit den hiezuerforderlichen Vollmachten, welche in guter und richtiger Form befunden sind, am heutigen Tage gegenwärtige Erklärung, in dreifacher Ausfertigung unterzeichnet

lish the aforesaid treaty between the high parties to this declaration, as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof, the above-named plenipotentiaries have hereto affixed their names and seals.

Done at Schwerin, this 9th (ninth) day of December, 1847.

A. DUDLEY MANN. [L. s.]  
L. OF LUTZOW. [L. s.]

und ausgewechselt. Die Wirkung dieser übereinkunft wird hiemitelst dahin erklärt, dass der vorgedachte Vertrag, zwischen den Hohen Parteien, durch gegenwärtige Declaration, festgestellt sein soll, in jeder Hinsicht, und für alle Zwecke, ebenso völlig und vollkommen, als wenn alle darin enthaltenen Bestimmungen, in der Weise wie sie oben ausdrücklich festgestellt sind, in einem besonders zwischen ihnen in ganz ähnlicher Form abgeschlossenen und ratificirten Verträge, vereinbart wären.

Dessen zu Urkund, haben die obengenannten Bevollmächtigten hierunter ihre Namen und Siegel gesetzt.

Gegeben zu Schwerin, den 9ten Tag des Monats December, 1847.

A. DUDLEY MANN. [L. s.]  
L. VON LUTZOW. [L. s.]

And whereas the said declaration of accession has been duly ratified on both parts :

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, have caused the said declaration 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 second day of August, in the year of our Lord one thousand eight hundred and forty-eight, and of the Independence of the United States of America the seventy-third.

[L. s.]

JAMES K. POLK.

By the President :

JAMES BUCHANAN, *Secretary of State*

Proclaimed by  
the President of  
the United States  
August 2, 1848.

Feb. 2, 1848.

## TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT WITH THE REPUBLIC OF MEXICO.

Ratifications  
exchanged at  
Queretaro, May  
30, 1848.Proclamation  
made, July 4,  
1848.

IN the name of Almighty God:

EN el nombre de Dios Todo-  
Poderoso:

Preamble.

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries — that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

Negotiators.

*Treaty of Peace, Friendship, Limits, and Settlement between the United States of America and the Mexican Republic.*

## ARTICLE I.

Firm and uni-  
versal peace to  
prevail between  
the two republics.

There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

## ARTICLE II.

Convention to  
be entered into

Immediately upon the signature of this treaty, a convention shall

Los Estados Unidos Mexicanos y los Estados Unidos de América, animados de un sincero deseo de poner término á las calamidades de la guerra que desgraciadamente existe entre ambas repúblicas, y de establecer sobre bases sólidas relaciones de paz y buena amistad, que procuren recíprocas ventajas á los ciudadanos de uno y otro país, y afianzen la concordia, armonia y mútua seguridad en que deben vivir, como buenos vecinos, los dos pueblos han nombrado á este efecto sus respectivos plenipotenciarios; á saber, el Presidente de la república Mexicana á Don Bernardo Couto, Don Miguel Atristain, y Don Luis Gonzaga Cuevas, ciudadanos de la misma república; y el Presidente de los Estados Unidos de América á Don Nicolas P. Trist, ciudadano de dichos Estados; quienes despues de haberse comunicado sus plenos poderes, bajo la proteccion del Señor Dios Todo Poderoso autor de la paz, han ajustado, convenido, y firmado el siguiente

*Tratado de Paz, Amistad, Limites y Arreglo definitivo entre la República Mexicana y los Estados Unidos de América.*

## ARTICULO I.

Habrá paz firme y universal entre la república Mexicana y los Estados Unidos de América, y entre sus respectivos países, territorios, ciudades, villas, y pueblos, sin escepcion de lugares ó personas.

## ARTICULO II.

Luego que se firme el presente tratado, habrá un convenio entre

be entered into between a commissioner or commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

## ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together

el comisionado ú comisionados del gobierno Mexicano, y el ó los que nombre el General-en-gefe de las fuerzas de los Estados Unidos, para que cesen provisionalmente las hostilidades, y se restablezca en los lugares ocupados por las mismas fuerzas el orden constitucional en lo político, administrativo, y judicial, en cuanto lo permitan las circunstancias de ocupacion militar.

for the provisional suspension of hostilities.

## ARTICULO III.

Luego que este tratado sea ratificado por el gobierno de los Estados Unidos, se expedirán órdenes á sus comandantes de tierra y mar previniendo á estos segundos (siempre que el tratado haya sido ya ratificado por el gobierno de la república Mexicana y cangeadas las ratificaciones,) que inmediatamente alcen el bloqueo de todos los puertos Mexicanos, y mandando á los primeros (bajo la misma condicion) que á la mayor posible brevedad comiencen á retirar todas las tropas de los Estados Unidos que se hallaren entonces en el interior de la república Mexicana, á puntos que se elegirán de comun acuerdo, y que no distarán de los puertos mas de treinta leguas; esta evacuacion del interior de la república se consumera con la menor dilacion posible, comprometiéndose á la vez el gobierno Mexicano á facilitar, cuanto quepa en su arbitrio, la evacuacion de las tropas Americanas; á hacer cómodas su marcha y su permanencia en los nuevos puntos que se elijan; y á promover una buena inteligencia entre ellas y los habitantes. Igualmente se librarán órdenes á las personas en cargadas de las aduanas maritimas en todos los puertos ocupados por las fuerzas de los Estados Unidos, previniéndoles (bajo la misma condicion) que pongan inmediatamente en posesion de dichas aduanas á las personas autorizadas por el gobierno Mexicano para

Immediately upon the ratification of this treaty, blockade of the Mexican ports to cease.

Troops of the United States to be withdrawn from the interior to certain points near the sea-coast, and evacuation of the interior to be completed with the least possible delay.

Custom-houses to be delivered up to the Mexican authorities, &c.

An account to be made out of the amount of all duties collected by the United States after the ratification of this treaty by Mexico; the same, after deducting costs, to be paid over to the government of Mexico within three months after exchange of ratifications.

Evacuation of the capital of Mexico to be completed in one month.

All castles, forts, &c., taken and occupied by the United States within the limits of Mexico established by this treaty to be restored immediately after exchange of ratifications.

with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the government of the Mexican republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

#### ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitively restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the

recibir las, entregándoles al mismo tiempo todas las obligaciones y constancias de deudas pendientes por derechos de importacion y exportacion, cuyos plazos no estén vencidos. Ademas se formará una cuenta fiel y exacta que manifieste el total monto de los derechos de importacion y exportacion, recaudados en las mismas aduanas maritimas ó en cualquiera otro lugar de México por autoridad de los Estados Unidos desde el dia de la ratificacion de este tratado por el gobierno de la república Mexicana; y tambien una cuenta de los gastos de recaudacion; y la total suma de los derechos cotraídos, deducidos solamente los gastos de recaudacion, se entregará al gobierno Mexicano en la ciudad de México á los tres meses del cange de las ratificaciones.

La evacuacion de la capital de la república Mexicana por las tropas de los Estados Unidos, en consecuencia de lo que queda estipulado, se completará al mes de recibirse por el comandante de dichas tropas las órdenes convenidas en el presente artículo, ó antes si fuere posible.

#### ARTICULO IV.

Luego que se verifique el cange de las ratificaciones del presente tratado, todos los castillos, fortalezas, territorios, lugares, y posesiones que hayan tomado ó ocupado las fuerzas de los Estados Unidos, en la presente guerra, dentro de los limites que por el siguiente artículo van á fijarse á la república Mexicana, se devolverán definitivamente á la misma república, con toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad pública existentes en dichos castillos y fortalezas, cuando fueron tomados, y que se conserve en ellos al tiempo de ratificarse por el gobierno de la república Mexicana el presente tratado. A este efecto, inmediatamente despues que se firme, se expedirán órdenes á los oficiales Americanos que mandan dichos castillos y fortalezas para asegurar

removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible: the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to

toda la artilleria, armas, aparejos de guerra, municiones, y cualquiera otra propiedad publica, la cual no podrá en adelante removerse de donde se halla, ni destruirse. La ciudad de México dentro de la línea interior de atrincheramientos que la circundan queda comprendida en la precedente estipulacion en lo que toca á la devolucion de artilleria, aparejos de guerra, etc.

La final evacuacion del territorio de la república Mexicana por las fuerzas de los Estados Unidos quedará consumada á los tres meses del cange de las ratificaciones, ó antes si fuere posible, comprometiéndose á la vez el gobierno Mexicano, como en el artículo anterior, á usar de todos los medios que estén en su poder para facilitar la tal evacuacion, hacerla cómoda á las tropas Americanas, y promover entre ellas y los habitantes una buena inteligencia.

Sin embargo, si la ratificacion del presente tratado por ambas partes no tuviere efecto en tiempo que permita que el embarque de las tropas de los Estados Unidos se complete, antes de qui comience la estacion malsana en los puertos Mexicanos del Golfo de México; en tal caso, se hará un arreglo amistoso entre el gobierno Mexicano y el General-en-gefe de dichas tropas, y por medio de este arreglo se señalarán lugares salubres y convenientes (que no disten de los puertos mas de treinta leguas) para que residan en ellos hasta la vuelta de la estacion sana las tropas que aun no se hayan embarcado. Y queda entendido que el espacio de tiempo de que aquí se habla, como comprensivo de la estacion malsana, se extiende desde el dia primero de Mayo hasta el dia primero de Noviembre.

Todos los prisioneros de guerra tomados en ó mar tierra por ambas partes, se restituirán á la mayor brevedad posible despues del cange de las ratificaciones del presente tratado. Queda tambien convenido que si algunos Mexicanos estuviéren ahora cautivos en poder de alguna tribu salvage dentro de

Final evacuation of Mexican territory to be completed in three months from exchange of ratifications.

If ratifications should not take place in time to allow of embarkation of United States troops before commencement of the sickly season, healthy places to be designated for their residence until return of healthy season.

Prisoners of war to be restored.

be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

#### ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the River Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

Southern and western limits of New Mexico, as referred to in this article, defined.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell.*" Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries.

los limites que por el siguiente artículo van á fijarse á los Estados Unidos, el gobierno de los mismos Estados Unidos exigirá su libertad y los hará restituir á su país.

#### ARTICULO V.

La línea divisoria entre las dos repúblicas comenzará en el Golfo de México, tres leguas fuera de tierra frente á la desembocadura del Rio Grande, llamado por otro nombre Rio Bravo del Norte, ó del mas profundo de sus brazos, si en la desembocadura tuviere varios brazos: correrá por mitad de dicho rio, siguiendo el canal mas profundo, donde tenga mas de un canal, hasta el punto en que dicho rio corta el linderó meridional de Nuevo México; continuará luego hácia occidente por todo este linderó meridional (que corre al norte del pueblo llamado *Paso*) hasta su término por el lado de occidente: desde allí subirá la línea divisoria hácia el norte por el linderó occidental de Nuevo México, hasta donde este linderó esté cortado por el primer brazo del Rio Gila; (y si no está cortado por ningun brazo del Rio Gila, entonces hasta el punto del mismo linderó occidental mas cercano al tal brazo, y de allí en una línea recta al mismo brazo;) continuará despues por mitad de este brazo y del Rio Gila hasta su confluencia con el Rio Colorado; y desde la confluencia de ambos rios la línea divisoria, cortando el Colorado, seguirá el límite que separa la Alta de la Baja California hasta el Mar Pacífico.

Los linderos meridional y occidental de Nuevo Mexico, de que habla este artículo, son los que se marcan en la carta titulada: *Mapa de los Estados Unidos de México segun lo organizado y definido por las varias actas del Congreso de dicha república, y construido por las mejores autoridades. Edición revisada que publico en Nueva York en 1847, J. Disturnell*; de la cual se agrega un ejemplar al presente tratado, firmado y sellado por los plenipotenciarios infra-

And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in con-

scriptos. Y para evitar toda dificultad al trazar sobre la tierra el límite que separa la Alta de la Baja California, queda convenido que dicho límite consistirá en una línea recta tirada desde la mitad del Rio Gila en el punto donde se une con el Colorado, hasta un punto en la costa del Mar Pacífico, distante una legua marina al sur del punto mas meridional del puerto de San Diego, segun este puerto está dibujado en el plano que levantó el año de 1782 el segundo piloto de la armada Española Don Juan Pantoja, y se publicó en Madrid el de 1802, en el Atlas para el viage de las goletas *Sutil* y *Mexicana*; del cual plano se agrega copia firmada y sellada por los plenipotenciarios respectivos.

Para conseguir la línea divisoria con la precisión debida en mapas fehacientes, y para establecer sobre la tierra mojones que pongan á la vista los límites de ambas repúblicas, segun quedan descritos en el presente artículo, nombrará cada uno de los dos gobiernos un comisario y un agrimensor, que se juntarán antes del término de un año contado desde la fecha del cange de las ratificaciones de este tratado, en el puerto de San Diego, y procederán á señalar y demarcar la expresada línea divisoria en todo su curso hasta la desembocadura del Rio Bravo del Norte. Llevarán di arios 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 en él; debiendo convenir amistosamente los dos gobiernos en el arreglo de cuanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

La línea divisoria que se establece poreste artículo será religiosamente respetada por cada una de las dos repúblicas, y ninguna variacion se hará jamás en ella, sino de expreso y libre consentimiento de ambas naciones, otorgado legalmente por el gobierno general de

A commissioner and surveyor to be appointed by each government to run and mark the boundary lines, who shall meet at San Diego within one year from exchange of ratifications.

They shall keep journals, &c.

Boundary line to be religiously respected.

formity with its own constitution.

cada una de ellas, con arreglo á su propia constitucion.

#### ARTICLE VI.

Free passage by the Gulf of California and River Colorado to vessels of the United States.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican government.

An agreement to be entered into respecting the construction of a road, canal, or railway to run on the banks of the River Gila.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

#### ARTICLE VII.

Navigation of Rivers Gila and Rio Bravo below the boundary line to be common to vessels and citizens of both countries

The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or

Navigation of said rivers not to be obstructed, and no tax to be levied on vessels or persons navigating

#### ARTICULO VI.

Los buques y ciudadanos de los Estados Unidos tendrán en todo tiempo un libre y no interrumpido tránsito por el Golfo de California y por el Rio Colorado desde su confluencia con el Gila, para sus posesiones y desde sus posesiones sitas al norte de la linea divisoria que queda marcada en el artículo precedente; entendiéndose que este tránsito se ha de hacer navegando por el Golfo de California y por el Rio Colorado, y no por tierra, sin expreso consentimiento del gobierno Mexicano.

Si por reconocimientos que se practiquen se comprobare la posibilidad y conveniencia de construir un camino, canal, ó ferro-carril, que en todo ó en parte corra sobre el Rio Gila ó sobre alguna de sus márgenes derecha ó izquierda en la latitud de una legua marina de uno ó de otro lado del rio, los gobiernos de ambas repúblicas se pondrán de acuerdo sobre su construccion á fin de que sirva igualmente para el uso y provecho de ambos paises.

#### ARTICULO VII.

Como el Rio Gila y la parte del Rio Bravo del Norte que corre bajo el lindero meridional de Nuevo Mexico se dividen por mitad entre las dos repúblicas, segun lo establecido en el artículo quinto, la navegacion en el Gila y en la parte que queda indicada del Bravo, será libre y comun á los buques y ciudadanos de ambos paises, sin que por alguno de ellos pueda hacerse (sin consentimiento del otro) ninguna obra que impida ó interrumpa en todo ó en parte el ejercicio de este derecho, ni aun con motivo de favorecer nuevos metodos de navegacion. Tampoco se podrá cobrar (sino en el caso de desembarco en alguna de sus riberas) ningun impuesto ó contribucion bajo ninguna denomina-

effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

#### ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it

cion ó título á los buques, efectos, mercancías ó personas que naveguen en dichos rios. Si para hacerlos ó mantenerlos navegables fuere necesario ó conveniente establecer alguna contribucion ó impuesto, no podrá esto hacerse sin el consentimiento de los dos gobiernos.

Las estipulaciones contenidas en el presente artículo dejan ilesos los derechos territoriales de una y otra república dentro de los límites que les quedan marcados.

#### ARTICULO VIII.

Los Mexicanos establecidos hoy en territorios pertenecientes antes á México, y que quedan para lo futuro dentro de los límites señalados por el presente tratado á los Estados Unidos, podrán permanecer en donde ahora habitan, ó trasladarse en cualquier tiempo á la república Mexicana, conservando en los indicados territorios los bienes que poseen, ó enagenándolos y pasando su valor á donde les convenga, sin que por esto pueda exigirseles ningun género de contribucion, gravamen ó impuesto.

Los que prefieran permanecer en los indicados territorios, podrán conservar el título y derechos de ciudadanos Mexicanos, ó adquirir el título y derechos de ciudadanos de los Estados Unidos. Mas la eleccion entre una y otra ciudadanía deberán hacerla dentro de un año contado desde la fecha del cange de las ratificaciones de este tratado. Y los que permanecieren en los indicados territorios despues de transcurrido el año, sin haber declarado su intencion de retener el carácter de Mexicanos, se considerará que han elegido ser ciudadanos de los Estados Unidos.

Las propiedades de todò género existentes en los expresados territorios, y que pertenecen ahora á Mexicanos no establecidos en ellos, serán respetadas inviolablemente. Sus actuales dueños, los herederos de estos, y los Mexicanos que en lo venidero puedan adquirir por

the same without the consent of both governments.

Mexicans established in territories ceded to the United States to be free to continue where they are, or to remove at any time, retaining their property or disposing of the same at pleasure.

Those who remain may either retain the title and rights of Mexican citizens or become citizens of the United States.

Election to be made within one year.

Property to be inviolably respected.

guaranties equally ample as if the same belonged to citizens of the United States.

contrato las indicadas propiedades, disfrutarán respecto de ellas tan amplia garantia, como si perteneciesen á ciudadanos de los Estados Unidos.

ARTICLE IX.

ARTICULO IX.

How Mexicans remaining in the ceded territories may become citizens of the United States.

Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Los Mexicanos que en los territorios antedichos no conserven el carácter de ciudadanos de la república Mexicana segun lo estipulado en el artículo precedente, serán incorporados en la Union de los Estados Unidos, y se admitirán en tiempo oportuno (á juicio del Congreso de los Estados Unidos) al goce de todos los derechos de ciudadanos de los Estados Unidos conforme á los principios de la constitucion, y entretanto serán mantenidos y protegidos en el goze de su libertad y propiedad, y asegurados en el libre ejercicio de su religion sin restriccion alguna.

ARTICLE X.

ARTICULO X.

[Stricken out.]

[Suprimido.]

ARTICLE XI.

ARTICULO XI.

Incursions of savage tribes into the territory of Mexico to be restrained by the government of the United States or punished.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whenever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own

En atencion á que una gran parte de los territorios que por el presente tratado van á quedar para lo futuro dentro de los límites de los Estados Unidos, se halla actualmente ocupada por tribus salvages, que han de estar en adelante bajo la exclusiva autoridad del gobierno de los Estados Unidos, y cuyas incursiones sobre los distritos Mexicanos serian en extremo perjudiciales; está solemnemente convenido que el mismo gobierno de los Estados Unidos contendrá las indicadas incursiones por medio de la fuerza siempre que así sea necesario; y cuando no pudiese prevenir las, castigará y escarmenará á los invasores, exigiéndoles ademas la debida reparacion: todo del mismo modo, y con la misma diligencia y energia con que obraria, si las incursiones se hubiesen meditado ó ejecutado sobre terri-

territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such

terios suyos ó contra sus propios ciudadanos.

A ningun habitante de los Estados Unidos será lícito, bajo ningun pretesto, comprar ó adquirir cautivo alguno, Mexicano ó extranjero, residente en México, apresado por los Indios habitantes en territorio de cualquiera de las dos repúblicas, ni los caballos, mulas, ganados, ó cualquiera otro género de cosas que hayan robado dentro del territorio Mexicano.

Y en caso de que cualquier persona ó personas cautivadas por los Indios dentro del territorio Mexicano sean llevadas al territorio de los Estados Unidos, el gobierno de dichos Estados Unidos se compromete y liga de la manera mas solemne, en cuanto le sea posible, á rescatarlas, y á restituir las á su pais, ó entregarlas al agente ó representante del gobierno Mexicano; haciendo todo esto, tan luego como sepa que los dichos cautivos se hallan dentro de su territorio, y empleando al efecto el leal ejercicio de su influencia y poder. Las autoridades Mexicanas darán á las de los Estados Unidos, segun sea practicable, una noticia de tales cautivos; y el agente Mexicano pagará los gastos erogados en el mantenimiento y remision de los que se rescaten, los cuales entre tanto serán tratados con la mayor hospitalidad por las autoridades Americanas del lugar en que se encuentren. Mas si el gobierno de los Estados Unidos antes de recibir aviso de México, tuviere noticia por cualquiera otro conducto de existir en su territorio cautivos Mexicanos, procederá desde luego á verificar su rescate y entrega al agente Mexicano, segun queda convenido.

Con el objeto de dar á estas estipulaciones la mayor fuerza posible, y afianzar al mismo tiempo la seguridad y las reparaciones que exige el verdadero espíritu é intencion con que se han ajustado, el gobierno de los Estados Unidos dictará sin inútiles delaciones, ahora y en lo de adelante, las leyes

Inhabitants of the United States not to purchase any Mexicans, &c., captured by Indians, nor to purchase horses, mules, &c., stolen by them within Mexican territory.

Persons captured in Mexican territory and carried into the territory of the United States to be rescued and returned to their country.

Government of the United States to pass such laws as may be necessary to give effect to the foregoing stipulations.

laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

#### ARTICLE XII.

Amount of money to be paid to Mexico in consideration of the extension acquired by the boundaries of the United States.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

How the same shall be paid.

Immediately after this treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

que requiera la naturaleza del asunto, y vigilará siempre sobre su ejecucion. Finalmente, el gobierno de los mismos Estados Unidos tendrá muy presente la santidad de esta obligacion siempre que tenga que desalojar á los Indios de cualquier punto de los indicados territorios, ó que establecer en él á ciudadanos suyos; y cuidará muy especialmente de que no se ponga á los Indios que habitaban antes aquel punto, en necesidad de buscar nuevos hogares por medio de las incursiones sobre los distritos Mexicanos, que el gobierno de los Estados Unidos se ha comprometido solemnemente á reprimir.

#### ARTICULO XII.

En consideracion á la estension que adquieren los límites de los Estados Unidos, segun quedan descritos en el artículo quinto del presente tratado, el gobierno de los mismos Estados Unidos se compromete á pagar al de la república Mexicana la suma de quince millones de pesos.

Inmediatamente despues que este tratado haya sido ratificado por el gobierno de la república Mexicana, se entregará al mismo gobierno por el de los Estados Unidos, en la ciudad de México, y en moneda de plata ú oro del cuño Mexicano, la suma de tres millones de pesos. Los doce millones de pesos restantes se pagarán en Mexico, en moneda de plata ú oro del cuño Mexicano, en abonos de tres millones de pesos cada año, con un rédito de seis por ciento anual: este rédito comienza á correr para toda la suma de los doce millones el dia de la ratificacion del presente tratado por el gobierno Mexicano, y con cada abono anual de capital se pagará el rédito que corresponda á la suma abonada. Los plazos para los abonos de capital corren desde el mismo dia que empiezan á causarse los réditos.

## ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

## ARTICLE XIV.

The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

## ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive: provided, that in deciding upon the validity of each

## ARTICULO XIII.

Se obliga ademas el gobierno de los Estados Unidos a tomar sobre sí, y satisfacer cumplidamente á los reclamantes, todas las cantidades que hasta aquí se les deben y cuantas se venzan en adelante por razon de las reclamaciones ya liquidadas y sentenciadas contra la república Mexicana conforme á los convenios ajustados entre ambas repúblicas el once de Abril de mil ochocientos treinta y nueve, y el treinta de Enero de mil ochocientos cuarenta y tres; de manera que la república Mexicana nada absolutamente tendrá que lastar en lo venidero, por razon de los indicados reclamos.

The United States also to assume and pay the amounts due on the claims liquidated against Mexico under the conventions between the two governments.

## ARTICULO XIV.

Tambien exoneran los Estados Unidos á la república Mexicana de todas las reclamaciones de ciudadanos de los Estados Unidos no decididas aun contra el gobierno Mexicano, y que puedan haberse originado antes de la fecha de la firma del presente tratado: esta exoneracion es definitiva y perpetua, bien sea que las dichas reclamaciones se admitan, bien sea que se desechen por el tribunal de comisarios de que habla el artículo siguiente, y cualquiera que pueda ser el monto total de las que queden admitidas.

Mexican government discharged from all claims of citizens of the United States which have arisen previous to the signature of this treaty.

## ARTICULO XV.

Los Estados Unidos, exonerando á México de toda responsabilidad por las reclamaciones de sus ciudadanos mencionadas en el artículo precedente, y considerándolas completamente canceladas para siempre, sea cual fuere su monto, toman á su cargo satisfacerlas hasta una cantidad que no exceda de tres millones doscientos cincuenta mil pesos. Para fijar el monto y validez de estas reclamaciones, se establecerá por el gobierno de los Estados Unidos un tribunal de comisarios, cuyos fallos serán definitivos y concluyentes, con tal que al decidir sobre la

The United States to make satisfaction for the same to an amount not exceeding three and a quarter millions of dollars.

Board of commissioners to be established to ascertain the validity of such claims.

claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three;\* and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same,) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners: *Provided*, That no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

#### ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its

validez de dichas reclamaciones, el tribunal se haya guiado y gobernado por los principios y reglas de decision establecidos en los artículos primero y quinto de la convencion, no ratificada, que se ajustó en la ciudad de México el veinte de Noviembre de mil ochocientos cuarenta y tres: \* y en ningun caso se dará fallo en favor de ninguna reclamacion que no esté comprendida en las reglas y principios indicados.

Si en juicio del dicho tribunal de comisarios, ó en el de los reclamantes, se necesitáre para la justa decision de cualquier reclamacion algunos libros, papeles de archivo ó documentos que posea el gobierno Mexicano, ó que estén en su poder; los comisarios, ó los reclamantes per conducto de ellos, los pedirán por escrito (dentro del plazo que designe el Congreso) dirigiéndose al Ministro Mexicano de Relaciones Exteriores, á quien transmitirá las peticiones de esta clase el Secretario de Estado de los Estados Unidos: y el gobierno Mexicano se compromete á entregar á la mayor brevedad posible, despues de recibida cada demanda, los libros, papeles de archivo ó documentos, así especificados, que posea ó estén en su poder, ó copias ó extractos auténticos de los mismos, con el objeto de que sean transmitidos al Secretario de Estado, qui en los pasará inmediatamente al expresado tribunal de comisarios. Y no se hára peticion alguna de los enunciados libros, papeles ó documentos, por ó á instancia de ningun reclamante, sin que antes se haya aseverado bajo juramento ó con afirmacion solemne la verdad de los hechos que con ellos se pretende probar.

#### ARTICULO XVI.

Cada una de las dos repúblicas se reserva la completa facultad de fortificar todos los puntos que

Books, records, and documents in the possession of the government of Mexico necessary to the decision of any claim, how to be obtained from that government.

Each party reserves the right to fortify any part of its territory.

\* For these articles, see the end of this treaty, p. 128.

territory it may judge proper so to fortify, for its security.

## ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

## ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts

para su seguridad estime convenientes en su propio territorio.

## ARTICULO XVII.

El tratado de amistad, comercio y navegacion, concluido en la ciudad de México el cinco de Abril, del año del Señor 1831, entre la república Mexicana y los Estados Unidos de América, exceptuandose el artículo adicional y cuanto pueda haber en sus estipulaciones incompatible con alguna de las contenidas en el presente tratado, queda restablecido por el periodo de ocho años desde el dia del cange de las ratificaciones del mismo presente tratado, con igual fuerza y valor que si estuviese inserto en él; debiendo entenderse que cada una de las partes contratantes se reserva el derecho de poner término al dicho tratado de comercio y navegacion en cualquier tiempo luego que haya expirado el periodo de los ocho años, comunicando su intencion á la otra parte con un año de anticipacion.

Treaty of 5th April, 1831, between the United States and Mexico, with certain exceptions, revived;

But may be terminated by either party's giving one year's notice.

## ARTICULO XVIII.

No se exigirán derechos ni gravámen de ninguna clase á los artículos todos que lleguen para las tropas de los Estados Unidos á los puertos Mexicanos ocupados por ellas, antes de la evacuacion final de los mismos puertos, y despues de la devolucion á México de las aduanas situadas en ellos. El gobierno de los Estados Unidos se compromete á la vez, y sobre esto empeña su fé, á establecer y mantener con vigilancia cuantos guardas sean posibles para asegurar las rentas de México, precaviendo la importacion, á la sombra de esta estipulacion, de cualesquiera artículos que realmente no sean necesarios, ó que excedan en cantidad de los que se necesiten para el uso y consumo de las fuerzas de los Estados Unidos mientras ellas permanescan en México. A este efecto, todos los oficiales y agentes de los Estados Unidos tendran obligacion de

Supplies for the troops of the United States arriving in Mexico previous to the evacuation to be exempt from duty.

at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

#### ARTICLE XIX.

Rules to be observed with respect to merchandise imported into Mexican ports whilst in the occupation of the forces of the United States.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:—

Merchandise, &c., imported previous to the restoration of the custom-houses, exempt from confiscation.

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

The same exemption as to merchandise, &c., imported subsequently to the restoration of the custom-houses; but the same may be subject to payment of duties as provided for in the 20th article.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

Merchandise, effects, &c., during continuance at place of importation, and upon leaving such place for the interior, exempt from duty, &c.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt

denunciar á las autoridades Mexicanas en los mismos puertos, cualquier conato de fraudulento abuso de esta estipulacion que pudiéren conocer ó tuvieren motivo de sospechar; asi como de impartir á las mismas autoridades todo el auxilio que pudiéren con este objeto: y cualquier conato de esta clase, que fuéere legalmente probado, y declarado por sentencia de tribunal competente, será castigado con el comiso de la cosa que se haya intentado introducir fraudulentamente.

#### ARTICULO XIX.

Respecto de los efectos, mercancías y propiedades importados en los puertos Mexicanos durante el tiempo que han estado ocupados por las fuerzas de los Estados Unidos, sea por ciudadanos de cualquiera de las dos repúblicas, sea por ciudadanos ó subditos de alguna nacion neutral, se observarán las reglas siguientes:—

1. Los dichos efectos, mercancías y propiedades siempre que se hayan importado antes de la devolución de las aduanas á las autoridades Mexicanas conforme á lo estipulado en el artículo tercero de este tratado, quedarán libres de la pena de comiso, aun cuando sean de los prohibidos en el arancel Mexicano.

2. La misma exención gozarán los efectos, mercancías y propiedades que lleguen á los puertos Mexicanos, despues de la devolución á Mexico de las aduanas marítimas, y antes de que expiren los sesenta dias que van á fijarse en el artículo siguiente para que empiece á regir el arancel Mexicano en los puertos; debiendo al tiempo de su importacion sujetarse los tales efectos, mercancías y propiedades, en cuanto al pago de derechos, á lo que en el indicado siguiente artículo se establece.

3. Los efectos, mercancías y propiedades designados en las dos reglas anteriores quedarán exentos de todo derecho, alcabála ó impuesto, sea bajo el titulo de internacion, sea bajo cualquiera otro, mi-

from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

entras permenescan en los puntos donde se hayan importado, y á su salida para el interior; y en los mismos puntos no podrá jamás exigirse impuesto alguno sobre su venta.

4. Los efectos, mercancías, y propiedades, designados en las reglas primera y segunda que hayan sido internados á cualquier lugar ocupado por fuerzas de los Estados Unidos, quedarán exentos de todo derecho sobre su venta ó consumo, y de todo impuesto ó contribucion bajo cualquier título ó denominacion, mientras permanescan en el mismo lugar.

5. Mas si algunos efectos, mercancías, ó propiedades de los designados en las reglas primera y segunda se trasladaren á algun lugar no ocupado á la sazón por las fuerzas de los Estados Unidos; al introducirse á tal lugar, ó al venderse ó consumirse en él, quedarán sujetos á los mismos derechos que bajo las leyes Mexicanas deberian pagar en tales casos si se hubieran importado en tiempo de paz por las aduanas marítimas, y hubiesen pagado en ellas los derechos que establece el arancel Mexicano.

6. Los dueños de efectos, mercancías, y propiedades designados en las reglas primera y segunda, y existentes en algun puerto de México, tienen derecho de reembargarlos, sin que pueda exigirseles ninguna clase de impuesto, alcabála ó contribucion.

Respecto de los metales y de toda otra propiedad exportados por cualquier puerto Mexicano durante su ocupacion por las fuerzas Americanas, y antes de la devolucion de su aduana al gobierno Mexicano, no se exigirá á ninguna persona por las autoridades de Mexico, ya dependan del gobierno general, ya de algun estado que pague ningun impuesto, alcabála ó derecho por la indicada exportacion, ni sobre ella podrá exigirsele por las dichas autoridades cuenta alguna.

Merchandise, &c., removed to places in the interior whilst in the occupation of the troops of the United States, may be exempt from duty, &c.

But merchandise, &c., removed to places not occupied by the forces of the United States, may be subject to the payment of duties under Mexican laws, &c.

Owners of merchandise, &c., to have the right to reship the same free of duty.

Metals and other property exported from Mexican ports whilst occupied by the forces of the United States previous to the restoration of the custom-houses.

## ARTICLE XX.

The tariff established by the United States at places occupied by their forces in Mexico to be in force for sixty days after the signature of this treaty.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

## ARTICLE XXI.

In case of disagreement between the governments of the two countries, mutual representations and pacific negotiations to be used to settle such differences.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it

## ARTICULO XX.

Por consideracion á los intereses del comercio de todas las naciones, queda convenido que si pasáren menos de sesenta dias desde la fecha de la firma de este tratado hasta que se haga la devolucion de las aduanas marítimas, segun lo estipulado en el artículo tercero; todos los efectos, mercancías, y propiedades que lleguen á los puertos Mexicanos desde el dia en que se verifique la devolucion de las dichas aduanas hasta que se completen sesenta dias contados desde la fecha de la firma del presente tratado, se admitirán no pagando otros derechos que los establecidos en la tarifa que esté vigente en las expresadas aduanas al tiempo de su devolucion, y se extenderán á dichos efectos, mercancías, y propiedades las mismas reglas establecidas en el artículo anterior.

## ARTICULO XXI.

Si desgraciadamente en el tiempo futuro se suscitáre algun punto de desacuerdo entre los gobiernos de las dos repúblicas, bien sea sobre la inteligencia de alguna estipulacion de este tratado, bien sobre cualquiera otra materia de las relaciones políticas ó comerciales de las dos naciones, los mismos gobiernos, á nombre de ellas, se comprometen á procurar de la manera mas sincera y empeñosa a llanar las diferencias que se presenten y conservar el estado de paz y amistad en que ahora se ponen los dos paises, usando al efecto de representaciones mútuas y de negociaciones pacíficas. Y si por estos medios no se logrará todavia ponerse de acuerdo, no por eso se apelará á represalia, agresion ni hostilidad de ningun género de una república contra otra, hasta que el gobierno de la que se crea agraviada haya considerado maduramente y en espíritu de paz y buena vecindad, si no seria mejor que la diferencia se terminara por un arbitramento de comisarios nombrados por ambas partes, ó de

would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

## ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:—

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hinderance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the

una nacion amiga. Y si tal medio fuere propuesto por cualquiera de las dos partes, la otra accederá á él, á no ser que lo juzgue absolutamente incompatible con la naturaleza y circunstancias del caso.

## ARTICULO XXII.

Si (lo que no es de esperarse, y Dios no permita) desgraciadamente se suscitáre guerra entre las dos repúblicas, estas para el caso de tal calamidad se comprometen ahora solemnemente, ante si mismas y ante el mundo, á observar las reglas siguientes de una manera absoluta si la naturaleza del objeto á que se contraen lo permite; y tan estrictamente como sea dable en todos los casos en que la absoluta observancia de ellas fuere imposible:—

1. Los comerciantes de cada una de las dos repúblicas que á la sazón residan en territorio de la otra, podrán permanecer doce meses los que residan en el interior, y seis meses los que residan en los puertos, para recoger sus deudas y arreglar sus negocios; durante estos plazos disputarán la misma proteccion y estarán sobre el mismo pié en todos respectos que los ciudadanos ó súbditos de las naciones mas amigas; y al expirar el término, ó antes de él, tendrán completa libertad para salir y llevar todos sus efectos sin molestia ó embarazo, sujetándose en este particular á las mismas leyes á que estén sujetos, y deban arreglarse los ciudadanos ó súbditos de las naciones mas amigas. Cuando los ejércitos de una de las dos naciones entren en territorios de la otra, las mujeres y niños, los eclesiasticos, los estudiantes de cualquier facultad, los labradores, comerciantes, artesanos, manufactureros, y pescadores que estén desarmados y residan en ciudades, pueblos ó lugares no fortificados, y en general todas las personas

Rules to be observed in case war should unhappily break out.

Merchants to be allowed time to settle their affairs and collect their debts, and at the end of that time to have liberty to depart with their effects.

Upon the entrance of the armies of either republic into the territories of the other, women, children, ecclesiastics, &c., to be unmolested.

common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons.

Their property to be respected; and if taken, in case of necessity, to be paid for.

Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price.

Churches, hospitals, schools, &c., to be respected.

All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

Prisoners of war; their treatment.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant inclement or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the

cuya ocupacion sirva para la comun subsistencia y beneficio del género humano, podrán continuar en sus ejercicios, sin que sus personas sean molestadas. No serán incendiadas sus casas ó bienes, ó destruidos de otra manera; ni serán tomados sus ganados, ni devastados sus campos por la fuerza armada en cuyo poder puedan venir á care por los acontecimientos de la guerra; pero si hubiere necesidad de tomarlos alguna cosa para el uso de la misma fuerza armada, se les pagará lo tomado á un precio justo. Todas las iglesias, hospitales, escuelas, colegios, librerías, y demas establecimientos de caridad y beneficencia serán respetados; y todas las personas que dependan de los mismos serán protegidas en el desempeño de sus deberes y en la continuacion de sus profesiones.

2. Para aliviar la suerte de los prisioneros de guerra se evitarán cuidadosamente, las prácticas de enviarlos á distritos distantes, inclementes ó malsanos, ó de aglomerarlos en lugares estrechos y enfermizos. No se confinarán en calabosos, prisiones ni pontones; no se les aherrojar, ni se les atará, ni se les impedirá de ningun otro modo el uso de sus miembros. Los oficiales que darán en libertad bajo su palabra de honor, dentro de distritos convenientes y tendrán alojamientos cómodos; y los soldados rasos se colocarán en acantonamientos bastante despejados y extensos para la ventilacion y el ejercicio, y se alojáran en cuarteles tan amplios y cómodos como los que use para sus propias tropas la parte que los tenga en su poder. Pero si algun oficial faltare á su palabra, saliendo del distrito que se le ha señalado; ó algun otro prisionero se fugáre de los límites de su acantonamiento despues que estos se le hayan fijado, tal oficial ó prisionero perderá el beneficio del presente artículo por lo que mira á su libertad bajo su palabra ó en acantonamiento; y si algun oficial faltando así á su palabra, ó algun soldado raso saliendo de los límites que se le han asignado,

limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

fuere encontrado despues con las armas en la mano antes de ser debidamente cangeado, tal persona en esta actitud ofensiva será tratada conforme á las leyes comunes de la guerra. A los oficiales se proveerá diariamente por la parte en cuyo poder estén, de tantas raciones compuestas de los mismos artículos como las que gozan en especie ó en equivalente los oficiales de la misma graduacion en su propio ejército: á todos los demas prisioneros se proveerá diariamente de una racion semejante á la que se ministra al soldado raso en su propio servicio: el valor de todas estas suministraciones se pagará por la otra parte al concluirse la guerra, ó en los periodos que se convengan entre sus respectivos comandantes, precediendo una mutua liquidacion de las cuentas que se lleven del mantenimiento de prisioneros: y tales cuentas no se mezclarán ni compensarán con otras; ni el saldo que resulte de ellas, se reusará bajo pretesto de compensacion ó represalia por cualquiera causa, real ó figurada. Cada una de las partes podrá mantener un comisario de prisioneros nombrado por ella misma en cada acantonamiento de los prisioneros que esten en poder de la otra parte: este comisario visitará á los prisioneros siempre que quiera; tendrá facultad de recibir, libres de todo derecho ó impuesto, y de distribuir todos los auxilios que pueden enviarles sus amigos, y podra libremente transmitir sus partes en cartas abiertas á la autoridad por la cual esta empleado.

Y se declara que ni el pretesto de que la guerra destruye los tratados, ni otro alguno, sea el que fuere, se considerará que anula ó suspende el pacto solemnemente contenido en este artículo. Por el contrario, el estado de guerra es cabalmente el que se ha tenido presente al ajustarlo, y durante el cual sus estipulaciones se han de observar tan santamente como las obligaciones mas reconocidas de la ley natural ó de gentes.

The solemn covenant herein entered into not to be annulled on the pretence that war dissolves all treaties.

ARTICLE XXIII.

Treaty subject to ratification, and ratifications to be exchanged in four months from date of signature.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; by the President of the Mexican republic, with the previous approbation of its General Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

Signed in February, 1848.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST, [L. S.]  
 LUIS G. CUEVAS, [L. S.]  
 BERNARDO COUTO, [L. S.]  
 MIGL. ATRISTAIN, [L. S.]

ARTICULO XXIII.

Este tratado será ratificado por el Presidente de la república Mexicana, previa la aprobacion de su Congreso General; y por el Presidente de los Estados Unidos de America con el consejo y consentimiento del Senado; y las ratificaciones se cangearán en la ciudad de Washington, ó donde estuviere el gobierno Mexicano, á los cuatro meses de la fecha de la firma del mismo tratado, ó antes si fuere posible.

En fé de lo cual, nosotros los respectivos plenipotenciarios hemos firmado y sellado por quintuplicado este tratado de paz, amistad, limites, y arreglo definitivo, en la ciudad de Guadalupe Hidalgo, el dia dos de Febrero del año de nuestro Señor mil ochocientos cuarenta y ocho.

BERNARDO COUTO, [L. S.]  
 MIGL. ATRISTAIN, [L. S.]  
 LUIS G. CUEVAS, [L. S.]  
 N. P. TRIST, [L. S.]

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

*First and Fifth Articles of the unratified Convention between the United States and the Mexican Republic of the 20th November, 1843.*

ARTICLE I.

ALL claims of citizens of the Mexican republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter

ARTICULO I.

TODAS las reclamaciones de ciudadanos de la república Mexicana contra el gobierno de los Estados Unidos, que se presentáren del modo y en el tiempo que en adelante se espresa, y todas las reclamaciones de ciudadanos de los Estados Unidos contra el gobierno de la república Mexicana, que por cualquier motivo no se presentáron á la junta ó que no fueron examinadas ó decididas finalmente por ella ó por el árbitro establecido por la convencion de 1839, y que se presentáren del

specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

## ARTICLE V.

All claims of citizens of the United States against the government of the Mexican republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbitrator new arguments upon the said claims.

modo y en el tiempo que en adelante se espresará se someterán á cuatro comisionados que formarán junta, y serán nombrados del modo siguiente, á saber: Dos comisionados serán nombrados por el Presidente de la república Mexicana, y los otros dos lo serán por el Presidente de los Estados Unidos, con consentimiento y aprobacion del Senado de los mismos. Los dichos comisionados, de ese modo nombrados, prestarán juramento en presencia unos de otros, de examinar y decidir imparcialmente las reclamaciones que se les sometan, y que legalmente deban considerarse segun las pruebas que se les presentáren y segun los principios de derecho y justicia de la ley de las naciones y de los tratados entre ambas repúblicas.

## ARTICULO V.

Todas las reclamaciones de ciudadanos de los Estados Unidos contra el gobierno de la república Mexicana, que fueron examinadas por los comisionados y sometidas al árbitro nombrado con arreglo á la convencion de once de Abril de 1839, y que no fueron por el decididas, se someterán y decidirán por el árbitro que debe nombrarse conforme á esta convencion por lo relativo á los puntos que se sujetaron al árbitro establecido par la anterior convencion; y su decision será final y definitiva. A la vez se ha convenido que, si se juzga oportuno por los comisionados respectivos, podrán someterse por ellos al espresado árbitro, nuevas esposiciones sobre dichas reclamaciones.

May 8, 1848.

TREATY OF COMMERCE AND NAVIGATION BETWEEN  
THE UNITED STATES AND AUSTRIA.

Ratifications  
exchanged at  
Washington  
Feb. 23, 1850.  
Proclamation  
made Feb. 25,  
1850.

*Convention for the Extension of certain Stipulations, contained in the Treaty of Commerce and Navigation of 27th August, 1829, between the United States of America, and his Majesty the Emperor of Austria.*

*Vertrag über die Ausdehnung gewisser in dem Handelsund Schifffahrts-Vertrage vom 27 August, 1829, enthaltenen Bestimmungen zwischen Seiner Majestät dem Kaiser von Oesterrich, und den Vereinigten Staaten von Nord-America.*

Preamble.

THE United States of America and his Majesty the Emperor of Austria having agreed to extend to all descriptions of property the exemption from dues, taxes, or charges, which was secured to the personal goods of their respective citizens and subjects by the eleventh article of the treaty of commerce and navigation which was concluded between the parties on the twenty-seventh of August, 1829; and also for the purpose of increasing the powers granted to their respective consuls by the tenth article of said treaty of commerce and navigation, have chosen for this purpose their respective plenipotentiaries; namely, the President of the United States of America has conferred full powers on James Buchanan, Secretary of State of the United States, and his Majesty the Emperor of Austria upon his Chargé d'Affaires to the United States, John George Hülsemann; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

Negotiators.

NACHDEM Seine Majestät der Kaiser von Oesterreich und die Vereinigten Staaten von Nord-America übereingekommen sind, die in dem Artikel XI des Handels-und Schifffahrts-Tractaets vom 27 August, 1829, den beiderseitigen Staatsangehörigen für ihr bewegliches Vermögen zugesicherte Befreiung von Taxen und Abgaben auf alle Arten von Eigenthum auszudehnen und ebenfalls die in dem Artikel X erwähnten Handels-und Schifffahrts-Tractates den respectiven Consuln zugesicherten Befugnisse zu vermehren, so sind heizru von beiden Seiten Bevollmächtigte ernannt worden, als nämlich von Seiten Seiner Majestät des Kaisers von Oesterreich, Allerhöchst dessen Geschäftsträger bei den Vereinigten Staaten, Herr Johann Georg Hülsemann, und des Praesidenten der Vereinigten Staaten von Nord-America, Herr James Buchanan, Staats-Secretair der Vereinigten Staaten, welche Bevollmächtigte, nach vollzogener Auswechslung ihrer in guter und gehöriger Form befundenen Vollmachten, nachstehende Artikel festgesetzt und unterzeichnet haben:

## ARTICLE I.

Reciprocal privileges of acquiring and inheriting property to be enjoyed.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or

## ARTIKEL I.

Den Staatsangehörigen eines jeden der abschliessenden Theile soll in den Staaten des andern die Freiheit zustehen, über ihre beweglichen Güter durch Testament, Schenkung, oder auf andere Weise zu verfügen; deren Erben, durch

subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

#### ARTICLE II.

Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same; which term may be reasonably prolonged, according to circumstances; and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

#### ARTICLE III.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II., may take measures to receive or dispose of the inheritance.

Testament, oder ab intestato, oder durch Schenkung hiezu berechtigt, sollen, wenn sie die Staatsangehörigen des andern der beiden abschliessenden Theile sind, ihnen in dem Besitze dieser ihrer beweglichen Güter folgen, auch in Person sowohl, als durch andere, welche an ihrer Stelle handeln, davon Besitz ergreifen und nach Gutdünken damit shalten können, ohne andere Steuern zu bezahlen, als solche, welche die Einwohner des Landes, worin sich die genannten Güter befinden, bei gleichem Anlasse unterworfen sind.

#### ARTIKEL II.

Wenn durch den Tod irgend eines Besitzers von Immobilien oder Grundeigenthum, welche sich auf dem Gebiete des einen der abschliessenden Theile befinden, diese Immobilien oder Grundeigenthum nach den Gesetzen des Landes auf einen Staats-Angehörigen des andern Theiles übergehen sollen, so wird diesem, wenn er nach den Gesetzen des Landes, wo des unbewegliche Vermögen liegt, zu dessen Besitze unfähig ist, ein Aufschub von zwey Jahren gewährt, welcher Termin nach Umständen in angemessener Weise verlängert werden kann, um dieselben zu verkaufen, und um den Ertrag davon ohne Anstand und frey von allen andern Abgaben zu beziehen, als solchen, die in dergleichen Fällen den Einwohnern des Landes auferlegt werden, aus welchem dieser Ertrag exportirt wird.

#### ARTIKEL III.

In Fall der Abwesenheit der Erben wird man hinsichtlich der erwähnten, beweglichen, or unbeweglichen Güter provisorisch ganz dieselbe Sorgfalt anwenden, welche man bei gleichem Anlasse hinsichtlich der Güter der Eingeborenen angewendet hätte, bis der gesetzmässige Eigenthümer, oder derjenige, welcher nach Artikel II das Recht hat, dieselben zu verkaufen, Anordnungen zu treffen für gut finden wird, um die Erbschaft anzutreten, oder darüber zu verfügen.

On the death of any person holding real property, or property not personal: how it is to be disposed of.

Property of absent heirs to be taken care of.

## ARTICLE IV.

Liberty granted by both parties of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents, who shall enjoy the same privileges as those of the most favored nations

The high contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice-consuls, commercial agents, and vice-commercial agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said 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.

The officers named shall have the right, as such, to sit as judges and arbitrators in cases of difference between masters of vessels, belonging to the country they represent, and their crews.

The said consuls, vice-consuls, commercial and vice-commercial agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, commercial agents, or vice-commercial agents, should require their assistance in executing or supporting their own decisions. But 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.

Their judgment not to preclude a resort to judicial authority upon returning home.

Local authorities to aid in the search for, arrest, and imprisonment of deserters, from ships of war and the merchant marine.

The said consuls, vice-consuls, commercial agents, and vice-commercial agents, are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply in writing to the competent tribunals, judges, and officers, and shall demand said deserters, proving by the exhibition of the registers of

## ARTIKEL IV.

Die hohen contrahirenden Theile gestehen einander die Befugniss zu, jeder in den Häfen des andern selbstbestellte Consuln, Vice-Consuln, Handels-Agenten, und Vice-Handels-Agenten, zu unterhalten, welche die nämlichen Privilegien und Befugnisse, wie diejenigen der begünstigtesten Nationen, geniessen sollen; wenn jedoch der eine oder der andere der genannten Consuln Handel treiben will, so sollen dieselben den nämlichen Gesetzen und Gebräuchen unterworfen seyn, welchen Privatpersonen ihrer Nation in demselben Orte unterliegen.

Die Consuln, Vice-Consuln, Handels- und Vice-Handels-Agenten sollen des Recht haben, als solche, bei Streitigkeiten, welche zwischen den Capitains und Mannschaften der Schiffe der Nation, deren Interessen sie wahrzunehmen beauftragt sind, entstehen mögen, als Richter und Schiedsmänner zu handeln, ohne Dazwischenkunft der Orts-Behörden, wenn nicht etwa das Benehmen der Mannschaften oder des Capitains die Ordnung oder Ruhe des Landes stört, oder die besagten Consuln, Vice-Consuln, Handels-Agenten, oder Vice-Handels-Agenten, deren Beistand zu Vollziehung oder Aufrechthaltung ihrer Entscheidungen in Anspruch nehmen. Es versteht sich jedoch, dass diese Art vom Urtheil oder schiedsrichterlichen Entscheidung, die streitenden Theile nicht des ihnen zustehenden Rechts berauben soll, bei ihrer Zurückkunft an die richterliche Behörde ihres eigenen Landes sich zu wenden.

Die Besagten Consuln, Vice-Consuln, Handels-Agenten und Vice-Handels-Agenten sind befugt, den Beistand der Ortsbehörden zu Aufsuchung, Festnehmung und Gefangensetzung der Deserteurs von den Kriegs und Handels-Schiffen ihres Landes in Anspruch zu nehmen. Zu diesem Behufe haben sie sich schriftlich an die competenten Gerichte, Richter und Beamten zu wenden und die besagten Deserteurs zu reclamiren,

the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and, on such claim being substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, commercial agents, and vice-commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. If, however, the deserter shall be found to have committed any crime or offence requiring trial, 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 V.

The present treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

indem sie durch Beibringung der Schiffsregister, Muster-Rollen der Mannschaften oder anderer amtlicher Urkunden darthun, dass jene Individuen gesetzlich zu den Mannschaften gehören, und wenn diese Reclamation also begründet ist, so soll die Auslieferung nicht versagt werden.

Wenn dergleichen Deserteurs festgenommen sind, so sollen sie zur Verfügung der besagten Consuln, Vice-Consuln, Handels-Agenten und Vice-Handels-Agenten gestellt werden, und können sie, auf Requisition und Kosten derer, welche sie reclamiren, in den öffentlichen Gefängnissen festgehalten werden, um auf die Schiffe, zu welchen sie gehören, oder auf andere desselben Landes, gesandt zu werden. Wenn sie aber binnen drei Monaten, vom Tage ihrer Festnehmung an, nicht zurück geschickt sind, so sollen sie in Freiheit gesetzt und wegen desselben Grundes nicht wieder verhaft werden. Wenn jedoch befunden werden sollte, dass Deserteur irgend ein Verbrechen oder Vergehen begangen hätte, wegen dessen er vor Gericht zu stellen wäre, so kann dessen Auslieferung ausgesetzt werden, bis das Gericht, vor welchem seine Sache anhängig ist, das Urtheil gesprochen haben und dieses Urtheil zur Vollstreckung gebracht sein wird.

Disposal of such deserters, when arrested.

#### ARTIKEL V.

Gegenwärtiger Vertrag soll vom Tage der Auswechslung der Ratifications-Urkunden zwei Jahre in Wirksamkeit bleiben. Doch erlischt selber nach Verlauf dieses Zeitraums nur in dem Falle, wenn er von dem einen oder von dem andern Theile zwölf Monate früher aufgekündigt wurde. Geschieht keine aufkündigung zu der bestimmten Frist, so danert der Vertrag auf unbestimmte Zeit fort, bis eine der contrahirenden Mächte ihn aufkündigt, wo sodann derselbe zwölf Monate nach erfolgter Aufkündigung aufzuhören hat, wenn immer diese Aufkündigung geschehen sollte.

Treaty to continue in force two years.

## ARTICLE VI.\*

This convention to be ratified, and ratifications to be exchanged within one year from the signing thereof.  
Signed 8th May, 1848.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and of his Majesty the Emperor of Austria; and the ratifications thereof shall be exchanged in Washington, within the term of one year from the date of the signature thereof, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in the city of Washington, on the eighth day of May, one thousand eight hundred and forty-eight, in the seventy-second year of the independence of the United States of America, and in the fourteenth year of the reign of his Majesty the Emperor of Austria.

JAMES BUCHANAN, [L. s.]

## ARTIKEL VI.

Gegenwärtiger Vertrag ist abgeschlossen worden, vorbehaltlich der Ratification Sr. Majestät des Kaisers von Oesterreich und vorbehaltlich der Ratification des Praesidenten der Vereinigten Staaten von Nord-America nach und mit dem Rathe und der Einwilligung des Nord - Americanischen Senates; und es soll die Auswechslung der Ratifications urkunden innerhalb Jahresfrist vom Tage der Unterzeichnung des gegenwärtigen Vertrages an gerechnet oder früher, wenn es möglich ist, in Washington statt finden.

Urkundlich dessen haben die beiderseitigen Bevollmächtigten oben stehende Artikel so wohl in Deutscher als Englischer Sprache unterzeichnet und ihre Siegel beigedrückt.

Ausgestellt zu Washington den achten May ein tausend acht hundert und acht und vierzig, im vierzehnten Jahre der Regierung Seiner Majestät des Kaisers von Oesterreich, und im zwei und siebenzigsten Jahre der Unabhängigkeit der Vereinigten Staaten von Nord-America.

HÜLSEMANN, [L. s.]

## \* RESOLUTION OF THE SENATE OF THE UNITED STATES.

February 13th, 1850.

Whereas the time limited by the 6th article of the convention for the extension of certain stipulations contained in the Treaty of Commerce and Navigation of August 27, 1820, between the United States of America and his Majesty the Emperor of Austria, concluded at the city of Washington, the 8th May, 1848, has expired before the ratification of the said convention by the Senate, be it therefore,

*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the fourth day of July next, whenever the same shall be offered by his Majesty the Emperor of Austria, and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

Attest:

ASBURY DICKINS, *Secretary*.

## TREATY WITH THE PAWNEES.

*Articles of Agreement and Convention made this sixth Day of August, A. D. 1848, at Fort Childs, near the Head of Grand Island, on the south Side of the Nebraska or Great Platte River, between Lieutenant-Colonel Ludwell E. Powell, commanding Battalion Missouri Mounted Volunteers, en route to Oregon, in Behalf of the United States, and the Chiefs and Headmen of the Four Confederated Bands of Pawnees, viz.: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, at present residing on the south Side of the Platte River.*

Aug. 6, 1848.

Treaty ratified  
Jan. 8, 1849.

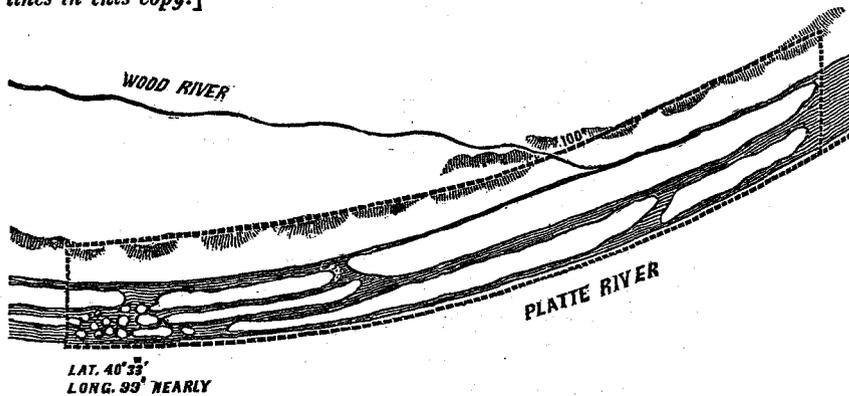
## ARTICLE I.

The confederated bands of the Pawnees hereby cede and relinquish to the United States all their right, title, and interest in and to all that tract of land described as follows, viz.: Commencing on the south side of the Platte River five miles west of this post, "Fort Childs;" thence due north to the crest of the bluffs north of said Platte River; thence east and along the crest of said bluffs to the termination of Grand Island, supposed to be about sixty miles distant; thence south to the southern shore of said Platte River; and thence west and along the southern shore of the said Platte River to the place of beginning.

Land ceded to  
the U. States.

The land hereby conveyed is designated within the red lines of the following plat.

[NOTE. — *The red lines in the original plat are designated by dotted lines in this copy.*]



## ARTICLE II.

In consideration of the land hereby ceded and relinquished, the United States has this day paid, through Captain Stewart Van Vliet, assistant quartermaster United States army, under an order from Lieutenant-Colonel Ludwell E. Powell, commanding battalion Missouri mounted volunteers, to the said four bands collectively, on the execution of this treaty, the amount of two thousand dollars in goods and merchandise, the receipt of which is hereby acknowledged.

In consideration of the foregoing cession, the U. States has paid to the said four bands two thousand dollars in goods and merchandise.

## ARTICLE III.

The U. States to have the privilege of using timber upon Wood River.

The United States shall have the privilege of using any hard timber that may at any time be needed, situate upon Wood River, immediately north of the land hereby conveyed.

## ARTICLE IV.

Friendship and fidelity to the U. States pledged by the Pawnees.

The Pawnee nation renew their assurance of friendship for the white men, their fidelity to the United States, and their desire for peace with all the neighboring tribes of Indians.

Should difficulties arise, the matter in dispute to be left to arbitration.

The Pawnee nation, therefore, faithfully promise not to molest or injure the property or person of any white citizen of the United States wherever found, nor to make war upon any tribes with whom said Pawnee tribes now are, or may hereafter be, at peace; but, should any difficulty arise, they agree to refer the matter in dispute to such arbitration as the President of the United States may direct.

## ARTICLE V.

These articles of agreement and convention shall be binding and obligatory from this sixth day of August, A. D. 1848.

In testimony whereof, the said Lieutenant-Colonel Ludwell E. Powell, commanding battalion Missouri mounted volunteers, and the chiefs and headmen of the four confederated bands of Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, have hereunto signed their names, and affixed their seals, on the day and year aforesaid.

LUDWELL E. POWELL,

*Lt. Col. Com'g Bat. Mo. Mounted Volunteers.*

CHEF MA-LAIGNE,

*Principal Chief of the Four Confederated Bands.*

*Chiefs of —*

*Grand Pawnees.*

Sha-re-ta-riche,

Ah-tah-ra-scha.

*Pawnee Loups.*

Ish-Ka-top-pa,  
French Chief,

Big Chief,

*Pawnee Republicans.*

La-lo-che-la-sha-ro,  
A-sha-la-la-cot-sha-lo,

American Chief.

*Pawnee Tappage.*

La-pa-ko-lo-lo-ho-la-sha,  
La-sha-pit-ko,

Ta-ra-re-tappage.

[To each of the Indian names is affixed his mark.]

Executed and delivered in the presence of —

Thomas J. Todd, *Ajt. Bat. Mo. Mt. Vlts., Secretary.*

A. W. Sublette, *Capt. Co. A.*

J. Walker, *A. S. U. S. Army.*

W. H. Rodgers, *Capt. Co. L.*  
David McCausland, *Capt. Co. B.*  
Stewart Van Vliet, *Capt. and A. Q. M. U. S. A.*  
D. P. Woodbury, *Lieutenant Engineers.*  
J. W. Kelly, *2d Lieut. commanding Co. C.*  
Saml. J. Lingenfelter.  
Ant. Le Faivre.  
Peter A. Carnes, *Forage Master.*  
J. B. Small, *A. S. U. S. Army.*  
F. Jeffrey Deroine, *Interpreter.*

## TREATY WITH THE MENOMONEE TRIBE OF INDIANS.

Oct. 18, 1848.

Ratified Jan.  
23, 1849.

*Articles of a Treaty made and concluded at Lake Pow-aw-hay-kon-nay, in the State of Wisconsin, on the eighteenth Day of October, one thousand eight hundred and forty-eight, between the United States of America, by William Medill, a Commissioner duly appointed for that purpose, and the Menomonee Tribe of Indians, by the Chiefs, Headmen, and Warriors of said Tribe.*

## ARTICLE I.

Peace and  
friendship to be  
perpetual.

It is stipulated and solemnly agreed that the peace and friendship now so happily subsisting between the government and people of the United States and the Menomonee Indians shall be perpetual.

## ARTICLE II.

The Menomonees  
cede to the  
U. S. all their  
lands in Wisconsin.

The said Menomonee tribe of Indians agree to cede, and do hereby cede, sell, and relinquish to the United States all their lands in the State of Wisconsin wherever situated.

## ARTICLE III.

In considera-  
tion of the fore-  
going cession the  
U. S. give to said  
tribe for a home  
certain lands ce-  
ded by the Chip-  
pewas.

In consideration of the foregoing cession, the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indians' lands are held, all that country or tract of land ceded to the said United States by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of August 2, 1847, and the Pillager band of Chippewa Indians, in the treaty of August 21, 1847, which may not be assigned to the Winnebago Indians, under the treaty with that tribe of October 13, 1846, and which is guarantied to contain not less than six hundred thousand acres.

## ARTICLE IV.

In further con-  
sideration the U.  
S. agree to pay  
three hundred  
and fifty thou-  
sand dollars, viz:  
To the chiefs to  
settle the affairs  
of the tribe, &c.,  
\$30,000.To certain per-  
sons of mixed  
blood, \$40,000.

In further and full consideration of said cession, the United States agree to pay the sum of three hundred and fifty thousand dollars, at the several times, in the manner and for the purposes following, viz.:

To the chiefs, as soon after the same shall be appropriated by Congress as may be convenient to enable them to arrange and settle the affairs of their tribe preparatory to their removal to the country set apart for and given to them as above, thirty thousand dollars.

To such persons of mixed blood, and in such proportion to each, as the chiefs in council, and a commissioner to be appointed by the President, shall designate and determine, and as soon after the appropriation thereof as may be found practicable and expedient, forty thousand dollars.

For expenses  
of removal,  
\$20,000.

In such manner and at such times as the President shall prescribe, in consideration of their removing themselves, which they agree to do, without further cost or expense to the United States, twenty thousand dollars.

For subsistence  
for one year af-  
ter removal,  
\$20,000.

In such manner and at such times as the President shall prescribe, in consideration of their subsisting themselves the first year after their removal, which they agree to do, without further cost or expense on the part of the United States, twenty thousand dollars.

For a manual

To be laid out and applied, under the direction of the President, in

the establishment of a manual labor school, the erection of a grist and saw mill, and other necessary improvements in their new country, fifteen thousand dollars.

labor school,  
mill &c.,  
\$15,000.

To be laid out and applied, under the direction of the President, in procuring a suitable person, to attend and carry on the said grist and saw mill for a period of fifteen years, nine thousand dollars.

For hire of persons to attend upon mills  
\$9,000.

To be laid out and applied, under the direction of the President, in continuing and keeping up a blacksmith's shop, and providing the usual quantity of iron and steel for the use and benefit of said tribe, for a period of twelve years, commencing with the year one thousand eight hundred and fifty-seven, and when all provision for blacksmiths' shops under the treaty of 1836 shall cease, eleven thousand dollars.

For a blacksmith's shop, and iron, steel, &c., \$11,000.

To be set apart, applied, and distributed under the direction of the President, in payment of individual improvements of the tribe upon the lands above ceded to the United States, five thousand dollars.

For payments for individual improvements,  
\$5000.

And the balance, amounting to the sum of two hundred thousand dollars, to be paid over to the tribe, as Indian annuities are required to be paid, in ten equal annual instalments, commencing with the year one thousand eight hundred and fifty-seven, and when their annuities or annual instalments under the treaty of 1836 shall have ceased.

Balance,  
\$200,000, to be paid in ten annual instalments.

#### ARTICLE V.

It is stipulated and agreed, that the sum now invested in stocks, under the Senate's amendment to the treaty of 1836, with the interest due thereon at this time, shall be and remain invested, under the direction of the President, and that the interest hereafter arising therefrom shall be disposed of as follows: that is to say, so much thereof as may be necessary to the support and maintenance of the said manual labor school, and other means of education, and the balance be annually paid over in money as other annuities, or applied for the benefit and improvement of said tribe, as the President, on consultation with the chiefs, may, from time to time, determine.

The sum now invested in stocks under the treaty of 1836: how to be applied.

#### ARTICLE VI.

To enable the said Indians to explore and examine their new country, and as an inducement to an early removal thereto, it is agreed that the United States will pay the necessary expenses of a suitable delegation to be selected for that purpose, under the direction of the President.

The United States to pay the expenses of a delegation to explore the country ceded to said tribe.

#### ARTICLE VII.

It is alleged that there were less goods delivered to the said Indians at the annuity payment of 1837 than were due and required to be paid and delivered to them under the stipulations of their treaties with the United States then in force; and it is therefore agreed that the subject shall be properly investigated, and that full indemnity shall be made to them for any loss which they may be shown to have sustained.

Deficiency in goods at the annual payment of 1837 to be accounted for.

#### ARTICLE VIII.

It is agreed that the said Indians shall be permitted, if they desire to do so, to remain on the lands hereby ceded for and during the period of two years from the date hereof, and until the President shall notify them that the same are wanted.

Said Indians permitted to remain on the lands ceded by them for two years from date.

#### ARTICLE IX.

It is stipulated that Robert Grignon, who has erected a saw mill

Robert Grignon

to have the right of preëmption to the land on which he erected a saw mill.

upon the Little Wolf River, at his own expense, for the benefit and at the request of said Indians, shall have the right of a preëmption to the lands upon which such improvements are situated, not exceeding in quantity on both sides of said river one hundred and sixty acres.

#### ARTICLE X.

Treaty to be binding as soon as ratified by the President and Senate.

This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States.

In testimony whereof, the said William Medill, Commissioner as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

W. MEDILL, [SEAL.]

*Commissioner on the Part of the United States.*

Signed and sealed in the presence of us, —

Albert G. Ellis, *Sub-Agent*,  
 Chas. A. Grignon, *U. S. Interpreter*,  
 F. J. Bonduel, *Missionary Priest among the Menomonee Indians*.  
 M. L. Martin,  
 P. B. Grignon,  
 Samuel Ryan,  
 A. G. Grignon,  
 John B. Jacobs.

Osh-Kush,	Sho-na-new, Jr.,
Jau-ma-tau,	Pah-maw-po-may,
Waw-kee-che-un,	Naw-kaw-chis-ka,
Sage-toke,	Show-anno-penessee,
Wy-tah-sauh,	Tah-ke,
Kee-chee-new,	Osh-kish-he-nay-new,
Chee-cheequon-away,	Little Wave,
Corron Glaude,	Muck-atah-penessee,
Sho-nee-nieu,	Wa-pee-men-shaw,
Lamotte,	Ah-ke-na-pe-new,
Che-quo-tum,	Ah-kaw-mut,
Shaw-wan-on,	Kee-she-teu-ke-tau,
Ah-ko-no-may,	She-pau-na-ko,
Shaw-poa-tuk,	Naw-kaw-nish-kau-wa.
Wau-po-nan-ah,	

[To each of the names of the Indians is affixed his mark.]

Witnesses —

William Powell,  
 John B. Dube,  
 John G. Kittson,  
 Robt. Grignon,  
 Charles Caron,  
 Antoine Gotheiu,  
 F. Desnoyers,  
 Louis G. Porhir,  
 O. W. F. Bruce.

TREATY WITH THE STOCKBRIDGE TRIBE OF INDIANS.

WHEREAS, by an act of Congress, entitled "An Act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved on the third day of March, A. D., 1843, it was provided that the township of land on the east side of Winnebago Lake, secured to said tribe by the treaty with the Menomonee Indians of February 8th, 1831, as amended by the Senate of the United States, and not heretofore ceded by said tribe to the United States, should be divided and allotted among the individual members of said tribe, by commissioners to be elected for that purpose, who were to make report of such division and allotment, and thereupon the persons composing said tribe were to become citizens of the United States.

Nov. 24, 1848.

1843, ch. 101.  
Preamble.

Ratified March  
1, 1849.

And whereas a portion of said tribe refused to recognize the validity of said act of Congress, or the proceedings which were had under it, or to be governed by its provisions, and upon their petition a subsequent act was passed by the Congress of the United States, on the 6th day of August, 1846, repealing the said act of March 3d, 1843, and providing, among other things, that such of said tribe as should enrol themselves with the sub-agent of Indian affairs at Green Bay, should be and remain citizens of the United States, and the residue of said tribe were restored to their ancient form of government as an Indian tribe. It was also provided that the said township of land should be divided into two districts, one of which was to be known as the "Indian district," the other as the "citizen district;" the former to be held in common by the party who did not desire citizenship, and the latter to be divided and allotted among such as were citizens and desired to remain so.

1846, ch. 85.

And whereas it has been found impracticable to carry into full effect the provisions of the act of August 6th, 1846, by dividing the said township of land in the manner specified in said act, without infringing upon private rights acquired in good faith under the act of 1843 hereinbefore referred to, with a view of relieving both the Indian and citizen parties of said Stockbridge tribe of Indians from their present embarrassments, and to secure to each their just rights, articles of agreement and compromise have been entered into, as follows:—

*Articles of Agreement and Treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the Year of our Lord one thousand eight hundred and forty-eight, by and between the undersigned, acting Commissioners on the Part of the United States of America, and the Stockbridge Tribe of Indians.*

ARTICLE I.

The said Stockbridge tribe of Indians renounce all participation in any of the benefits or privileges granted or conferred by the act of Congress entitled "An Act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved March 3, 1843, and

The said tribe renounce all participation in the benefits of the act of March 3,

1843, ch. 101, for their relief, and acknowledge themselves under the guardianship of the U. S.

relinquish all rights secured by said act; and they do hereby acknowledge and declare themselves to be under the protection and guardianship of the United States, as other Indian tribes.

ARTICLE II.

A roll or census to be taken to determine who compose said tribe.

[For roll see post p. 958.]

That no misunderstanding may exist, now or hereafter, in determining who compose said tribe and are parties hereto, it is agreed that a roll or census shall be taken and appended to this agreement, and in like manner taken annually hereafter, and returned to the Secretary of the War Department of the United States, containing the names of all such as are parties hereto, and to be known and recognized as the Stockbridge tribe of Indians, who shall each be entitled to their due proportion of the benefits to be derived from the provisions made for their tribe by this and former agreements; and whenever any of them shall separate themselves from said tribe, or abandon the country which may be selected for their future home, the share or portion of such shall cease, and they shall forfeit all claims to be recognized as members of said tribe.

ARTICLE III.

Lands ceded by said tribe to the United States.

The said Stockbridge tribe of Indians hereby sell and relinquish to the United States the township of land on the east side of Lake Winnebago, (granted and secured to said tribe by the treaty with the Menomonee tribe of Indians of February 8, 1831, as amended by the resolution of the Senate of the United States,) and situated in the State of Wisconsin.

ARTICLE IV.

Said land to be surveyed into lots, and such as were allotted to members of said tribe under the act of March 3, 1843, confirmed to them.

1843, ch. 101.

[Post p. 960.]

The said township of land shall be surveyed into lots, in conformity with the plan adopted by the commissioners elected under the act of March 3, 1843, and such of said lands as were allotted by said commissioners to members of said tribe who have become citizens of the United States (a schedule of which is hereunto annexed) are hereby confirmed to such individuals respectively, and patents therefor shall be issued by the United States. The residue of said lands belonging to the United States shall be brought into market, but shall not be sold at less than the appraised value, unless the Senate of the United States shall otherwise determine.

ARTICLE V.

In consideration of the above cession, the U. S. to pay to said tribe \$16,500, to enable them to settle their affairs.

In consideration of the cession and relinquishment hereinbefore made by the said Stockbridge tribe of Indians, it is agreed that the United States shall pay to said tribe within six months after the ratification of this agreement the sum of sixteen thousand five hundred dollars, to enable them to settle their affairs, obtain necessaries, and make provision for establishing themselves in a new home.

ARTICLE VI.

The U. S. also to pay \$14,504 85 to said tribe, being the appraised value of their improvements.

The United States shall also pay to said tribe, within six months after the ratification of this agreement, the sum of fourteen thousand five hundred and four dollars and eighty-five cents, being the appraised value of their improvements upon the lands herein ceded and relin-

quished to the United States, and to be paid to the individuals claiming said improvements according to the schedule and assessment herewith transmitted.

ARTICLE VII.

It is further stipulated and agreed that the said Stockbridge tribe may remain upon the lands they now occupy for one year after the ratification of this agreement, and that they will remove to the country set apart for them, or such other west of the Mississippi River as they may be able to secure, where all their treaty stipulations with the government shall be carried into effect.

Said tribe may remain on the lands now occupied by them for one year after ratification of this treaty.

ARTICLE VIII.

Whenever the said Stockbridge tribe shall signify their wish to emigrate, the United States will defray the expenses of their removal west of the Mississippi, and furnish them with subsistence for one year after their arrival at their new home.

Whenever said tribe signify their wish to emigrate the U. S. to defray the expenses of their removal, and subsistence for one year thereafter.

ARTICLE IX.

It is further stipulated and agreed, that, for the purpose of making provision for the rising generation of said tribe, the sum of sixteen thousand five hundred dollars shall be invested by the United States in stock, bearing an interest of not less than five per cent. per annum, the interest of which shall be paid annually to said tribe, as other annuities are paid by the United States.

\$16,500 to be vested in stocks, the interest of which is to be paid annually.

ARTICLE X.

It is agreed that nothing herein shall prevent a survey of said lands, at any time after the ratification of this agreement, and that said tribe shall commit no waste or do unnecessary damage upon the premises occupied by them.

Survey of said lands provided for.

ARTICLE XI.

The United States will pay the expenses incurred by the sachem and headmen, amounting to three thousand dollars, in attending to the business of said tribe since the year 1843.

U. States to pay the expenses of the sachem and headmen in attending to the business of said tribe.

ARTICLE XII.

This agreement to be binding and obligatory upon the contracting parties from and after its ratification by the government of the United States.

Treaty to be binding as soon as ratified by the U. States.

In witness whereof, the said commissioners, and the sachem, councillors, and headmen of said tribe, have hereunto set their hands and seals, the day and year above written.

Morgan L. Martin,	[L. s.]	John Metoxen,	} Coun- cillors.	[L. s.]
Albert G. Ellis,	[L. s.]	John W. Quinney,		[L. s.]
Augustin E. Quinney, sachem,	[L. s.]	Samuel Miller,		[L. s.]

Zeba T. Peters,	} Coun-	[L. s.]	*David Palmer,	[L. s.]
Peter D. Littleman,		illors.	Ezekiel Robinson,	[L. s.]
*Abram Pye,		[L. s.]	*James Joshua,	[L. s.]
Joseph M. Quinney,		[L. s.]	*Garrett Thompson,	[L. s.]
Samuel Stephens,		[L. s.]	*Laurens Yocron,	[L. s.]
Jeremiah Slingerland,		[L. s.]	*Thomas Schanandoah,	[L. s.]
*Benjamin Pye, 2d,		[L. s.]	*John W. Quinney, Jr.,	[L. s.]
Simon S. Metoxen,		[L. s.]	*Nicolas Palmer,	[L. s.]
Daniel Metoxen,		[L. s.]	John P. Quinney,	[L. s.]
*Moses Charles,		[L. s.]	*Washington Quinney,	[L. s.]
*Benjamin Pye, 3d,		[L. s.]	*Aaron Turkey.	[L. s.]
*Jacob Jehoiakim,		[L. s.]		

[To each of the names of the Indians marked with an asterisk is affixed his mark.]

In presence of—

CHARLES A. GRIGNON, *U. S. Interpreter.*  
 Lemuel Goodell,  
 Eleazer Williams,  
 Charles Poreuninozer.

Roll or census of said tribe, as provided for by 2d article of this treaty.

*Roll or Census of the Stockbridge Tribe of Indians, taken in conformity with the provisions of the second article of the within agreement.*

Heads of Families.	Male.	Female.	Boys.	Girls.	Total.
Austin E. Quinney . . . . .	1	1	3	4	9
John Metoxen . . . . .	1	1	-	-	2
Benjamin Pye, Sen. . . . .	1	1	-	1	3
Garret Thompson . . . . .	1	1	2	-	4
Elisha Konkapot . . . . .	1	1	1	-	3
John W. Quinney . . . . .	1	-	-	-	1
John P. Quinney . . . . .	1	1	1	-	3
Peter D. Littleman . . . . .	1	1	1	2	5
Jonas Thompson . . . . .	1	1	1	1	4
James Joshua . . . . .	1	-	-	-	1
Joseph M. Quinney . . . . .	1	1	2	1	5
Simon L. Metoxen . . . . .	1	1	2	5	9
Benjamin Pye, 2d . . . . .	1	1	1	3	6
Thomas Schenandoah . . . . .	1	1	-	-	2
Aaron Turkey . . . . .	1	1	2	2	6
Abram Pye . . . . .	1	1	4	1	7
Benjamin Pye, 4th . . . . .	1	1	-	1	3
Benjamin Doxtater . . . . .	1	1	1	1	4
Moses Charles . . . . .	1	1	1	1	4
Benjamin Pye, 3d . . . . .	1	1	1	1	4
Eli Williams . . . . .	1	-	-	-	1
David Palmer . . . . .	1	1	1	-	3
Jacob Konkapot . . . . .	1	1	-	1	3
Daniel Metoxen . . . . .	1	1	-	-	2
Elizabeth Palmer, (widow) . . . . .	-	1	1	1	3
Elizabeth Aaron . . . . .	-	1	1	2	4
Catharine Butterfield . . . . .	-	1	-	1	2

Roll or Census of Stockbridge Indians. — Continued.

Heads of Families.	Male.	Female.	Boys.	Girls.	Total.
Samuel Miller . . . . .	1	1	4	2	8
Louisa Jamison . . . . .	—	1	—	—	1
Jacob Jahoicum . . . . .	1	—	—	—	1
Anna Turkey . . . . .	—	1	—	—	1
Jeremiah Slingerland . . . . .	1	—	3	—	4
John Yocum . . . . .	1	1	—	2	4
Elizabeth Wilber . . . . .	—	1	1	3	5
John W. Quinney, Jr., and sister . . . . .	1	1	—	—	2
Clarissa Miller and son . . . . .	1	1	—	—	2
Elizabeth Pye . . . . .	—	1	—	1	2
Phœbe S. Ricket . . . . .	—	1	—	—	1
Josiah Abrams, wife, and sister . . . . .	1	2	—	—	3
Jeremiah Bennet . . . . .	1	2	—	2	5
Paul Pye . . . . .	1	1	1	—	3
Peter Bennet . . . . .	1	—	—	—	1
Ziba T. Peters . . . . .	1	1	2	—	4
Ezekiel Robinson and brother . . . . .	—	—	2	—	2
Lawrence Yocum . . . . .	1	—	—	—	1
Moses Doxtater . . . . .	1	—	—	1	2
Lucinda Quinney . . . . .	—	1	2	1	4
Jemima Doxtater . . . . .	—	1	—	—	1
Amelia Quinney . . . . .	—	1	1	—	2
Peter Bennet, Sen. . . . .	1	1	1	3	6
John Bennet . . . . .	1	1	1	1	4
Levi Konkapot . . . . .	1	—	—	—	1
Samuel Stevens . . . . .	1	—	—	—	1
John Killsnake . . . . .	1	—	—	—	1
Lewis Hendricks . . . . .	1	—	—	—	1
Diana Davids . . . . .	—	1	—	—	1
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M. L. MARTIN,  
ALBERT G. ELLIS,  
AUSTIN E. QUINNEY.

STOCKBRIDGE, Nov. 24, 1848.

John Metoxen,  
John W. Quinney,  
Samuel Miller,  
Ziba T. Peters,  
Peter D. Littleman,  
Abram Pye,  
Joseph M. Quinney,  
Samuel Stephens,  
Jeremiah Slingerland,  
Benjamin Pye, 2d,  
Simon S. Metoxen,  
Daniel Metoxen,  
Moses Charles,

Benjamin Pye, 3d,  
Jacob Jehoiakim,  
David Palmer,  
Ezekiel Robinson,  
James Joshua,  
Garret Thompson,  
Laurens Yocum,  
Thomas Schanandoah,  
Joshua W. Quinney, Jr.,  
Nicolas Palmer,  
John P. Quinney,  
Washington Quinney,  
Aaron Turkey.

Schedule of lands to be patented to individuals under 4th article of this treaty.

*Schedule of Lands to be patented to individuals under the 4th article of the above agreement.*

Names.	No. of Lot.	No. of Acres.
Josiah Chicks . . . . .	1	
Nancy Chicks . . . . .	2	
John N. Chicks . . . . .	4	
Jacob Davids . . . . .	5	
Harvey Johnson . . . . .	8	
Hannah P. Chicks . . . . .	10	
Dindemia, Big Deer . . . . .	½ E. end 14	22.66
Puella Jourdain . . . . .	16	
Jacob Chicks . . . . .	17	
John N. Chicks . . . . .	18	
Josiah Chicks . . . . .	20	
Jacob Chicks . . . . .	21	
Jos. L. Chicks . . . . .	22	
Jacob Chicks . . . . .	23	
John N. Chicks . . . . .	24	
Moses E. Merrill . . . . .	25, 26, 27	
John N. Chicks . . . . .	28, 29	
Jane Dean . . . . .	30	
Marietta Abrams . . . . .	31	
Catharine Mills . . . . .	N. ½ 32	30.62
Joseph L. Chicks . . . . .	33	
John Dick . . . . .	37	
John More . . . . .	38	
Isaac Jacobs . . . . .	40	
Benjamin Welch . . . . .	41	
Lucy Jacobs . . . . .	44	
Daniel Davids . . . . .	47	
Daniel Davids . . . . .	N. ¼ 48	
John W. Abrams . . . . .	S. ¼ 48	
Louisa Davids . . . . .	50	
Harry E. Eastman . . . . .	51	
Eunice Abrams . . . . .	52	
Daniel Davids . . . . .	53	
John N. Chicks . . . . .	54	
Hoel S. Wright . . . . .	S. part of 55	5
Oscar Wright . . . . .	N. part of 55	57½
John Littleman . . . . .	S. ¼ 56	
Daniel Davids . . . . .	N. ¼ 56	
Darius Davids . . . . .	57	
Margaret Davids . . . . .	58	
Daniel Davids . . . . .	60	
Erastus Welch, (a strip) E. of road, 65		6 chains 25 lks. wide off S. side of lot.
Richard Fidler . . . . .	E. of road, 65	balance of the lot.
Henry Modlin . . . . .	part 65	W. of road, 54¾.
Henry Jacobs . . . . .	63	
Lucy Jacobs . . . . .	frac'l part of 66	W. of road, 50.50
John W. Abrams . . . . .	E. ¼ 68	
John Dick . . . . .	70	
Eunice Abrams . . . . .	N. ¼ 76	
Mary Hendrick . . . . .	E. ¼ 78	
Isaac Jacobs and } . . . . .	79	
George Bennet } . . . . .		
John N. Chicks . . . . .	81	

Schedule. — Continued.

Names.	No. of Lot.	No. of Acres.
John N. Chicks and } Jacob Davids }	82	
Nancy Hunt . . . . .	W. $\frac{1}{2}$ 83 . . . . .	31 $\frac{1}{2}$
James Menagre and } Betsy Menagre }	part of 84 E. end . . . . .	15 $\frac{1}{2}$
Betsy Wyatt . . . . .	W. $\frac{1}{2}$ 85 & 86 . . . . .	62 $\frac{1}{2}$
William Gardner . . . . .	87	
Timothy Jourdain . . . . .	90	
Timothy Jourdain . . . . .	S. $\frac{1}{2}$ 91 . . . . .	31.25
Charles Stevens . . . . .	92 & 94	
Nancy Homm . . . . .	98	
Joseph L. Chicks . . . . .	102	
John N. Chicks . . . . .	103	
John Moore . . . . .	105	
Josiah Chicks . . . . .	106	
John N. Chicks . . . . .	110	
Timothy Jourdain . . . . .	111, 112	
John Littleman . . . . .	113	
Nathan Goodell . . . . .	115	
Charles Stevens . . . . .	S. part 119 . . . . .	50
Catharine Littleman . . . . .	E. part 128 . . . . .	54.60
John Moore . . . . .	129	
John W. Abrams . . . . .	130	
Jacob Davids . . . . .	131	
Adam Sheriff . . . . .	W. $\frac{1}{2}$ 132 . . . . .	31.25
Jacob Davids . . . . .	133	
Joseph L. Chicks . . . . .	134	
Catharine Mills . . . . .	W. $\frac{1}{2}$ 136	
Joseph Doxtater . . . . .	144 & 145	
Isaac Jacobs . . . . .	151	
Alexander Abrams . . . . .	154	
Jacob Davids . . . . .	155	
Darius Davids . . . . .	156	
John Littleman . . . . .	157	
Isaac Jacobs . . . . .	158	
Hannah W. Chicks . . . . .	159	
Catharine Mills . . . . .	160	
Nathan Goodell . . . . .	170	
John N. Chicks . . . . .	173	
James N. Lane . . . . .	174	
Jacob Davids . . . . .	175	
Job More . . . . .	176	
Thomas J. Chicks . . . . .	179	
Harvey Johnson . . . . .	180	
Nancy Gardner . . . . .	181	
Abigail Jourdain . . . . .	182	
Abram Chicks . . . . .	184	
Bartholomew Bowman . . . . .	186	
Harriet Jourdain . . . . .	187	
Andrew Chicks . . . . .	188	
Sarah Davids . . . . .	189	
Job Moore . . . . .	191	
William Gardner . . . . .	S. part of 192, and 221 . . . . .	50
Mordy Mann . . . . .	N. part of 192, and 221 . . . . .	70
Mary N. Chicks . . . . .	194	

*Schedule.*—Continued.

Names.	No. of Lot.	No. of Acres.
William Gardner . . . . .	220	
Triphane E. Jourdain . . . . .	222	
Caleb Moore . . . . .	223	
Isaac Simmons . . . . .	224	
Isabel Chicks . . . . .	225	
Sophia M. Jourdain . . . . .	226	
Jesse Bowman . . . . .	227	
Catharine Franks . . . . .	228	
Jonathan Chicks . . . . .	229	
Jonas Davids . . . . .	231	
Adam Davids . . . . .	232	
Linke Jourdain . . . . .	233	
Elizabeth Moore . . . . .	234	
Joseph Doxtater . . . . .	235	
George Bennet . . . . .	237	
Isaac Simmons . . . . .	240	
Abigail Moore . . . . .	263	
Henry Moore . . . . .	264	
William Scott . . . . .	265	
William Scott . . . . .	S. $\frac{1}{2}$ 266	
George Bennet . . . . .	N. $\frac{1}{2}$ 266	
Reuben Johnson . . . . .	267	
Silas Jourdain . . . . .	268	
Jesse M. Jourdain . . . . .	271	
Simon Gardner . . . . .	274	
Hannah Moore . . . . .	276	
Solomon Davids . . . . .	277	
Edward Howell . . . . .	279	
Harriet Johnson . . . . .	280	
Lucinda Gardner . . . . .	282	
Hope Moore . . . . .	284	
Jemison C. Chicks . . . . .	308	
Obadiah Gardner . . . . .	309	
Rachael Davids . . . . .	313	
Julius Davids . . . . .	314	
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William Gardner . . . . .	393, 394, 397, 398	
Lemuel Goodell . . . . .	N. end 395	2 acres.

M. L. MARTIN,  
ALBERT G. ELLIS.

*Valuation of Improvements. (Vide Art. 6.)*

	Acres.	Dollars.	Valuation of improvements under article 6 of this treaty.
Austin E. Quinney . . . . .	163.38	2,760 63	
Joseph M. Quinney . . . . .	49.50	718 25	
Samuel Stevens . . . . .	30.90	617 15	
Moses Chicks . . . . .	38.76	703 26	
Elizabeth Palmer . . . . .	43.00	980 50	
Samuel Miller . . . . .	29.06	512 41	
Elisha Konkapot . . . . .	55.62	880 87	
Elisha Konkapot . . . . .	5.00	142 50	
Peter D. Littleman . . . . .	3.25	168 88	
John P. Quinney . . . . .	15.50	267 50	
Heirs of J. Yocum . . . . .	5.78	78 03	
Aaron Turkey . . . . .	6.00	311 00	
Benjamin Pye, 2d . . . . .	40.00	640 00	
John Metoxen . . . . .	50.00	825 00	
Mrs. B. Wright . . . . .	5.00	67 50	
Abraham Pye . . . . .	30.00	495 00	
Benjamin Pye, 4th . . . . .		40 00	
Benjamin Pye, Sr. . . . .		40 00	
Benjamin Pye, 3d . . . . .	20.00	350 00	
Garrett Thompson . . . . .	30.00	485 00	
Ziba T. Peters . . . . .	10.00	215 00	
Betsy T. Aaron . . . . .	3.00	85 00	
Thomas Skenandoah . . . . .	17.00	349 50	
Simon S. Metoxen . . . . .	30.00	535 00	
Elizabeth Wilber . . . . .	41.62	711 87	
Ezekiel Robinson . . . . .	4.00	60 00	
J. W. Quinney . . . . .	60.00	1,315 00	
School-House . . . . .		150 00	

\$14,504 85

M. L. MARTIN,  
ALBERT G. ELLIS.

Amended by the Senate, Mar. 1st, 1849.

*In Executive Session, Senate of the United States, March 1st, 1849.*

*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord 1848, by and between Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States of America, and the Stockbridge tribe of Indians, with the following

AMENDMENT.

*Add the following as supplemental articles :*

Whereas the Stockbridge and Munsee Indians consider that they have a claim against the United States for indemnity for certain lands on White River in the State of Indiana, and for certain other lands in the State of Wisconsin, which they allege they have been deprived of by treaties entered into with the Miamies and Delawares, or to the lands claimed by them in Indiana, and with the Menomonees and Winnebagoes, or to the lands in Wisconsin, without their consent ; and whereas the said Stockbridge and Munsee Indians, by their chiefs and agents, have continued to prosecute their said claims during the last twenty years at their own expense, except the sum of three thousand dollars paid them in 1821 ; and whereas it is desirable that all ground of discontent on the part of said Indians shall be removed, the United States do further stipulate, in consideration of the relinquishment by them of said claims, and all others, except as provided in this treaty, to pay to the sachems or chiefs of said Indians, on the ratification of this article by them, with the assent of their people, the sum of five thousand dollars, and the further sum of twenty thousand dollars, to be paid in ten annual instalments, to commence when the said Indians shall have selected and removed to their new homes, as contemplated by the seventh article of this treaty.

Payment for relinquishing certain claims.

The President of the United States, within two years from the ratification of this treaty, shall procure for the use of said Stockbridge Indians a quantity of land west of the Mississippi River, upon which they shall reside, not less than seventy-two sections, said Indians to be consulted as to the location of said land, and to be holden by the same tenure as other Indian lands.

JAMES K. POLK.

By the President,  
JAMES BUCHANAN,  
*Secretary of State.*

POSTAL CONVENTION WITH GREAT BRITAIN.

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to promote the friendly relations existing between their respective citizens and subjects, by placing the communications by post between the territories of the United States and those of her Britannic Majesty upon a more liberal and advantageous footing, have resolved to conclude a convention for this purpose, and have named as their plenipotentiaries, that is to say :

The President of the United States, by and with the advice and consent of the Senate thereof, George Bancroft, a citizen of the United States, their envoy extraordinary and minister plenipotentiary to her Britannic Majesty :

And her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the right honorable Henry John Viscount Palmerston, Baron Temple, a peer of Ireland, a member of her Britannic Majesty's most honorable Privy Council, a member of Parliament, Knight Grand Cross of the most honorable Order of the Bath, and her Britannic Majesty's principal Secretary of State for Foreign Affairs :

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

ARTICLE I.

There shall be charged upon all letters not exceeding half an ounce in weight, conveyed either by United States or by British packets, between a port in the United States and a port in the United Kingdom, an uniform sea rate of eight pence, or sixteen cents ; and such postage shall belong to the country by which the packet conveying the letters is furnished.

Dec. 15, 1848.  
Ratifications  
exchanged at  
London, Jan. 26,  
1849.

Preamble.

Negotiators.

Rate of postage  
on letters con-  
veyed either by  
United States or  
British packets.

ARTICLE II.

There shall be charged by the post-office of the United Kingdom, upon all letters not exceeding half an ounce in weight, posted in the United Kingdom, and forwarded to the United States, or brought from the United States and delivered in the United Kingdom, whether such letters shall be conveyed by British or by United States packets, an inland postage rate of one penny halfpenny.

Inland postage  
chargeable by  
the post-office of  
Great Britain

There shall be charged by the post-office of the United States, upon all letters not exceeding half an ounce in weight, posted in the United States, and forwarded to the United Kingdom, or brought from the United Kingdom and delivered in the United States, whether such letters shall be conveyed by United States or by British packets, an inland postage rate of five cents.

Inland postage  
chargeable in  
the U. States.

ARTICLE III.

Upon all letters posted in one country and delivered in the other, these rates of postage, both sea and inland, shall be combined into one rate, of which payment in advance shall be optional in either country. It shall, however, not be permitted to pay less than the whole combined rate.

Sea and inland  
postage com-  
bined into one  
rate, and on  
which payment  
may be made in  
advance.

ARTICLE IV.

Letters of above half an ounce in weight

With respect to letters above the weight of half an ounce, each country shall be at liberty to employ, as regards the collection of the whole combined rate, the scale of progression in operation in its own territory for charging inland rates of postage.

ARTICLE V.

Transit of British closed mails through the U. States to the British North American provinces, at inland rates of postage, granted.

The United States engage to grant to the United Kingdom the transit in closed mails, through the territory of the United States, of the correspondence and newspapers from the United Kingdom to the British North American provinces, and from those provinces to the United Kingdom, at the rate of inland postage to be charged under this convention for letters and newspapers between the United Kingdom and the United States.

A British officer shall be permitted to accompany the closed mails during their transit.

ARTICLE VI.

Transit of American closed mails through the British N. American provinces, at inland rates of postage, granted.

On the other hand, her Britannic Majesty engages to grant to the United States the transit in closed mails, through the British North American provinces, of the correspondence and newspapers from one part of the territory of the United States to any other part of the territory of the United States, at rates not exceeding the rates of inland postage now charged, or to be hereafter charged, in the North American provinces, according to the distance such closed mails may be conveyed within the North American provinces.

An officer of the United States shall be permitted to accompany the closed mails during their transit.

ARTICLE VII.

Transit of closed mails through the territory of each country, its colonies or possessions, to and from the territory, colonies, and possessions of the other, and to and from any foreign country, mutually granted.

The United States further engage to grant to the United Kingdom the transit in closed mails, through the United States, or through any country where the post communication may be under the control or management of the United States, of letters and newspapers forwarded from the United Kingdom, its colonies or possessions, to any other British colony or possession, or to any foreign country, and from any foreign country or British colony or possession, to the United Kingdom, its colonies or possessions.

ARTICLE VIII.

Her Britannic Majesty engages, on her part, to grant to the United States the transit in closed mails, through the United Kingdom, or through any country where the post communication may be under the control or management of the United Kingdom, of letters and newspapers forwarded from the United States, their colonies, or possessions, to any other colony or possession of the United States, or to any foreign country, and from any foreign country, or from any colony or possession of the United States, to the United States, their colonies or possessions.

ARTICLE IX.

How postages shall be computed on letters forwarded in closed mails.

When letters shall be forwarded in closed mails under the stipulations of articles V. VI. VII. or VIII. of the present convention, the payment to be made to the post-office of the United Kingdom or the United States, as the case may be, shall be made by the ounce, according to the net weight of the letters, at two rates to the ounce, with the

addition of twenty-five per cent. on the amount of postage, to compensate the loss that would otherwise be sustained by this mode of computation.

ARTICLE X.

The country which sends or receives closed mails through the other, is to render an account of the letters and newspapers sent or received in such closed mails, and to account to such country for the postage due thereon.

Accounts of letters forwarded in closed mails to be kept and rendered.

ARTICLE XI.

Letters posted in the United States, addressed to foreign countries, and intended to pass in transit through the United Kingdom, shall be delivered to the British post-office free of all United States postage, whether packet or inland; and letters from foreign countries addressed to the United States, passing in transit through the United Kingdom, shall be delivered to the United States post-office free of all British postage, whether packet or inland.

Transit letters to be delivered to the post-offices of either country free of postage.

In the case of those countries to which letters cannot be forwarded unless the British postage be paid in advance, such British postage shall be collected in the United States, (in addition to the United States rates of postage,) and accounted for to the British post-office.

Transit letters on which postage must be prepaid.

In the case of those countries to which letters cannot be forwarded unless the United States postage be paid in advance, such United States postage shall be collected in the United Kingdom, (in addition to the British postage,) and accounted for to the United States post-office.

ARTICLE XII.

The rate of postage to be taken by the British post-office upon letters arriving in the United Kingdom from the United States, either by British or by United States packets, and to be forwarded through the United Kingdom to colonies or possessions of the United Kingdom, or of the United States, or to foreign countries — and *vice versa* — shall be the same as the rate which is now, or which may hereafter be, taken by the British post-office upon letters to or from such colonies or possessions, or foreign countries respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United Kingdom and the United States.

Rate of postage at the British post-office on transit letters from the United States, &c.

The above postage is irrespective of and beyond the inland rate to be taken in the United States upon such letters, if posted or delivered therein, according to the stipulations of Article II. of this convention, and also irrespective of and beyond the sea rate upon such letters payable according to the stipulations of Article I.

The rate of postage to be taken by the United States post-office upon letters arriving in the United States, either by British or by United States packets, from the United Kingdom, and to be forwarded through the United States, to the colonies or possessions of the United States, or of the United Kingdom, or to those territories which, according to the law of the United States, are beyond the limit of their established post routes, or to foreign countries — and *vice versa* — shall be the same as the rate which is now, or which may hereafter be, taken by the United States post-office upon letters conveyed, whether by sea or land, to or from such colonies, possessions, territories, or foreign countries respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United States and the United Kingdom.

Rate of postage at the United States post-office on transit letters from Great Britain, &c.

The above postage is irrespective of and beyond the inland rate to be taken in the United Kingdom upon such letters, if posted or delivered therein, according to the stipulations of Article II. of this convention, and also irrespective of and beyond the sea rate upon such letters payable according to the stipulations of Article I.

Letters and newspapers to and from France excepted.

There shall be excepted from the above stipulations, letters and newspapers passing through the United Kingdom, to and from France, as to which certain rates are fixed by the postal convention existing between that country and the United Kingdom. But the two contracting parties agree to invite France to enter into communication with them, without loss of time, in order to effect such arrangements for the conveyance of letters and newspapers, and closed mails, through the territories of the United States, of the United Kingdom, and of France, respectively, as may be most conducive to the interests of the three countries.

ARTICLE XIII.

Inland postage on letters from the United States to the British North American provinces, and vice versa.

Letters posted in the United States, addressed to the British North American provinces, or *vice versa*, when not conveyed by sea, shall be charged according to the rates of postage which are now, or which shall hereafter be, in operation in the United States, and in the British North American provinces, for inland letters.

ARTICLE XIV.

Sea and inland postage from the United States to the British North American provinces combined into one rate, which may be prepaid.

Upon all letters posted in the United States, and addressed to the British North American provinces, or *vice versa*, the rates of postage fixed by the preceding article shall be combined into one rate, of which payment in advance shall be optional, both in the United States and in the British North American provinces. It shall, however, not be permitted to pay less than the whole rate.

ARTICLE XV.

Rates of postage on newspapers conveyed by sea.

The rates to be taken on newspapers published in the United Kingdom, when conveyed between the United Kingdom and the United States, either by British or by United States packets, shall be one penny for each newspaper in the United Kingdom, and two cents in the United States. Conversely, no higher charges than those above stated shall be made by the British or by the United States post-office, or newspapers published in the United States, either when despatched from that country, or when delivered in the United Kingdom.

Accounts to be kept.

There shall be no accounts between the two offices for the transmission of newspapers: each office shall retain the postage it shall have charged, according to the preceding stipulations.

ARTICLE XVI.

Rates of postage on newspapers passing in transit through either country.

The rate of postage to be charged in the United Kingdom upon newspapers to and from the United States, passing in transit through the United Kingdom, shall be one penny for each newspaper, except where a lower rate is provided by any treaty between the United Kingdom and a foreign country; and the rate of postage to be charged in the United States upon newspapers to and from the United Kingdom, passing in transit through the United States, shall be two cents for each newspaper.

ARTICLE XVII.

Periodical works, not of daily publication, posted in the United Kingdom or in the United States, may be forwarded from one country to the other, either by British or by United States packets, by means of the two offices, under the following conditions, namely:

Periodical works: how they may be forwarded from one country to the other.

1st. There shall be no accounts between the two offices for the transmission of such works: each office shall retain the postage it shall have charged.

2dly. They must be sent in bands or covers open at the sides or end, so that they may be easily examined.

3dly. They shall be in every respect subject to the conditions prescribed by the laws and regulations of both countries.

The rates to be levied in Great Britain, as well on the above mentioned works addressed to the United States, as on those from the United States addressed to Great Britain, shall be as follows:

1st. For every work not exceeding two ounces in weight, one penny.

2dly. For every work above two ounces in weight, and not exceeding three ounces, six pence.

3dly. For every work above three ounces in weight, and not exceeding four ounces, eight pence.

4thly. And for every ounce above four up to sixteen ounces, (the limit imposed on the transmission of such articles by the British office,) two pence additional, every fraction of an ounce being reckoned as a full ounce.

The rates to be levied by the post-office of the United States on similar works, addressed to or coming from the United States, shall not exceed the rates to be charged in the United Kingdom.

ARTICLE XVIII.

Printed pamphlets not exceeding the weight of eight ounces, posted in the United Kingdom or in the United States, may be forwarded from one country to the other, either by British or by United States packets, by means of the two offices, at the same rates and under the same conditions as those fixed for periodical works by Article XVII.

Printed pamphlets.

ARTICLE XIX.

In consideration of two cents United States currency not being precisely equivalent to one penny sterling, the British post-office shall account to the United States post-office at the rate of four hundred and eighty-four cents to the pound sterling; and the United States post-office shall account to the British post-office at the rate of four hundred and eighty cents to the pound sterling.

Difference between the U. States and British currency to be accounted for.

ARTICLE XX.

In case of war between the two nations, the mail packets of the two offices shall continue their navigation without impediment or molestation until six weeks after a notification shall have been made on the part of either of the two governments, and delivered to the other, that the service is to be discontinued; in which case they shall be permitted to return freely, and under special protection, to their respective ports.

Case of war between the two nations provided for.

ARTICLE XXI.

Forms in which accounts between the respective post-offices shall be made out, with other details, &c., to be settled after exchange of ratifications.

The forms in which the accounts between the respective post-offices for the transmission and conveyance of letters are to be made out, the time and mode in which payment shall be made by either post-office to the other, together with all other measures of detail arising out of the stipulations of the present convention, shall be settled between the post-office of the United States and the British post-office, as soon as possible after the exchange of the ratifications of the present convention.

Measures of detail may be modified.

It is also agreed that the measures of detail mentioned in the present article may be modified by the two post-offices whenever, by mutual consent, those offices shall have decided that such modification would be beneficial to the post-office service of the two countries.

ARTICLE XXII.

Present convention indefinite; and can only be annulled after a year's notice.

The present convention is concluded for an indefinite period. It cannot be annulled by either of the two governments, except after the expiration of a year's notice given to the other government.

ARTICLE XXIII.

This convention to be ratified, and ratifications to be exchanged within three months from date.

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 her Britannic Majesty; and the ratifications shall be exchanged at London within three months from the date hereof. It shall come into operation as soon as possible after the exchange of the ratifications.

To go into operation as soon as practicable thereafter.

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

Done at London, the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight.

GEORGE BANCROFT, [L. S.]  
PALMERSTON, [L. S.]

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF BRAZIL,

Jan. 27, 1849.

Ratifications  
exchanged Jan.  
18, 1850.

Proclamation  
made Jan. 19,  
1850.

FOR THE SATISFACTION OF CLAIMS OF CITIZENS OF THE UNITED STATES ON THE BRAZILIAN GOVERNMENT.

IN the name of the Most Holy and Indivisible Trinity.

EM nome da Santissima e Indivisivel Trindade.

The United States of America and his Majesty the Emperor of Brazil, desiring to remove every cause that might interfere with the good understanding and harmony which now happily exist between them, and which it is so much the interest of both countries to maintain; and to come for that purpose to a definitive understanding, equally just and honorable to each, as to the mode of settling the long-pending questions arising out of claims of citizens of said States, have for the same appointed, and conferred full powers, respectively, to wit:

The President of the United States of America, on David Tod, Envoy Extraordinary and Minister Plenipotentiary from the said States near the court of Brazil, and his Majesty the Emperor of Brazil, upon the most illustrious and most excellent Viscount of Olinda, of his Council, and of the Council of State, Senator and Grandee of the Empire, Grand Cross of the Order of Saint Stephen of Hungary, of the Legion of Honor of France, and of Saint Maurice and Saint Lazarus of Sardinia, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs; who, after exchanging their full powers, which were found in good and proper form, agreed to the following articles:

ARTICLE I.

The two high contracting parties, appreciating the difficulty of agreeing upon the subject of said

Sua Magestade o Imperador do Brazil, e os Estados Unidos da America, desejando para remover qualquer motivo que empeça a boa harmonia e intelligencia que felizmente subsistem entre os dous paizes, e tanto lhes interessa manter, chegar á um accordo definitivo, igualmente justo e honroso para ambos, sobre o modo de pôr termo ás questões ha tanto tempo pendentes, provenientes de reclamações de cidadãos dos ditos Estados, nomearão e munirão com plenos poderes para aquelle fim, respectivamente, a saber:

Preamble.

Sua Magestade o Imperador do Brazil ao Illustrissimo e Excellentissimo Sñr. Visconde de Olinda, do Seu Conselho, e do de Estado, Senador e Grande do Imperio, Grão Cruz das Ordens de Santo Estevão da Hungria, da Legião de Honra da França, e de S. Mauricio e S. Lazaro de Sardenha, Official da Imperial Ordem do Cruzeiro, Commendador da de Christo, Presidente do Conselho de Ministros, Ministro e Secretario d'Estado dos Negocios Estrangeiros; e o Presidente dos Estados Unidos d'America ao Sñr. David Tod, Enviado Extraordinario e Ministro Plenipotenciario dos mesmos Estados na Côrte do Brazil; os quaes, de pois de terem trocado seus plenos poderes, que forão achados em boa e devida fôrma, concordarão nos seguintes artigos:

Negotiators.

ARTIGO I.

Conhecendo as duas altas partes contractantes a difficuldade de se entenderem sobre o assumpto da- 530,000 milreas, to be placed at the disposition of the President of

the U. S. to settle claims of citizens of the U. S. against Brazil.

reclamations, from the belief entertained by each,—one of the justice of the claims, and the other of their injustice,—and being convinced that the only equitable and honorable method by which the two countries can arrive at a perfect understanding of said questions is to adjust them by a single act; they mutually agreed, after a mature examination of these claims; and, in order to carry this agreement into execution, it becomes the duty of Brazil to place at the disposition of the President of the United States the amount of five hundred and thirty thousand milreis, current money of Brazil, as a reasonable and equitable sum, which shall comprehend the whole of the reclamations, whatever may be their nature and amount, and as full compensation for the indemnifications claimed by the government of said States; to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two high contracting parties refrain from entering; it being left to the government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among them the aforesaid sum of five hundred and thirty thousand milreis, as it may deem most proper.

#### ARTICLE II.

Brazil exonerated from responsibility springing out of the aforesaid claims.

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the government of the United States up to the date of this convention, which can neither be reproduced nor reconsidered in future.

#### ARTICLE III.

Documents which throw light upon the claims to be furnished to the government of the U. S.

In order that the government of the United States may be enabled properly to consider the claims of the citizens of said States,—they remaining, as above declared, subject to its judgment,—

quellas reclamações pela convicção, em que ambas estao, uma da justiça, e outra da injustiça das mesmas reclamações, e convencidas que o unico meio justo e honroso para chegarem os dous paizes á um perfeito accôrdo em taes questões será resolve-las por via de uma transacção; concordarão mutuamente, depois de maduro exame sobre aquellas reclamações; e para o fim de poder levar se a effeito aquella transacção, em que por parte do Brazil se ponha á disposição do Presidente dos Estados Unidos a quantia de quinhentos e trinta contos de reis, moeda corrente do Brazil, como quantitativo razoavel e equitativo, que comprehenderá a generalidade das reclamações, qualquer que seja a sua natureza e importancia, e como compensação plena pelas indemnidades reclamadas pelo governo dos ditos Estados; as quaes serão satisfeitas em globo, sem referencia á nenhuma dessas reclamações, em cujo merito prescindem de entrar as altas partes contractantes; ficando ao governo dos Estados Unidos o avaliar a justiça, que assista dos reclamantes, para distribuir por elles a supradita soma de quinhentos e trinta contos de reis como julgue mais conveniente.

#### ARTIGO II.

Em conformidade do que fica concordado no artigo antecedente é exonerado o Brazil de qualquer responsabilidade proveniente das ditas reclamações, apresentadas pelo governo dos Estados Unidos até à data desta convenção; as quaes não poderão ser mais reproduzidas, é nem attendidas no futuro.

#### ARTIGO III.

A fim de que o governo dos Estados Unidos possa attender devidamente às reclamações dos cidadãos dos mesmos Estados, que pela forma acima declarada ficão sujetas à sua apreciação, ser-lhe-

the respective documents which throw light upon them shall be delivered by the imperial government to that of the United States, so soon as this convention shall receive the ratification of the government of said States.

## ARTICLE IV.

The sum agreed upon shall be paid by the imperial government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this convention is made known in this capital, for which his Majesty, the Emperor of Brazil, pledges himself to obtain the necessary funds at the next session of the legislature.

## ARTICLE V.

The payment of the sum above named of five hundred and thirty thousand milreis shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum, from the first day of July next; the imperial government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this convention, the amount stipulated shall be paid.

## ARTICLE VI.

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital; or sooner, if possible.

In faith of which we, Plenipotentiaries of the United States of America, and of his Majesty the Emperor of Brazil, sign and seal the same.

Done in the city of Rio de Janeiro this twenty-seventh day of January, in the year of our Lord one thousand eight hundred and forty-nine.

DAVID TOD, [L. s.]  
VISCONDE DE OLINDA. [L. s.]

ão entregues pelo governo imperial os respectivos documentos que lhes servão de illustração, logo que a presente convenção tenha a ratificação do governo dos Estados Unidos.

## ARTIGO IV.

A soma estipulada será entregue pelo governo imperial ao dos Estados Unidos em moeda corrente do Brazil, logo que conste nesta corte a troca das ratificações desta convenção para o que sua Magestade o Imperador do Brazil se compromette a obter os precisos fundos na proxima sessão legislativa.

The sum agreed upon to be paid in current money of Brazil, as soon as the ratification of this convention is made known.

## ARTIGO V.

Ainda que o pagamento da quantia supra mencionada de quinhentos e trinta contos de reis não se effectue, senão depois de chegar à esta côrte a noticia da troca das ratificações, a dita quantia vencerá o juro de seis por cento ao anno, desde o primeiro de Julho proximo futuro; obrigando-se o governo imperial a fazer bom esse juro, só quando, na fórmula do precedente artigo desta convenção, se verifique o pagamento da soma ajustada.

Payment of the sum named not to be made until after the reception at the capital of the exchange of ratifications, but to bear interest at six per cent.

## ARTIGO VI.

A presente convenção será ratificada, e as ratificações trocadas em Washington, dentro de doze mezes depois de sua assignatura nesta côrte, ou mais cedo se for possível.

Convention to be ratified, and ratifications exchanged within twelve months.

Em fé do que nós Plenipotenciarios de sua Magestade o Imperador do Brazil e dos Estados Unidos da America assignamos e selamos a presente.

Feita na cidade do Rio de Janeiro aos vinte e sete de Janeiro do anno do Nascimento de Nosso Senhor Jesus Christo de mil oito centos e quarenta e nove.

Signed, 27th Jan. 1849.

VISCONDE DE OLINDA. [L. s.]  
DAVID TOD. [L. s.]

Sept. 9. 1849.

Consent of Senate Sept. 9, 1850.  
Proclamation made Sept. 24, 1850.

Contracting parties.

Navajo tribe placed under the jurisdiction of the U. S. by the treaty of Guadalupe Hidalgo.

Perpetual peace to exist between the contracting parties.

Laws now in force for regulating trade and preserving peace with the Indian tribes to be binding upon the Navajos.

The Navajos to deliver to the military authorities of the U. S. the murderer or murderers of M. Garcia.

All American and Mexican captives to be delivered to the

## TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE NAVAJO TRIBE OF INDIANS.

THE following acknowledgements, declarations, and stipulations, have been duly considered, and are now solemnly adopted and proclaimed by the undersigned: that is to say, John M. Washington, Governor of New Mexico, and Lieutenant-Colonel commanding the troops of the United States in New Mexico, and James S. Calhoun, Indian agent, residing at Santa Fé, in New Mexico, representing the United States of America, and Mariano Martinez, Head Chief, and Chapitone, second Chief, on the part of the Navajo tribe of Indians.

I. The said Indians do hereby acknowledge that, by virtue of a treaty entered into by the United States of America and the United Mexican States, signed on the second day of February, in the year of our Lord eighteen hundred and forty-eight, at the city of Guadalupe Hidalgo, by N. P. Trist, of the first part, and Luis G. Cuevas, Bernardo Couto, and Mgl Atristain, of the second part, the said tribe was lawfully placed under the exclusive jurisdiction and protection of the government of the said United States, and that they are now, and will forever remain, under the aforesaid jurisdiction and protection.

II. That from and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and friendship shall exist; the said tribe hereby solemnly covenanting that they will not associate with, or give countenance or aid to, any tribe or band of Indians, or other persons or powers, who may be at any time at enmity with the people of the said United States; that they will remain at peace, and treat honestly and humanely all persons and powers at peace with the said States; and all cases of aggression against said Navajos by citizens or others of the United States, or by other persons or powers in amity with the said States, shall be referred to the government of said States for adjustment and settlement.

III. The government of the said States having the sole and exclusive right of regulating the trade and intercourse with the said Navajos, it is agreed that the laws now in force regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians under the protection and guardianship of the aforesaid government, shall have the same force and efficiency, and shall be as binding and as obligatory upon the said Navajos, and executed in the same manner, as if said laws had been passed for their sole benefit and protection; and to this end, and for all other useful purposes, the government of New Mexico, as now organized, or as it may be by the government of the United States, or by the legally constituted authorities of the people of New Mexico, is recognized and acknowledged by the said Navajos; and for the due enforcement of the aforesaid laws, until the government of the United States shall otherwise order, the territory of the Navajos is hereby annexed to New Mexico.

IV. The Navajo Indians hereby bind themselves to deliver to the military authority of the United States in New Mexico, at Santa Fe, New Mexico, as soon as he or they can be apprehended, the murderer or murderers of Micente Garcia, that said fugitive or fugitives from justice may be dealt with as justice may decree.

V. All American and Mexican captives, and all stolen property taken from Americans or Mexicans, or other persons or powers in amity with the United States, shall be delivered by the Navajo Indians to the afore-

said military authority at Jemez, New Mexico, on or before the 9th day of October next ensuing, that justice may be meted out to all whom it may concern; and also all Indian captives and stolen property of such tribe or tribes of Indians as shall enter into a similar reciprocal treaty, shall, in like manner, and for the same purposes, be turned over to an authorized officer or agent of the said States by the aforesaid Navajoes.

military authority of the United States by the 9th October, 1850; also all Indian captives and stolen property of friendly tribes to be given up.

VI. Should any citizen of the United States, or other person or persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Navajo Indian or Indians, he or they shall be arrested and tried, and, upon conviction, shall be subjected to all the penalties provided by law for the protection of the persons and property of the people of the said States.

Citizens of the U. S. committing outrages upon the Navajoes to be subjected to the penalties of the law, if convicted upon trial.

VII. The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

Free passage through their territory.

VIII. In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the government of the United States of America will establish such military posts and agencies, and authorize such trading-houses, at such time and in such places as the said government may designate.

Military posts and agencies to be established.

IX. Relying confidently upon the justice and the liberality of the aforesaid government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Navajoes that the government of the United States shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

The government of the U. S. to adjust territorial boundaries, and pass such laws as will promote the happiness of the Navajoes.

X. For and in consideration of the faithful performance of all the stipulations herein contained, by the said Navajo Indians, the government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures, as said government may deem meet and proper.

Donations, presents, and implements to be given.

XI. This treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Navajo Indians shall not be held responsible for the conduct of others, and that the government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

To be binding after being signed, and to receive a liberal construction.

In faith whereof, we, the undersigned, have signed this treaty, and affixed thereunto our seals, in the valley of Cheille, this the ninth day of September, in the year of our Lord one thousand eight hundred and forty-nine.

Signed, September 9, 1849.

J. M. WASHINGTON, [L. s.]  
*Brevet Lieutenant-Colonel Commanding.*

JAMES S. CALHOUN, [L. s.]  
*Indian Agent, residing at Santa Fe.*

Mariano Martinez, his x mark, [L. s.]  
*Head Chief.*

Chapitone, his x mark, [L. s.]  
*Second Chief.*

J. L. Collins.  
James Conklin.  
Lorenzo Force.

Antonio Sandoval, his x mark.  
 Francisco Josto, his x mark.  
*Governor of Jemez.*

*Witnesses—*

H. L. Kendrick, *Brevet Major U. S. A.*  
 J. N. Ward, *Brevet 1st Lieut. 3d Inf'ry.*  
 John Peck, *Brevet Major U. S. A.*  
 J. F. Hammond, *Assistant Surg'n U. S. A.*  
 H. L. Dodge, *Capt. comd'g Eut. Rg's.*  
 Richard H. Kern.  
 J. H. Nones, *Second Lieut. 2d Artillery.*  
 Cyrus Choice.  
 John H. Dickerson, *Second Lieut. 1st Art.*  
 W. E. Love.  
 John G. Jones.  
 J. H. Simpson, *First Lieut. Corps Top. Engrs.*

TREATY WITH THE HAWAIIAN ISLANDS,  
DEC. 20, 1849.

Dec. 20, 1849.  
Ratifications  
exchanged at  
Honolulu Aug.  
24, 1850.  
Proclamation  
made Nov. 9,  
1850.  
Preamble.

WHEREAS a treaty of friendship, commerce, and navigation, between the United States of America and his Majesty the King of the Hawaiian Islands, was concluded and signed at Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-nine, the original of which treaty is, word for word, as follows:—

The United States of America and his Majesty the King of the Hawaiian Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce, and navigation, for which purpose they have appointed plenipotentiaries, that is to say: The President of the United States of America, John M. Clayton, Secretary of State of the United States; and his Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as his special commissioner to the government of the United States; who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:—

ARTICLE I.

There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors.

Peace and  
amity.

ARTICLE II.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and his Majesty the King of the Hawaiian Islands do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Reciprocal  
freedom of  
trade.

"Most-favored  
nation" stipulation.

ARTICLE III.

All articles, the produce or manufacture of either country, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or re-exported

Same subject

from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country, or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts, or charges, than shall be payable upon the like goods and articles, when imported in the vessels of the most favored foreign nation, other than the nation of which the said goods and articles are the produce or manufacture.

#### ARTICLE IV.

Tonnage &c.  
duties.

No duties of tonnage, harbor, lighthouses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

#### ARTICLE V.

Provisions of  
this treaty not  
to extend to  
coasting trade.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the states of either contracting party, such navigation and trade being reserved exclusively to national vessels.

#### ARTICLE VI.

Privileges of  
steam vessels  
carrying mails.

Steam vessels of the United States which may be employed by the government of the said States, in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, lighthouses, quarantine, or other similar duties of whatever nature or under whatever denomination.

#### ARTICLE VII.

Privileges of  
whale ships.

The whale ships of the United States shall have access to the ports of Hilo, Kealakekua, and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels; and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars *ad valorem*, for each vessel, paying upon the additional goods and articles so traded and bartered, no other or higher duties than are payable on like goods and articles, when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands, for the purpose of procuring refreshments, but they

shall not discharge their seamen or land their passengers in the said Islands, except at Lahaina and Honolulu; and in all the ports named in this article, the whale ships of the United States shall enjoy, in all respects whatsoever, all the rights, privileges, and immunities, which are enjoyed by, or shall be granted to, the whale ships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, above named in this article, not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

### ARTICLE VIII.

The contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of his Majesty the King of the Hawaiian Islands, and the subjects of his said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretence whatever, any taxes or impositions other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans; and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to, their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and

Privileges of citizens of U. S. in Hawaiian Islands, and *vice versa*.

Travel.

Trade.

Heirship.

Real estate.

Taxes.

Military service.

Right of search of tenements.

each of the two contracting parties engages that the citizens or subjects of the other residing in their respective states shall enjoy their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries respectively.

#### ARTICLE IX.

Trade in either country with citizens of the country.

The citizens and subjects of each of the two contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from, the states and dominions of the two contracting parties, save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the states and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands, farther than such sale may be allowed by the Hawaiian laws.

#### ARTICLE X.

Consuls, &c.

Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice-consuls, and commercial agents, are authorized to require the assistance of the local authorities for the search, arrest, detention 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 the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should

Deserters from vessels.

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

#### ARTICLE XI.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian government to regulate for itself the schools which it may establish or support within its jurisdiction.

Liberty of conscience.

Proviso as to schools.

#### ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul, or vice-consul, in whose district the wreck may have taken place; and such consul, vice-consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Wrecks.

#### ARTICLE XIII.

The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the state, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

Vessels driven into port by stress of weather.

#### ARTICLE XIV.

The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other, provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had there been committed; and the respective judges and other magistrates of the two governments shall have authority, upon complaint made under oath, to

Extradition of criminals.

issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

#### ARTICLE XV.

Mail arrangements.

So soon as steam or other mail packets under the flag of either of the contracting parties shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular post-office of either country, charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian post-office, and despatched to ports of the United States; the postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian government with their postages as established by law, and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several post-offices in the United States, and forwarded to San Francisco, or other ports on the Pacific coast of the United States, whence the postmasters shall despatch it by the regular mail packets to Honolulu, the Hawaiian government agreeing on their part to receive and collect for and credit the post-office department of the United States with the United States' rates charged thereupon. It shall be optional to prepay the postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be prepaid. The respective post-office departments of the contracting parties shall in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

#### ARTICLE XVI.

Continuance of this treaty.

The present treaty shall be in force from the date of the exchange of the ratifications, for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

Amity not to be broken by acts of individuals.

Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

#### ARTICLE XVII.

Ratification.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by his Majesty the King of the Hawaiian Islands, by and with the advice of his Privy Council of State, and the

ratification shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

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

Done at Washington, in the English language, the twentieth day of December, in the year one thousand eight hundred and forty-nine. Date.

JOHN M. CLAYTON, [SEAL.]  
JAMES JACKSON JARVES. [SEAL.]

Dec. 30, 1849.

Consent of Senate  
Sept. 9, 1850.  
Proclamation  
made Sept. 9,  
1850.

## TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UTAH INDIANS.

THE following articles have been duly considered and solemnly adopted by the undersigned — that is to say, James S. Calhoun, Indian Agent, residing at Santa Fe, acting as commissioner on the part of the United States of America, and Quixiachigiate, Nanito, Nincocunachi, Abaganixe, Ramahi, Subleta, Rupallachi, Saguasoxego, Paguisachi, Cobaxanor, Amuche, Puigniachi, Panachi, Sichuga, Uvicaxinape, Cuchuticay, Nachitope, Pueguate, Guano Juas, Pacachi, Saguanchi, Aca-guate nochi, Puibuquiacte, Quixache tuate, Saxiabe, Pichiute, Nochi-chigue, Uvive, principal and subordinate chiefs, representing the Utah tribe of Indians.

Utah Indians ac-  
knowledge them-  
selves lawfully  
under the author-  
ity of the U.  
States.

Cessation of  
hostilities and  
perpetual peace  
and amity to  
exist.

All American  
and Mexican  
captives to be re-  
stored to an offi-  
cer of the U. S.  
before March 1,  
1850.

Stolen property  
to be returned, or  
restitution made.

Laws now in  
force for regulat-  
ing trade and  
preserving peace  
with the Indian  
tribes to be ex-  
tended over the  
Utahs, and the  
territory occu-  
pied by them is  
annexed to New  
Mexico.

Free passage  
through their  
territory.

I. The Utah tribe of Indians do hereby acknowledge and declare, they are lawfully and exclusively under the jurisdiction of the govern-ment of said States: and to its power and authority they now uncondi-tionally submit.

II. From and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and amity shall exist, the said tribe hereby binding themselves most solemnly never to associate with, or give countenance or aid to, any tribe or band of In-dians, or other persons or powers, who may be, at any time, at enmity with the people or government of said States; and that they will, in all future time, treat honestly and humanely every citizen of the United States, and all persons and powers at peace with the said States, and all cases of aggression against said Utahs shall be referred to the afore-said government for adjustment and settlement.

III. All American and Mexican captives, and others, taken from persons or powers at peace with the said States, shall be restored and delivered by said Utahs to an authorized officer or agent of said States, at Abiquin, on or before the first day of March, in the year of our Lord one thousand eight hundred and fifty. And, in like manner, all stolen property, of every description, shall be restored by or before the afore-said first day of March, 1850. In the event such stolen property shall have been consumed or destroyed, the said Utah Indians do agree, and are hereby bound, to make such restitution and under such circum-stances as the government of the United States may order and pre-scribe. But this article is not to be so construed, or understood, as to create a claim against said States, for any losses or depredations com-mitted by said Utahs.

IV. The contracting parties agree that the laws now in force, and such others as may be passed, regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians under the protection and guardianship of the government of the United States, shall be as binding and obligatory upon the said Utahs as if said laws had been enacted for their sole benefit and protection. And that said laws may be duly executed, and for all other useful purposes, the territory occupied by the Utahs is hereby annexed to New Mexico as now organized, or as it may be organized, or until the government of the United States shall otherwise order.

V. The people of the United States, and all others in amity with the United States, shall have free passage through the territory of said Utahs, under such rules and regulations as may be adopted by authority of said States.

VI. In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the government of the United States will establish such military posts and agencies, and authorize such trading-houses, at such time and in such places as the said government may designate.

Military posts and agencies to be established.

VII. Relying confidently upon the justice and liberality of the United States, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the Utahs that the aforesaid government shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute such laws, in their territory, as the government of said States may deem conducive to the happiness and prosperity of said Indians. And the said Utahs, further, bind themselves not to depart from their accustomed homes or localities unless specially permitted by an agent of the aforesaid government; and so soon as their boundaries are distinctly defined, the said Utahs are further bound to confine themselves to said limits, under such rules as the said government may prescribe, and to build up pueblos, or to settle in such other manner as will enable them most successfully to cultivate the soil, and pursue such other industrial pursuits as will best promote their happiness and prosperity: and they now, deliberately and considerately, pledge their existence, as a distinct tribe, to abstain, for all time to come, from all depredations; to cease the roving and rambling habits which have hitherto marked them as a people; to confine themselves strictly to the limits which may be assigned them; and to support themselves by their own industry, aided and directed as it may be by the wisdom, justice, and humanity of the American people.

The U. S. to limit boundaries and provide laws.

The Utahs to live within their limits, and cultivate the soil.

VIII. For, and in consideration of the faithful performance of all the stipulations contained in this treaty by the said Utahs, the government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures, as said government may deem meet and proper.

The U. S. to grant presents, donations, and implements.

IX. This treaty shall be binding upon the contracting parties from and after the signing of the same, subject, in the first place, to the approval of the civil and military governor of New Mexico, and to such other modifications, amendments, and orders as may be adopted by the government of the United States.

Obligation of this treaty.

In faith whereof, the undersigned have signed this treaty, and affixed thereunto their seals, at Abiquin, in New Mexico, this the thirtieth day of December, in the year of our Lord one thousand eight hundred and forty-nine.

Signed December 30, 1849.

JAMES S. CALHOUN, [L. S.]  
*Indian Agent, Commissioner, U. S.*  
 QUIXIACHIGLATE, his x mark, [L. S.]  
*Principal Chief.*

Nanito,	his x mark,	[L. S.]
Nincocunachi,	his x mark,	[L. S.]
Abaganixe,	his x mark,	[L. S.]
Ramahi,	his x mark,	[L. S.]
Subleta,	his x mark,	[L. S.]
Rupallachi,	his x mark,	[L. S.]
Saguasoxego,	his x mark,	[L. S.]
Paguisachi,	his x mark,	[L. S.]
Cobaxanor,	his x mark,	[L. S.]
Amuche,	his x mark,	[L. S.]
Puigniachi,	his x mark,	[L. S.]
Panachi,	his x mark,	[L. S.]
Sichuga,	his x mark,	[L. S.]
Uvicaxinape,	his x mark,	[L. S.]

Cuchuticay,	his x mark,	[ L. S. ]
Nachitope,	his x mark,	[ L. S. ]
Pueguate,	his x mark,	[ L. S. ]
Guano Juas,	his x mark,	[ L. S. ]
Pacachi,	his x mark,	[ L. S. ]
Saguanchi,	his x mark,	[ L. S. ]
Acaguante nochi,	his x mark,	[ L. S. ]
Puibuquiacte,	his x mark,	[ L. S. ]
Quixache tuate,	his x mark,	[ L. S. ]
Saxiabe,	his x mark,	[ L. S. ]
Pichiute,	his x mark,	[ L. S. ]
Nochichigue,	his x mark,	[ L. S. ]
Uvive,	his x mark,	[ L. S. ]

*Subordinates.*

*Witnesses —*

Anto. Jesus Solosa,  
 Franco Tomas Baco,  
 Vicente Vilarde, his x mark, *Interpreter.*  
 Antoine Leroux, *Interpreter.*  
 James Conklin, *Interpreter.*  
 J. H. Whittlesey, *1st Lieut. 1st Dragoons.*  
 Edward M. Kern,  
 George W. Martin,  
 Wm. H. Mitchell.

Approved :

JOHN MUNROE,  
*Brevet Colonel U. S. Army, Civil and Military Gov.*

## TREATY WITH THE WYANDOT INDIANS.

April 1, 1850.

*Articles of a Convention concluded in the city of Washington, this first day of April, one thousand eight hundred and fifty, by and between Ardavan S. Loughery, Commissioner especially appointed by the President of the United States, and the undersigned, Head Chief and Deputies of the Wyandot Tribe of Indians, duly authorized and empowered to act for their tribe.*

Consent of Senate Sept. 24, 1850.  
Proclamation made Sept 30, 1850.

[WHEREAS, the people composing the Wyandot tribe or nation of Indians have manifested an anxious desire to extinguish their *tribal* or *national* character and become citizens of the United States — believing their condition will, thereby, not only be ameliorated, but their welfare and prosperity greatly promoted. They have arrived at this conviction in view of the fact that a new territory will, at no distant period, be organized by the government of the United States, which will embrace within its limits their present lands and possessions, and thus they will again be surrounded by citizens of the United States. After a full consultation with their people, and upon mature reflection, the undersigned, representatives of the Wyandot nation, entertain the belief, that the evil effects always to be apprehended from such a state of things will be avoided by their becoming citizens of the United States, and having the lands and other property accruing under treaty stipulations, now held in *common* by their people, fairly and equally divided among the individual owners, and secured to them in *severalty* :

.Preamble.

And, whereas, by the first article of the treaty concluded between the United States and the Wyandot nation or tribe of Indians, on the 17th day of March, one thousand eight hundred and forty-two, the said nation ceded and relinquished to the United States all the lands and possessions owned or claimed by them, within the limits of the States of Ohio and Michigan — in consideration of which cession, the United States, by the second article of the treaty aforesaid, stipulate and agree to “grant to the Wyandot nation a tract of land west of the Mississippi River, to contain one hundred and forty-eight thousand acres, and to be located upon any lands owned by the United States, now set apart, or may in future set apart, for Indian use, and not already assigned to any other tribe or nation.” And in further consideration of the aforesaid cession by the Wyandot nation, the United States, by the third and succeeding articles of said treaty, agree “to pay the Wyandot nation a perpetual annuity of seventeen thousand five hundred dollars (\$17,500) in specie,” beside making other provision for the benefit of said nation, as follows: Blacksmith and assistant, \$750 — iron and steel for shop, \$270 — and for education purposes, \$500 — all of which to be furnished and paid annually. It being expressly stipulated in the 3d article of the treaty before mentioned, that the annuity of seventeen thousand five hundred dollars should include “*all former annuities.*”

And, whereas, the Wyandot tribe of Indians were not put in possession of the one hundred and forty-eight thousand acres of land, as stipulated in the second article of the treaty aforesaid; and they aver that, in consequence of the United States having failed to comply with that stipulation, by not designating and conveying to them a country fit for farming purposes and suited to their wants, they were compelled to purchase a home, of which they were then destitute, from another tribe of Indians. Accordingly, on the fourteenth day of December, one

thousand eight hundred and forty-three, they entered into a contract with the Delaware nation of Indians, by which they purchased of the last-mentioned nation a tract of land containing thirty-six sections, (or twenty-three thousand and forty acres,) and had granted to them, as a donation, three sections, (or nineteen hundred and twenty acres.) in addition, as set forth in the 1st and 2d articles of said contract or treaty, wherein these two tracts or sections of land are described as follows: "Three sections of land, containing six hundred and forty acres each, lying and being situated at the point of the junction of the Missouri and Kansas Rivers,"—and the "thirty-six sections of land, each containing 640 acres, situated between the aforesaid Missouri and Kansas Rivers, and adjoining on the west the aforesaid three donated sections, making in all thirty-nine sections of land, bounded as follows, viz.: Commencing at the point at the junction of the aforesaid Missouri and Kansas Rivers, running west along the Kansas River sufficiently far to include the aforesaid thirty-nine sections; thence running north to the Missouri River; thence down the said river with its meanders to the place of beginning; to be surveyed in as near a square form as the rivers and territory ceded will admit of."

1848. res. 19. And, whereas, this said contract or treaty was ratified and confirmed by the United States, by a joint resolution of Congress, approved July 25, 1848; and which contains only the following proviso: "That the *Wyandot Indian nation shall take no better right or interest in and to said lands than is now vested in the Delaware nation of Indians.*"

The representatives of the Wyandot nation, therefore, present a claim against the United States for the price of one hundred and forty-eight thousand acres of land granted by the 2d article of the aforesaid treaty of March 17, 1842,—fixing that price at one dollar and twenty-five cents per acre,—and which claim, they conceive, is strengthened, if not rendered valid, by the recognition of their purchase from the Delaware Indians on the part of the United States, as shown by the resolution confirmatory thereof, above cited. And they now ask that the sum of one hundred and eighty-five thousand dollars be allowed and paid to the Wyandot people in commutation of said claim.

And, whereas, the commissioner on behalf of the United States, having carefully and attentively examined the application presented to him on behalf of the Wyandot nation, both in regard to their desire to become citizens of the United States, and of their claim for payment, in money, for the lands granted to them by the treaty of 1842; and having, also, examined the public documents and other proofs having reference to the subject, he is induced to believe, *first*, that the Wyandot people have so far advanced in civilization as to be capable, generally, of managing their own affairs, and are qualified and calculated to become useful citizens, a large portion whereof being already engaged in agricultural pursuits; and, *secondly*, that they have an equitable claim on the United States for the value of the lands granted to them by the treaty of 1842, aforesaid, but of which lands they were not possessed, in compliance with the stipulations of said treaty. In arriving at this conclusion, however, it is expressly understood, that it is not to be considered as an admission by the United States of either the policy or expediency of commuting lands granted to Indian tribes under treaty stipulations, for money, or in fixing the value of such lands so as to serve as a precedent hereafter. But, under the peculiar circumstances of this case, and especially in view of the Wyandot tribe of Indians agreeing to extinguish their national existence, and become citizens of the United States, thereby relinquishing all claims now held, in their *national* or *collective* capacity, against the United States, the commissioner aforesaid has agreed with the Wyandot chief and deputies, parties hereto, to conclude the following articles, to *wit*:

## ARTICLE I.

For and in consideration of the stipulations set forth in the following articles, the Wyandot tribe or nation of Indians hereby cede, relinquish, and forever quit claim to the United States all the right, title, and interest in the lands they now possess and occupy, or have ever possessed and held in common, either as original occupants of the soil, or acquired by virtue of treaty stipulations.

The Wyandots cede and relinquish to the U. S. all the right and title in the lands they now possess or have possessed.

## ARTICLE II.

The Wyandot nation aforesaid, in further consideration of the stipulations contained in the following articles, hereby stipulate and agree that their existence, as a nation or tribe, shall terminate and become extinct upon the ratification of this treaty by the President and Senate of the United States, and by the Chiefs and National Council of their nation. And in like manner do they relinquish all claims held by the Wyandot people, in their national or collective capacity, against the United States, either on account of annuities arising out of treaty stipulations, or of any other character or description whatsoever; and that, after the ratification of this treaty in the manner before mentioned, they will have no claim to be recognized by the government of the United States in their *tribal* or *national* capacity, except so far as it may be necessary to carry into effect the several stipulations of this treaty.

They surrender their national existence, and relinquish all claims against the U. S., except such as are necessary to carry this treaty into effect.

## ARTICLE III.

In consideration of the foregoing grants and conditions, and for the purpose of gratifying the laudable desire expressed by the Wyandot people to become citizens of the United States, it is hereby stipulated and agreed, that the United States will pay them (the Wyandot people) for the one hundred and forty-eight thousand acres of land, promised to them by the treaty of March 17, 1842, at the rate of one dollar and twenty-five cents per acre, amounting to the sum of one hundred and eighty-five thousand dollars, in the manner following, *to wit*: One hundred thousand dollars shall be invested in United States stock, to bear interest from the ratification of this treaty, at the rate of five per cent. per annum, redeemable at the pleasure of the government of the United States — certificates of which stock shall be issued to the individuals now composing the Wyandot nation, in the manner and form hereinafter prescribed. And for the purpose of enabling the Wyandot Indians (preparatory to their becoming citizens of the United States) to pay and extinguish all their just debts and liabilities, contracted in their *national* or *collective* capacity, either on account of the purchase of their lands from the Delaware nation or otherwise, the balance of eighty-five thousand dollars shall, upon the ratification of this treaty by the Senate, be advanced by the United States, in specie, to the chief and deputies, signers hereto, or upon the draft or drafts drawn by them, or any two of them. And as the said chief and deputies are hereby made accountable for the faithful application of this fund, each and every draft or order they may draw upon it, will explicitly state the nature and character of the claim, and show that the debt or debts were fairly contracted by the properly constituted authorities of the Wyandot nation, and on account of the business of said nation; and after discharging all the national debts and liabilities of their tribe, they will distribute the balance, if any among their people, *per capita*.

The U. States stipulate to pay the Wyandots \$185,000 for the lands promised them, \$100,000 of which is to be vested in government stock, and the balance paid to their chief and deputies in cash.

Disposition to be made of the cash paid to them.

## ARTICLE IV.

The U. S. to commute all annuities and claims under the treaty of March 17, 1842, for the sum of \$379,800; which is to be funded with the \$100,000 mentioned in art. 3.

The United States further agree to a commutation of the annuity and other claims of the Wyandot Indians arising out of former treaty stipulations, and which are to be considered as being all embraced in the treaty of March 17, 1842. These annuities and other claims, producing an annual payment to the Wyandot nation of eighteen thousand nine hundred and ninety dollars, are hereby commuted for the sum of three hundred and seventy-nine thousand eight hundred dollars, (\$379,800.) And this sum of three hundred and seventy-nine thousand eight hundred dollars shall be added to the sum of one hundred thousand dollars stipulated to be funded, by the third article of this treaty; and the aggregate amount of four hundred and seventy-nine thousand eight hundred dollars shall constitute a general fund, to be equally divided among the Wyandot people, and certificates of stock to be issued therefor, as mentioned in the preceding article, so that each and every Wyandot citizen shall have an equal share of the common property thus to be divided.

## ARTICLE V.

Retraction of the lands in fee simple to the Wyandots, which they acquired from the Delawares, and the title of which they surrendered to the U. S.

The Wyandot tribe or nation having, by the first article of this treaty, extinguished their *Indian* or *occupant* title to all lands claimed or occupied by them, the United States, for the consideration hereinbefore set forth, do hereby retrocede, convey, and guaranty in *fee simple* to the Wyandot people, all the lands conveyed or intended to be conveyed to them by the Delaware nation, in the treaty or contract entered into on the 14th of December, 1842, and ratified by the President and Congress of the United States, July 25, 1848, as fully shown in the preamble to this treaty; said tract or tracts of land containing thirty-nine sections, or twenty-four thousand nine hundred and sixty acres. And the United States agree to cause an accurate survey of the boundary of these lands to be made as soon after the ratification of this treaty as possible, in accordance with the stipulations contained in the said contract between the Delaware and Wyandot tribes.

## ARTICLE VI.

A board of commissioners constituted for the apportionment of the Wyandot lands, and for the taking of a census of the nation.

In order that a fair and equitable partition and apportionment of the Wyandot lands mentioned in the foregoing article may be made, so that they may hereafter be held individually and severally, it is hereby mutually agreed between the contracting parties, that a commissioner on the part of the United States, and three commissioners on the part of the Wyandot people, shall be appointed for that purpose — the latter to be appointed by the chiefs and national council of the Wyandot nation. The duty of the board of commissioners, thus constituted, shall be to take a census of all the individuals belonging to the Wyandot nation, and entitled to personal benefits accruing under this treaty — to make an accurate register of their names, ages, occupations, and general condition. And after these facts are ascertained to the satisfaction of said board of commissioners, then they shall proceed to make a just partition and apportionment of the lands aforesaid among the individuals of the Wyandot nation who, at the ratification of this treaty, reside upon the lands as citizens of said nation, and who are ascertained to be entitled to a share therein, according to the laws, usages, or agreements of said nation.

## ARTICLE VII.

It is expressly agreed and understood between the parties to this treaty, that the commissioners aforesaid, in making the partition and division provided for in the preceding article, shall not interfere with the buildings and improvements of individual Wyandots; and in all cases of this kind, such buildings and other improvements shall be embraced within the portion of the land allotted to the person who is properly in possession, and owner of the same, unless, by doing so, palpable injustice will be done to other Wyandot citizens; and in all cases, the quality and location of the land must be taken into consideration in making allotment of quantity to individuals: *Provided, however*, That nothing herein shall be so construed as to authorize the value of the buildings or improvements (being individual property) in estimating the value of the lands.

In the division of lands, buildings and improvements are not to be interfered with.

Proviso.

## ARTICLE VIII.

The commissioners agreed upon in the foregoing articles shall be appointed within six months after the ratification of this treaty; notice of which appointment on behalf of the United States shall be previously given to the Wyandot chiefs and council. And after the said commissioners shall have performed the duties hereinbefore assigned to them, they shall make up a full report of their proceedings, setting forth the name of each person to whom they may have apportioned and allotted any part of said lands, with the name and condition of such person; showing who, upon proper proofs, are considered incompetent to take charge of their property, either as orphans, minors, insane persons, or for other causes; and also exhibit the quantity of land assigned to each person, with the metes and bounds of such allotments. And said commissioners shall make an accurate map of the whole survey and proceeding, to accompany their report, showing the partition and division aforesaid. This report and map, when completed, shall be submitted to a convention of the Wyandot people, to be assembled for the purpose, after due notice given by the chiefs and national council; and after having all matters embraced in said report and map fully explained to them, their decision for or against the same shall be taken, in accordance with the usages of the tribe in such cases. If a full majority of those qualified to judge for themselves should declare themselves dissatisfied, it will be the duty of the commissioners to remove the cause of dissatisfaction, if it can be properly done, in order that there shall be no just grounds of complaint. And whenever a majority of the persons interested, whose vote shall be taken as aforesaid, declare in favor of the partition and division made by the commissioners, and said report and proceedings are approved by the chiefs and national councils of the nation, they shall be considered as adopted by the Wyandot people—one copy whereof, with the accompanying map, shall be given to the chiefs and national council, to be hereafter deposited by them in the office of the Secretary of the State or Territory wherein their lands may be situated; and another copy to be transmitted to the Secretary of the Interior at Washington; and whenever the report and proceedings aforesaid are approved by the President of the United States, a patent shall be granted to each individual for his or her portion of said land, in the same manner that patents are issued to other citizens of the United States; and upon the same report, and in like manner, shall certificates of stock, as stipulated for in the 3d and 4th articles, be issued to the individuals thus shown to be entitled thereto, with the reservation and restriction, only, contained in the following article:

Duties and report of commissioners.

Map and report to be submitted to a convention of the Wyandots.

## ARTICLE IX.

The right to alienate either lands or stock, for five years after the ratification of this treaty, mutually forbidden.

For the purpose of protecting the Wyandots, made citizens by this treaty, in the lands and other property which they are hereafter to hold in severalty, it is hereby mutually agreed between the commissioner on behalf of the United States, and the chief and deputies of the Wyandot nation, that they shall not possess the right, until after the expiration of five years from the ratification of this treaty, to alienate, by sale or otherwise, either their land or stock herein provided for. And any sale or transfer made of such land or stock, or any portion thereof, before the expiration of five years as aforesaid, shall be considered null and void : *Provided, however,* That if any individual or individuals of the Wyandot people produce satisfactory proof that such sale or transfer can be made, beneficially to themselves, then it may be done under the approval and sanction of the President of the United States.

Proviso.

## ARTICLE X.

Persons incompetent to take care of their property to become wards of the U. States.

All persons adjudged to be incompetent to take care of their property, for the reasons and in the manner set forth in the 8th article of this treaty, shall become the wards of the United States ; and all property acquired by them under the provisions of this treaty shall be held in trust accordingly, until trustees and guardians can be legally appointed by a court of law possessing competent jurisdiction over the same ; and, in the mean time, trustees and guardians shall be designated by the board of commissioners hereinbefore mentioned, who shall in this respect take into consideration and act upon the recommendation of the chiefs and council of the Wyandot nation, and the selections thus made shall be approved by said chiefs and council. Each and every trustee and guardian thus to be designated and appointed over the persons and property of the orphans or others not qualified to manage their own affairs, as before mentioned, shall be required to give bonds with sufficient security to the President of the United States, conditioned for the faithful performance of the trust confided in them, and said bonds be approved by the President before any moneys or other property accruing under this treaty shall be placed in their hands for the education and maintenance of these wards of the United States, or for any other purpose whatsoever on their account.

Trustees and guardians to be appointed for them, who are to give security for the discharge of their duties.

## ARTICLE XI.

All former treaties abrogated.

All former treaties between the United States and the Wyandot nation of Indians are abrogated and declared null and void by this treaty — except such provisions as may have been made for the benefit of private individuals of said nation, by grants of reservations of lands, or otherwise, which are considered as *vested* rights, and not to be affected by any thing contained in this treaty.

## ARTICLE [XII.] — 2.

Expenses of negotiating this treaty to be paid by the U. States.

All the reasonable expenses attending the negotiation of this treaty, including a reasonable allowance for the expenses of the delegation, signers hereto, in coming to Washington, whilst here on the business connected herewith, and in returning to their nation, shall be defrayed by the United States.

## ARTICLE XIII.

To be binding when ratified by

This treaty shall take effect and be binding and obligatory upon the contracting parties as soon as it shall be ratified by the President, by

and with the advice and consent of the Senate of the United States, and by the chiefs and national council of the Wyandot nation.

In testimony whereof, the said commissioner on the part of the United States, and the said head chief and deputies, delegates on the part of the Wyandot tribe or nation of Indians, have hereunto set their hands, at the city of Washington, D. C., this first day of April, in the year of our Lord eighteen hundred and fifty.

ARDAVAN S. LOUGHERY, [L. S.]  
*United States Commissioner.*

F. A. HICK, [L. S.]  
GEO. J. CLARK, [L. S.]  
JOEL WALKER, [L. S.]  
WILLIAM B. WAUGH, *Secretary.*

the President  
and by the chiefs  
of the Wyandot  
nation.  
Signed April  
1, 1850.

In presence of—

R. W. Johnson,  
James X. MacLanahan,  
Geo. F. Wood,  
James Myer,  
A. M. Mitchell,  
Jno. G. Camp,  
Richard Fields,  
S. C. Stambaugh,  
Sam. J. Potts.

*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-fourth day of September, one thousand eight hundred and fifty, resolve as follows, viz.:

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a convention concluded in the city of Washington, the 1st day of April, 1850, by and between Ardavan S. Loughery, commissioner especially appointed by the President of the United States, and the undersigned, head chief and deputies of the Wyandot tribe of Indians, duly authorized and empowered to act for their tribe, with the following

Amended by  
the Senate, Sep-  
tember 24, 1850.

#### AMENDMENT.

Strike out the preamble, and all the other articles of the treaty, except the twelfth, and insert as follows:

*Whereas*, By the treaty of March 17, 1842, between the United States and the Wyandot nation of Indians, then chiefly residing within the limits of the State of Ohio, the said nation of Indians agreed to sell and transfer, and did thereby sell and transfer, to the United States their reservations of land, one hundred and nine thousand acres of which was in the State of Ohio, and six thousand acres was in the State of Michigan, and to remove to the west of the Mississippi River: *And whereas*, among other stipulations it was agreed that the United States should convey to said Indians a tract of country for their permanent settlement in the Indian territory west of the Mississippi River, to contain one hundred and [and] forty-eight thousand acres of land: *And whereas*, The said Indians never did receive the said one hundred and forty-eight thousand acres of land from the United States, but were forced to purchase lands from the Delaware nation of Indians, which purchase was agreed to and ratified by the United States: Now, in order to settle the claim of the Wyandot tribe of Indians to said land, the United States having appointed A. S. Loughery a commissioner or their part, who, with the undersigned delegates from the Wyandot nation, have agreed to the following treaty:

Preamble.

## ARTICLE I.

In consideration that the Wyandots relinquish all claim to certain lands, the U. S. agree to pay to them \$100,000, to be invested in government stocks at five per cent. per annum, and \$85,000 shall be paid to them or on their drafts

The United States, in consideration that the Wyandot nation of Indians shall and do hereby release, relinquish, and give up all claim to the said one hundred and forty-eight thousand acres of land agreed to be assigned and given to them by the treaty of March 17, 1842, hereby stipulate and agree to pay to the said Wyandot tribe of Indians the sum of one hundred and eighty-five thousand dollars, being at and after the rate of one dollar and twenty-five cents per acre, in the manner and form following, to wit: One hundred thousand dollars to be invested in United States stocks, bearing five per cent. interest per annum, which interest shall be paid to them at the time and in the manner in which their present annuities are paid — and for the purpose of enabling the Wyandot Indians to pay and extinguish all their just debts, as well what is now due to the Delawares for the purchase of their lands as to others, the balance of said sum, being the sum of eighty-five thousand dollars, shall be paid to the Wyandot nation, or on their drafts, specifically describing for what the drafts are given.

Article II.

Change article twelve to article two."

Attest —

ASBURY DICKINS, *Secretary.*"

## CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY.

THE United States of America and her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal, which may be constructed between the Atlantic and Pacific Oceans, by the way of the River San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean: the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries, having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

April 19, 1850.

Ratifications exchanged at Washington July 4, 1850.

Proclamation made July 4, 1850.

Negotiators.

### ARTICLE I.

The governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Exclusive control over the proposed canal, from the Atlantic to the Pacific, not to be exercised by either power.

Neither party to colonise, &c.

### ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Vessels of either power traversing the canal to be exempted from blockade, detention, or capture, in case of war.

### ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage, that, if any such canal shall be undertaken upon fair

Property of the parties engaged

in constructing the canal to be protected from unjust detention, confiscation, and seizure.

and equitable terms, by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected, from the commencement of the said canal to its completion, by the governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

#### ARTICLE IV.

The contracting parties agree to facilitate the construction of the work.

The contracting parties will use whatever influence they respectively exercise with any State, states, or governments, possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power; and furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

Good offices to be used for the establishment of two free ports.

#### ARTICLE V.

On the completion of the canal, the contracting parties guarantee its neutrality, so that it may forever remain open and free.

The contracting parties further engage that, when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both governments, or either government, if both governments, or either government 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 convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandize, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee, without first giving six months' notice to the other.

Conditions of said guarantee

Which is not to be withdrawn without six months' notice being given.

#### ARTICLE VI.

The contracting parties in this convention invite every state in friendly intercourse to enter into similar stipulations with them.

Treaty stipulations to be made with such of the Central American States as they may deem advisable.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree, that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, — be-

If differences arise between the

tween the States or governments of Central America, — and such differences should, in any way, impede or obstruct the execution of the said canal, the governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Central American States, respecting territory, the good offices of the respective governments to be used to settle them.

#### ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim, over every other person, persons, or company, to the protection of the governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprize, then the governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

Contract to be entered into without delay for the commencement and completion of the canal.

Priority of claim granted to certain persons on certain conditions.

#### ARTICLE VIII.

The governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Protection to be extended by treaty stipulations to any other communications, either by canal or railway, across the isthmus.

Citizens of nations other than the U. States and Great Britain granted the same privileges, conditionally.

## ARTICLE IX.

Ratifications  
to be exchanged  
within six  
months.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

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

Signed 19th  
April, 1850.

Done at Washington, the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON, [L. S.]  
HENRY LYTTON BULWER. [L. S.]